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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT (FIFTH SESSION)

DEPARTMENTAL COMMITTEE ON HEALTH
.....

REPORT ON-
THE COMMUNITY HEALTH WORKERS BILL, 2020, (NATIONAL ASSEMBLY BILL NO. 30

OF 2020)

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 05 AUG 2021 DAY: Thurs

TABLED BY:	Hon. Sabina Chege Chair, Health
CLERK-AT THE TABLE:	Mairah Wanjiku

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

AUGUST, 2021

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CHAIRPERSON'S FOREWORD

Article 118(1) (b) of the Constitution provides that, "*Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees*". Standing Order 127 (3) provides that "*the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House*".

The Community Health Workers Bill, (*National Assembly Bill No. 30 of 2020*) introduced by Hon. Martin Peters Owino, MP underwent First Reading on the 22nd December, 2020 and was committed to the Departmental Committee on Health for consideration and reporting to the House.

This report contains deliberations on the Bill. Most importantly the Bill seeks to provide a framework for the regulation of Community Health Workers. The Health Act, 2017 in the First Schedule recognises Community Health Services at Level 1 hospitals in which the person in charge is the community health extension worker.

Following placement of advertisements in the print media on 11th March, 2021 requesting for comments on the Bill from members of the public and relevant stakeholders pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee received memoranda from seven (7) stakeholders namely- Ministry of Health, Public Health Officers and Technicians Council, National Gender and Equality Commission, Community Health Services & Development Officers Association, Society of Community Health Caregivers, the Peoples Health Movement and James Wakungwi Sakwa. The Committee also invited stakeholders vide letter **REF: NA/DCS/HEALTH/2021/12** dated **29th April, 2021** for a stakeholders' engagement meeting on the Bill, which was held virtually on **6th May, 2021**.

On behalf of the Departmental Committee on Health and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Community Health Workers Bill, (*National Assembly Bill No. 30 of 2020*). The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank all stakeholders who submitted their comments on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who played significant role in preparation and production of this Report.

It is my pleasure to report that the Committee has considered the Community Health Workers Bill, (*National Assembly Bill No. 30 of 2020*) and have the honour to table in the House the Committee's report on the Bill with recommendation that the House passes it with amendments as proposed.

Hon. Sabina Chege, MP
Chairperson, Departmental Committee on Health

PART I

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Health is established pursuant to the provisions of Standing Order No. 216 of the National Assembly and in line with Article 124 of the Constitution which provides for the establishment of the Committees by Parliament. The mandate and functions of the Committee are:

- a) *Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- b) *Study the programme and policy objectives of the Ministries and departments and the effectiveness of the implementation;*
- c) *Study and review all legislation referred to it;*
- d) *Study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- e) *Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- f) *Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204;*
- fa) *Examine treaties, agreements and conventions;*
- g) *Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- h) *Consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- i) *Examine any questions raised by Members on a matter within its mandate*

1.2 COMMITTEE SUBJECTS

2. The Second Schedule of the Standing Orders on Departmental Committees outlines the Subjects of the Committee's mandate as health, medical care and health insurance.

3. In executing its mandate, the Committee oversees the Ministry of Health, its Semi-Autonomous Government Agencies, Regulatory Bodies and Health Advisory Bodies as follows:
 1. Kenyatta National Hospital (KNH)
 2. Moi Teaching and Referral Hospital (MTRH)
 3. Kenyatta University Teaching Referral and Research Hospital (KUTRRH)
 4. Kenya Medical Training College (KMTC)
 5. Kenya Medical Supplies Authority (KEMSA)
 6. Kenya Medical Research Institute (KEMRI)
 7. National Hospital Insurance Fund (NHIF)
 8. Pharmacy and Poisons Board (PPB)
 9. National AIDS Control Council (NACC)
 10. National Cancer Institute (NCI)
 11. Kenya Nuclear Regulatory Authority (KENRA)
 12. The Mathari National Teaching and Referral Hospital (MNTRH)
 13. Kenya Health Professionals Oversight Authority (KHPOA)
 14. Kenya Health Human Resource Advisory Council (KHHRAC)

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Health was re-constituted by the House in July, 2020 and comprises of the following Members:

Hon. Sabina Chege, MP (**Chairperson**)
Muranga County
Jubilee Party

Vice-Chairperson
Hon. Joshua Kutuny, MP
Cherangan'y Constituency
Jubilee Party

Hon. (Dr.) Eseli Simiyu, MP
Tongaren Constituency
Ford Kenya Party

Hon. Gideon Ochanda, MP
Bondo Constituency
ODM Party

Hon. (Dr.) James Nyikal, MP
Seme Constituency
ODM Party

Hon. Alfred Agoi Masadia, MP
Sabatia Constituency
ANC Party

Hon. (Dr.) James K, Murgor, MP
Keiyo North Constituency
Jubilee Party

Hon. Muriuki Njagagua, MP
Mbeere North Constituency
Jubilee Party

Hon. (Dr.) Mohamed D. Duale, MP
Daadab Constituency
KANU Party

Hon. Beatrice Adagala, MP
Vihiga County
ANC Party

Hon. James G Wamacukuru
Kabete Constituency
Jubilee Party

Hon. Prof. Mohamud Sheikh, MP
Wajir South
Jubilee Party

Hon. Sarah Puleta Korere, MP
Laikipia North Constituency
Jubilee Party

Hon. Capt. Ruweida Mohamed, MP
Lamu County
Jubilee Party

Hon. Kipsengeret Koros, MP
Sigowet-Soin Constituency
Independent Party

Hon. Martin Peters Owino, MP
Ndhiwa Constituency
ODM Party

Hon. Joyce Ekai Emanikor, MP
Turkana County
Jubilee Party

Hon. Said Hirabe, MP
Galole Constituency
Ford Kenya Party

Hon. Tongoyo Gabriel Koshal, MP
Narok West Constituency
CCM Party

1.4 COMMITTEE SECRETARIAT

1. The Committee is serviced by the following Secretariat staff:

Head of the Secretariat

Mr. Douglas Katho

Clerk Assistant II

Ms. Christine Odhiambo

Legal Counsel I

Mr. Muyodi Meldaki Emmanuel

Clerk Assistant II

Mr. Eric Kanyi

Fiscal Analyst II

Ms. Fiona Musili

Research Officer II

Mr. Ahmed Yakub

Media Relations Officer

Ms. Catherine Wangui

Serjeant-At-Arms

Mr. Nimrod Ochieng

Audio Officer

PART II

2.0 OVERVIEW OF THE COMMUNITY HEALTH WORKERS BILL, 2020, NATIONAL ASSEMBLY BILL NO. 30 OF 2020

2.1 ANALYSIS OF THE BILL

5. The Community Health Workers Bill, 2020 seeks to provide a legal framework for the regulation of community health workers. The Health Act, No. 21 of 2017 recognises community health services as Level 1 of health care delivery and provides that the in-charge of a Level 1 facility is a community health extension worker. There is however currently no law in place to provide for the training, registration, and licensing of community health workers.
6. The Bill, therefore, provides a legislative framework to make provision for the training, registration, and licensing of community health workers; to regulate their practice; and to provide for the establishment, powers, and functions of the Community Health Workers Council of Kenya.
7. Part I of the Bill provides for the preliminary provisions, including the short title and the interpretation of terms as used in the Bill.
8. The Bill proposes a definition to the term “community health worker” to mean a person who, having successfully undergone a prescribed course of training in a training institution, is a holder of a certificate issued by that institution and is registered under this Act.
9. Part II of the Bill provides for the establishment, functions and powers of the Community Health Workers Council. The Council is established as a body corporate whose functions include assessing the qualifications of community health workers, establishment of a professional code, handling disciplinary matters and advising the Cabinet Secretary in matters related to community health services.
10. This Part also provides for the composition of the Council which shall be composed of 9 members (clause 6), and whose term of office shall be three years renewable once.
11. The Part further provides for the appointment of staff of the Council as well as the engagement of experts by the Council.
12. Part III of the Bill provides for the registration and training of community health workers.
13. It provides for the qualifications for the appointment of the Registrar of the Council who shall be in charge of receiving applications for registration as well as maintaining the register of community health workers. This Part also provides for the qualifications for registration as a community health worker.
14. Part IV of the Bill provides for discipline. This Part establishes the Community Health Workers Disciplinary Committee comprising of 5 members, and which shall be responsible for receiving and investigating complaints against community health workers.
15. Part V of the Bill provides for financial provisions. Under this Part, the funds of the Council shall consist of monies appropriated by the National Assembly, monies payable to the Council, gifts, grants and donations as well as fees for services rendered by the Council. This Part further provides for the financial year, accounts, audit and annual report of the Council.
16. Part VI of the Bill contains the provisions on delegated legislation. This Part gives the Cabinet Secretary, in consultation with the Council, the power to make regulations for the better carrying into effect of the provisions of the Act.
17. The First Schedule to the Bill provides for the provisions relating to the conduct of business and affairs of the Council.
18. The Second Schedule provides for the prescribed courses relating to the eligibility for registration as a community health worker.

PART III

3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAEMENT ON THE BILL

19. Following the placement of advertisements in the print media on 11th March, 2021 seeking views on the Bill from members of the public and relevant stakeholoders pursuant to Article 118(1)(b) of the Constitution of Kenya and Standing Order 127(30), the Committee received memoranda from Seven (7) Stakeholders namely- Ministry of Health, Public Health Officers and Technicians Council, National Gender and Equality Commission, Community Health Services & Development Officers Association, Society of Community Health Caregivers, The Peoples Health Movement and James Wakungwi Sakwa.. Further the invitation of Stakeholders was done vide letter REF: NA/DCS/HEALTH/2021/19 dated 29th April, 2021 for extensive stakeholder engagement meeting on the Bill which was held virtually on the 6th may, 2021.

20. The stakeholders submitted as follows on specific Clauses:

CLAUSE: TITLE AND LONG TITLE

TITLE

21. The Society of Community Health Caregivers proposed deletion of the title, and replace it with- “Community Health Officers and Assistants Bill”

Justification

The term “community health worker” in the community health profession refers to an appointed member of the community who is involved in health related work.

22. Community Health Services & Development Officers Association proposed deletion of the title and it be replaced with- “Community Health Officers and Assistants Bill”

Justification

Community health workers is a broad term that includes community health volunteers who will not be able the academic and regulatory conditions advanced in the Bill.

LONG TITLE

23. The Society of Community Health Caregivers proposed deletion of the Long title and replace with- “AN ACT of Parliament to make provision for the training, registration and licensing of community health officers and assistant, to regulate their practice, to provide for the establishment, powers and functions of the community health officers and assistants council and for connected purposes”

Justification

The term “community health worker” in the community health profession refers to an appointed member of the community who is involved in health related work.

24. Community Health Services & Development Officers Association proposed deletion of the Long title and replace with -“AN ACT of Parliament to make provision for the training, registration and licensing of community health officers and assistants; to regulate their practice; to provide for the establishment, powers and functions of the Community Health Officers and Assistants Council of Kenya and for connected

Justification

Community health workers is a broad term that includes community health volunteers who will not be able to attain the academic and regulatory conditions advanced in the Bill.

CLAUSE: 1

25. The Society of Community Health Caregivers and the Community Health Services & Development Officers Association proposed an amendment to clause 1 by deleting “Community Health Workers Act” and replace with “Community Health Officers and Assistants Act”

Justification

Community health workers is a broad term that includes community health volunteers who will not be able to attain the academic and regulatory conditions advanced in the Bill.

CLAUSE: 2

26. Society of Community Health Caregivers proposed the following amendments to clause 2-
- i) deletion of the definition of “community health worker” and insertion of the following new definitions—
 - a) “community health officer”- a holder of degree from a government approved institution of higher learning in any of the following community health, community health and development or its equivalent
 - b) “assistant community health officer”- a holder of Diploma from a government approved institution of higher learning in any of the following community health, community health and HIV/AIDS management, community health and development or its equivalent
 - c) “community health assistant”- a holder of an academic certificate from a government approved institution of higher learning in any of the following community health, community health and development or its equivalent.
 - ii) Delete and change the definition of “Council” to Council of community health officers and assistants

- iii) Delete definition of “Registrar” and replace with “Registrar means the registrar of community health officers and assistants”
- iv) Add new definition “association or society means an association of community health officers and assistants registered by the Registrar of Societies

Justification

The proposed amendment seeks to set out the various levels within the profession of community health, based on the level of education acquired that is degree, diploma or certificate.

The Second Schedule to the Bill provides the various education eligibility criteria as Certificate, Diploma or Bachelor’s Degree. The Bill however does not categorise the professional titles based on the level of education.

27. Community Health Services & Development Officers Association proposed the following amendments to clause 2-

- i) Replace community health worker with-“community health officer/assistant” means a person who, having successfully undergone a prescribed course of training in a training institution, is a holder of a certificate issued by that institution and is registered under this Act;
- ii) “register” means the register of community health officers/ assistants which the Registrar is required to maintain under section 19;
- iii) “Registrar” means the registrar of community health officers/assistants as provided under section 17;
- iv) Add new definition-“Association” means Community Health Services and Development Officers Association;

Justification

CHVs who are part of community health workers are members of a given community and it will be very difficult for them to undergo training in institutions of higher learning so as to be recognised in line with the Bill

The Association will help in members’ professional regulation and is a key stakeholder since it represents the interests of all practising Community Health Officers and Assistants

28. Public Health Officers and Technicians Council proposed the following amendments to clause 2 as follows-

- i) Amend definition of community health worker-
“community health worker” means a person who, having successfully undergone a prescribed course of training in an approved training institution, is a holder of a certificate issued by that institution and is registered under this Act;

Justification

To ensure harmonisation of training content for all institutions by the Council.

ii) New definition-

“approved training institution” means a training institution which the Council may approve for that purpose under this Act.

Justification

To give the Council powers to approve training institutions in Kenya.

29. National Gender and Equality Commission proposed amendments to clause 2 as follows-
Define the term “community health worker” in the Health Act

Justification

To harmonise the various definition as proposed in this Bill and in the Community Health Services Bill (Senate Bill)

30. The Ministry of Health proposed deletion of the words “community health workers” and “Council” in clause 2-

Justification

- i) Community health workers should be members of the communities where they work and selected by the communities, answerable to the communities and supported by the health system but not necessarily a part of the organisation.
- ii) The proposed Council is ill placed to advise the Cabinet Secretary on matters of community health. Community health services is the responsibility of the counties.

31. The Peoples Health Movement proposed amendment to the definition of “community health worker” -

“a person selected by the community based on a set criterion and has undertaken basic training as per the training curriculum to offer health services at the community level”

PART II

32. Society of Community Health Caregivers and Community Health Services & Development Officers Association proposed the title to be replaced with “Community health officers and assistants Council”

Justification

To align the Bill with the suggested title

33. The Peoples Health Movement proposed that the Council should be anchored at the county level.

Justification

To promote devolution since community based healthcare is at Level One of the provision of healthcare services.

CLAUSE 3

34. The Ministry of Health proposed deletion of clause 3-16.

Justification

Issues raised in the Bill can be addressed through the schemes of service and other subsidiary regulations and do not acquire an Act of Parliament.

35. Society of Community Health Caregivers and Community Health Services & Development Officers Association proposed deletion of 3(1) and replace with-

“There is a Council to be known as Community Health Officers and Assistants Council”

Justification

To protect the rights of community health workers and officers already in service.

CLAUSE 5

36. Society of Community Health Caregivers proposed amendments to clause 5 as follows-

- i) Divide clause 5 into 2 sub-clauses

5(1)- the object and purpose for which the Council is established is to exercise general supervision and control over the training, registration, practice and employment of community health officers and assistants in Kenya and to advise the government in relation to all aspects thereof.

5(2)- add the following functions-

“Without prejudice to the generality of the foregoing, the Council shall—

- (a) In consultation with approved institutions, prescribe the courses of instruction for community health officers and community health assistant;

- (b) Prescribe the minimum educational entry requirements for persons wishing to be trained as community health officers or assistant;
- (c) Prescribe and conduct examinations in collaboration with the approved institutions;
- (d) consider and approve the qualifications of community health officers and assistant for the purposes of registration under this Act;
- (e) approve institutions other than those established or accredited under the Universities Act, 2012 for the training of community health officers and assistant;
- (f) license and regulate practice of registered community health officers and assistant;
- (g) regulate the professional conduct of registered community health officers and assistant and take such disciplinary measures as may be appropriate to maintain proper professional standards;
- (h) cause to be published in the Kenya Gazette every calendar year the names of all registered community health officers and community health assistant;

37. Community Health Services & Development Officers Association proposed amendment to clause 5(a, b, c, h) as follows-

replace the words community health workers with community health officers and assistants

Justification

To align the Bill with the suggested title.

38. Public Health Officers and Technicians Council proposed amendment to clause 5(f) to read –

“to collaborate with other bodies such as the Medical Practitioners and Dentists Board, the Central Board of Health, the Public Health Officers and Technicians Council, the Clinical Officers Council, the Nursing Council of Kenya and the Pharmacy and Poisons Board in furtherance of the functions of the Council and those bodies;”

Justification

To enable the Council to support the alignment of community health policy and strategies as currently established.

39. National Gender and Equality Commission proposed that the functions of the Council should also include protection, promotion and improvement of the welfare of the members

CLAUSE 6

40. Society of Community Health Caregivers proposed amendments to clause 6 as follows-

6(1)-

- (a) Substitute the Director of Public Health and Sanitation with Director of community health services or the representative designated in writing

- (b) Substitute two community health workers with two community health officers nominated by the community health association
- (c) Substitute a community health worker employed by the national government with a community health officer employed by the national government
- (d) Substitute a community health worker employed by the county government with a community health officer employed by the county government.

Add the following to the membership of the Council-

- i) The Director Kenya Medical Training College or the representative designated in writing
- ii) A representative of the universities offering a course prescribed under this act who shall be appointed by the universities
- iii) The chairperson of the association
- iv) One assistant community health officer appointed by the association
- v) One community health assistant appointed by the association

41. Community Health Services & Development Officers Association proposed amendments to clause 6 as follows-

- (a) 6(1)(a)- replace Director of Medical Services with head of primary healthcare

Justification

Director of Medical Services does not exist in MOH monogram

- (b) 6(1)(b)- replace Director of Public Health and Sanitation with the Head, Division of Community Health.

Justification

The Director of Public Health is already the Registrar of Public Health Officers and Technicians Council.

Director of Public Health will also bring conflict of interest since he is the registrar of PHOTC and subscribing to public health profession.

- (c) 6(1)(c)- replace Director of education or his designate with a lecturer nominated by universities training community health/ community health and development.

Justification

To bring input of institutions of higher learning into the profession and Council.

- (d) 6(1)(e)- replace one registered community health nurse with registered community health officer/ assistant nominated by the association.

Justification

To advance the profession and bring the insights of the association in the Council.

The nurses have the Nursing Council of Kenya and their inclusion will bring conflict of interest in community health at the expense of community health officers.

- (e) 6(1)(g)- replace “community health workers” with community health officers/assistants.

Justification

To align the Bill with the suggested title

- (f) 6(1)(g)(i)- replace community health worker employed by the national government with General Secretary of the Association.

Justification

There is no community health officer/assistant employed by the national government

- (g) 6(1)(g)(ii)- replace the words community health workers with community health officers/assistants.

Justification

To align the Bill with the suggested title.

42. Public Health Officers and Technicians Council proposed amendment to clause 6 as follows-

6(1)- insert new paragraph after paragraph (e)-“one registered Public Health Officer nominated by the Public Health Officers and Technicians Council”

Justification

The inclusion of a Public Health officer in the Council will ensure representation of Public Health Officers and value addition and complementary service delivery.

43. National Gender and Equality Commission proposed amendment to clause 6(1)-

- i) the membership of the Council must comply with the gender balance and disability representation principles
- ii) Include the Principal Accounting Officers in the Council

44. The Peoples Health Movement proposed an amendment to clause 6(1)(g)(ii) and 9(d) as follows-

i) 6(1)(g)(ii)-

The nomination of the community health worker employed at the county government should be done at the county level and not by the Cabinet Secretary.

Justification

To ensure harmonisation of the community health workers workforce.

ii) 9(d)

Justification

Gives the Cabinet Secretary powers to meddle in the functions of the Council

Committee comment

Paragraph (d) on investment of public funds is in conformity with the provisions of the Public Finance Management Act

PART III

45. Society of Community Health Caregivers Community Health Services & Development Officers Association proposed deletion of the title and replace with-

“REGISTRATION AND TRAINING OF COMMUNITY HEALTH OFFICERS AND ASSISTANTS”

Justification

To align the Bill with the suggested title

46. Ministry of Health proposed deletion of clauses 17-25

Justification

- i) Community health workers work on the basis of volunteerism for the good of the community, therefore there is no need to legislate this in the Kenyan culture.
- ii) There is a MoH curriculum on basic and technical modules to train and certify community health volunteers who work as health advocates in their communities.

NEW CLAUSE

47. Society of Community Health Caregivers proposed addition of the following new clause before the current clause 17-

Approved training institutions.

(1) No person being in charge of a training institution in Kenya shall—

- (a) admit persons for training with a view to qualifying for registration under this Act;
- (b) conduct a course of training or administer the examination prescribed for the purposes of registration under this Act; or

- (c) issue any document or statement implying that the holder thereof has undergone a course of training or passed the examinations prescribed by the Council for purposes of registration;

Unless such institution established or accredited under the Universities Act 2012 is approved by the Council for that purpose in accordance with this Act.

- (2) A person who contravenes any of the provisions of subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding ten years, or to both.
- (3) The Council shall prescribe the procedure for approving training institutions other than those established or accredited under the Universities Act, 2012 for the purposes of this section.
- (4) The Registrar shall publish a list of the training institutions approved under this Act.

Supervisory functions of the Council

48. 18. (1) The Council shall satisfy itself that the courses of study to be followed by students for the award of a degree, diploma or certificate in community health, including the standard of proficiency required for admission thereto and the standards of examinations leading to the award of a degree, diploma or certificate, are sufficient to guarantee that the holder thereof has acquired the knowledge and skill necessary for the efficient practice of community health.

- (2) For the purposes of this clause, the Council may—
 - (a) appoint persons to visit any university or other institution in Kenya offering a course in community health and to report to it on the course of study, staffing and equipment available for training in community health and other arrangements available for such training;
 - (b) appoint persons to supervise examinations in any aspect of community health at any university or institution and to report to it on the sufficiency of the examinations and on such matters relating thereto as the Council may require; or
 - (c) require the dean or head of the community health department at any university or institution to provide written information to it concerning any of the matters referred to in paragraphs (a) or(b).
- (3) The Council shall forward a copy of any report made under sub-clause (2) to the university or institution concerned and may, if it is satisfied that the standard of any course or examination is insufficient, and after it has given the university or institution an opportunity to make observations on the report, in writing, require the university or institution to take such measures as the Council may specify to improve the standard of the course or examination.

(4) If the Council, is satisfied that the university or institution referred to in subsection (3) has failed to take measures which are in the opinion of the Council necessary to improve the standard of any course or examination, the Council may cancel or suspend any recognition of a degree, diploma, or other qualification awarded by that university or institution.

(5) A degree awarded prior to a cancellation or suspension under subsection (4) shall not be affected by the cancellation or suspension.

(6) This section shall not apply to universities established or accredited under the Universities Act, 2012.

CLAUSE 17

49. Public Health Officers and Technicians Council proposed amendment to clause 17(1)- Amend to read-

“There shall be a Registrar who shall be the Chief Executive Officer of the Council recruited and appointed by the Council through a competitive process”.

Justification

To align the Act to best regulatory practice as currently established in other regulatory bodies in Kenya and will eliminate power struggle within the Council.

CLAUSE 18

50. Community Health Services & Development Officers Association proposed amendment to clause 18(c) as follows-

-replace community health worker with Head, Primary Health Care at the Ministry of Health or his/her designate

Justification

To align the Bill with the suggested title and to ensure those holding administrative position at MOH play an important role.

51. The Peoples Health Movement proposed amendment to clause 18(c) as follows-

Include attachment of the Registrar to a particular health unit and community health worker unit.

CLAUSE 19

52. Community Health Services & Development Officers Association proposed amendment to 19(c, d, e) as follows-

- replace community health workers with community health officers/assistants

Justification

To align the Bill with the suggested title

CLAUSE 20

53. Society of Community Health Caregivers proposed deletion of clause 20, and substituted with the following-

- (1) The Registrar shall maintain a separate register of
 - (a) community health officers;
 - (b) assistant community health officers;
 - (c) community health assistant;
- (2) The Registrar shall—
 - (a) not later than the 31st March in every year, publish in the Gazette, the names, addresses and qualifications of all community health officers and assistant registered in the previous year; and
 - (b) subject to the directions of the Council, cause to be published any amendments or deletion from the registers.
- (3) Every community health officer or assistant shall notify the Registrar of any change in his registered address.
- (4) The Registrar may, with the consent of the person concerned remove from the register, the name of a person who has ceased to practice.
- (5) A name removed from the register under subsection (4) may, at the request of the person concerned, on the approval of the Council and on payment of the prescribed fee, be reinstated by the Registrar.

CLAUSE 20

54. Community Health Services & Development Officers Association proposed an amendment to clause 20(1), (2) as follows-

replace community health workers with community health officers/assistants

Justification

To align the Bill with the suggested title

55. The Peoples Health Movement proposed an amendment to clause 20(1) to include additional particulars-

- i) The health unit the community health worker is attached to
- ii) The health facility the community health worker is attached to
- iii) The community health worker must be a resident of the community health section they represent

CLAUSE 22

56. Society of Community Health Caregivers proposed deletion of clause 22 and substitute with the following-

Persons eligible to be registered.

(1) Subject to the provisions of this clause, a person shall be eligible for registration under this Act as a community health officer or community health assistant if he/she is a holder of a certificate, diploma or degree as set out in the Second Schedule and—

- (a) after obtaining that certificate, diploma or degree, he/she has engaged in training employment under the supervision of a registered community health officer for such period, being not less than one year, as the Council may approve;
 - (b) He/she satisfies the Council that, while engaged in training employment as specified in paragraph (a), he has acquired sufficient knowledge of, and experience in the practice of community health; and
 - (c) He/she satisfies the Council that he/she is a person of good moral character and a fit and proper person to be registered under this Act; and
 - (d) He/she is registered as a member of an association or society of community health that is legally registered by the registrar of societies
- (2) Where the Council does not recognise a certificate, diploma or degree in community health held by a person, for purposes of registration, it shall assess the person's suitability for registration and for the purpose of so doing, may require that person to attend an interview and to undergo an oral or written examination.

(3) Despite sub-clause (2), all certificates, diplomas or degrees issued by a university accredited under the Universities Act, 2012 shall be recognised by the Council.

(4) The Council may, after assessing the suitability for registration of a person under sub-clause (1), direct that before registration, the person shall undergo such further period of training or pass such examination as it may specify

(5) The Council shall not authorise the registration of a person unless it is satisfied—

- (a) that the requirements of sub-clause (1) have been fulfilled; or
- (b) in the case of a person referred to in sub-clause (2), that the requirements of sub-clause (1) have been fulfilled and that the person has undergone any further period of training or passed any examination specified by the Council under sub-clause (3).

(6) The Council may, where it considers it expedient so to do, delegate the assessment of suitability for registration under sub-clause (2) to a committee of the Council which shall, after making the assessment, make recommendations to the Council accordingly.

Application for registration.

(1) The Council shall register every qualified person by entering his name, address, professional qualifications and such other particulars as the Council may prescribe, in the appropriate register kept for that purpose pursuant to the clause on registers and issue a registration certificate and a renewable license. The license will be renewed after twelve months.

(2) A person wishing to be registered under this Act shall apply to the Council.

(3) An application under sub-clause (1) shall be in the prescribed form and shall be accompanied by the prescribed fee.

57. Community Health Services & Development Officers Association proposed amendment to clause 22(1)(d) as follows-
replace community health worker with community health officer/assistant

Justification

To align the Bill with the suggested title

58. The Peoples Health Movement proposed amendment to 22(1)(a) as follows-
delete “approved training institution” and replace with “modules developed by the Ministry of Health as a basis of training to community health workers”

NEW CLAUSE

59. Society of Community Health Caregivers proposed addition of new clauses after clause 25-

Appeals.

A person aggrieved by a decision of the Council not to register him under section 24 may appeal to the Cabinet Secretary within sixty days of being notified of the decision.

Offences relating to registration.

- (1) No person shall practice as a community health officer or assistant in any health institution or in any other place in Kenya unless that person is registered under this Act.
- (2) A person who contravenes the provisions of sub-clause (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both.
- (3) No person shall, while in charge of a health institution or any other health organisation in Kenya, employ a person who is not registered under this Act as a community health officer or assistant.
- (4) A person who contravenes the provisions of sub-clause (3) commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings, or imprisonment for a term not exceeding five years, or to both.
- (5) Any person who, in an application for registration, wilfully makes a false or misleading statement or utters a false certificate, commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

Removal of names from register.

- (1) The Registrar shall remove from the register—
 - (a) the names of all deceased persons;
 - (b) the names of all persons removed from the register under clause on registers and clause 27; or

(c) Any entries fraudulently or erroneously made.

(2) The Registrar shall, as soon as reasonably practicable, cause the name and address of every person whose name is removed from the Register under this clause, to be published in the Gazette.

PART IV

60. Ministry of Health proposed deletion of clauses 26-28

Justification

Community health workers do not require a Council to regulate them as they are selected by the community and work on the basis of volunteerism for the good of the community.

CLAUSE 26

61. Society of Community Health Caregivers proposed the following amendments-

- i) 26(2)(d)- substitute one community health worker with one community health officer nominated by the Public Service Commission
- ii) 26(2)(e)- substitute one community health worker with one community health officer nominated by the Council of governors

62. Community Health Services & Development Officers Association proposed the following amendments-

26(1), 26(2)(d, e), 26(5)- replace community health workers with community health officers/assistants

Justification

To align the Bill with the suggested title

63. The Peoples Health Movement proposed the following amendments-

- i) The disciplinary Committee lacks representation of community health workers
- ii) The disciplinary Committee should be domiciled at the health unit

Justification

To provide context and fair administration of justice

CLAUSE 27

64. Community Health Services & Development Officers Association proposed an amendment as follows-

Replace community health workers with community health officers/assistants

Justification

To align the Bill with the suggested title

65. Community Health Services & Development Officers Association proposed amendment as follows-

28(4, 5)- Replace community health worker with community health officer/assistant

Justification

To align the Bill with the suggested title

CLAUSE 27

66. The Peoples Health Movement proposed amendment to clause 29(a) as follows-
“the funds should be allocated by county assemblies”

Justification

Community health care is a Level One health care domiciled at the county level

PART VI

67. Ministry of Health proposed deletion of clause 34

FIRST SCHEDULE

68. Ministry of Health proposed deletion of the clause the First Schedule

Justification

Some of the courses provided in the Second Schedule are already regulated by other bodies such as the Public Health Officers Council

SECOND SCHEDULE

69. Ministry of Health proposed deletion of the clause the Second Schedule

Justification

Some of the courses provided in the Second Schedule are already regulated by other bodies such as the Public Health Officers Council.

70. Society of Community Health Caregivers proposed revision of Second Schedule

A person shall be eligible for registration as a community health officer or assistant if he or she has undertaken any of the following prescribed courses-

- (a) Certificate in any of the following disciplines: Community Health, Community Health and Development, Community Health and HIV Management or its equivalent qualification from a recognised institution.

- (b) Diploma in any of the following disciplines: Community Health, Community Health and Development, Community Health and HIV Management or its equivalent qualification from a recognised institution
- (c) Bachelor's degree in any of the following disciplines: Community Health, Community Health and Development, or its equivalent qualification from a recognised institution

Justification

The Bill is intended to be a regulatory Bill for community health, therefore, all the other cadres such as environmental health, nutrition, community health, nursing are already regulated; others such as anthropology, community development, social work which are non-health cadres and that have been stated in the Bill other than community health are not required in this Bill.

All those cadres stated in the Second Schedule of the Bill other than community health had been allowed to serve in the community health docket since the time of introduction of community health in Kenya (2006) there were few trained community health personnel especially the degree holders. Currently the number of trained community health personnel has grown exponentially, therefore, no need to include them into community health function. Furthermore, all those cadres, after appointment, had to undergo further competence training sponsored by the government. This was meant to enable them carry out the community health function. Now that there is presence of fully trained community health personnel, other cadres are not necessary in the community health function.

71. Community Health Services & Development Officers Association proposed the following amendments in the Second Schedule.

- i) Replace community health worker with community health officer/assistant

Justification

To align the Bill with the suggested title.

- (a)- Certificate in Community Health/Community Health and Development/ Community Health Assistant or any other equivalent qualification
- (b)- Diploma in Community Health/ Community Health and Development or any other equivalent qualification
- (c)- Degree in Community Health/ Community Health and Development or any other equivalent qualification

Justification

To professionalise community health and avoid confusion by introducing other professions already in existence and with different mandates.

72. James Wakungwi Sakwa- He was in support of the Bill.

PART IV

4.0 COMMITTEE RECOMMENDATION

73. The Committee having considered the Community Health Workers Bill, National Assembly Bill No. 30 of 2020 recommends that the House approve the Bill with amendments as proposed in the schedule.

PART V

5.0 SCHEDULE OF PROPOSED AMENDMENTS

CLAUSE 5

74. **THAT**, clause 5 of the Bill be amended in paragraph (g) by inserting the words “and county governments” immediately after the words “the Cabinet Secretary”.

Justification

The amendment seeks to ensure that both the national government and county governments shall benefit from the advise of the Community Health Workers Council.

CLAUSE 6

75. **THAT**, clause 6 of the Bill be amended by deleting sub-clause (1) and inserting the following new sub-clause—

“(1) The Council shall consist of—

- (a) the Director General of health or a representative designated in writing;
- (b) the Head of Primary Healthcare from the ministry for the time being responsible for matters relating to health;
- (c) the Director of Education or a representative designated in writing;
- (d) one person from a non-governmental organisation in the health sector nominated by the Non- Governmental Organisation Coordination Board;
- (e) one registered community health nurse nominated by the Nursing Council of Kenya;
- (f) one lecturer in community health from the department dealing with community health, nominated by the Kenya Medical Training College;
- (g) one community health worker nominated by the Cabinet Secretary;
- (h) one community health worker nominated by the Council of County Governors; and
- (i) the Registrar who shall be an *ex officio* member of the Council.”

Justification

The amendment seeks to ensure that the Council is adequately represented by persons with knowledge in community health, and also to ensure that county governments are represented in the Council.

CLAUSE 18

76. **THAT**, clause 18 of the Bill be amended—

- (a) in paragraph (b) by deleting the words “in any of the courses outlined in the Second Schedule”; and
- (b) in paragraph (c) by inserting the words “in community health” immediately after the words “ten years experience”

Justification

The amendment seeks to ensure that a person shall qualify for appointment as a Registrar if the person has any of the degrees recognised in Kenya, and must also have a minimum of ten years’ experience in community health.

SECOND SCHEDULE

77. **THAT**, the Second Schedule to the Bill be amended by—

- (a) deleting paragraph (b); and
- (b) deleting paragraph (c).

Justification

The amendment seeks to ensure that all persons performing the functions of a community health worker shall be required to have only a minimum of a certificate qualification to be eligible for registration under the Act.

NEW PART

78. **THAT**, the Bill be amended by inserting the following new Part immediately after Part VI—

PART VII- TRANSITIONAL PROVISIONS

Transitional provisions. **35.** Within twelve months after the enactment of this Act, all persons performing the functions of a community health worker shall undertake any of the courses prescribed in the Second Schedule to be eligible for registration as a community health worker under this Act.

Justification

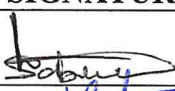
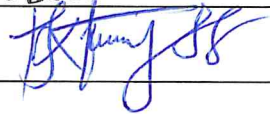

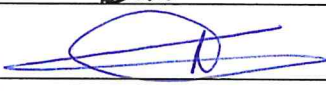


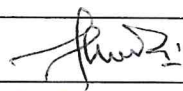

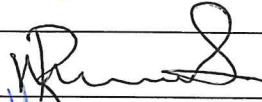
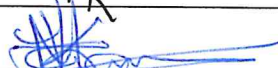
The amendment seeks to introduce a transitional provision to ensure that within 12 months of enactment of the Act, all persons currently working as community health workers will be required to attain the academic qualification prescribed in the Second Schedule so as to be eligible for registration under the Act.

SIGNED.......... DATE.....4/8/2021.....

**THE HON. SABINA CHEGE, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON HEALTH**

**THE NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON HEALTH
ATTENDANCE SCHEDULE**

**ADOPTION SCHEDULE FOR THE CONSIDERATION OF THE REPORT ON THE COMMUNITY HEALTH
WORKERS BILL, 2020, NATIONAL ASSEMBLY BILL NO. 30 OF 2020**

	NAME	SIGNATURE
1.	Hon. Sabina Chege, MP – Chairperson	
2.	Hon. Joshua Kutuny, MP – Vice-Chairperson	
3.	Hon. Dr. Eseli Simiyu, MP	
4.	Hon. Dr. James Nyikal, MP	
5.	Hon. Dr. Mohamed Dahir Duale, MP	
6.	Hon. Dr. James Kipkosgei Murgor, MP	
7.	Hon. Alfred Agoi Masadia, MP	
8.	Hon. Muriuki Njagagua, MP	Virtual
9.	Hon. Joyce Akai Emanikor, MP	Virtual
10.	Hon. Prof. Mohamud Sheikh Mohamed, MP	Virtual 
11.	Hon. Martin Peters Owino, MP	
12.	Hon. Kipsengeret Koros, MP	
13.	Hon. Tongoyo Gabriel Koshal, MP	
14.	Hon. Sarah Paulata Korere, MP	
15.	Hon. Dr. Gideon Ochanda, MP	
16.	Hon. Beatrice Adagala, MP	Body 
17.	Hon. Said Hiribae, MP	
18.	Hon. (Capt.) Ruweida Mohammed, MP	
19.	Hon. James Githua Kamau Wamacukuru, MP	

MINUTES OF THE FORTY-FIRST (41ST) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD ON TUESDAY 3RD AUGUST, 2021 VIA ZOOM AT 10.00 A.M.

PRESENT

1. **The Hon. Sabina Chege, MP** - **Chairperson**
2. **The Hon. Joshua Kutuny, MP** - **Vice-Chairperson**
3. The Hon. Dr James Kipkosgei Murgor, MP
4. The Hon. Dr Mohamed Dahir Duale, MP
5. The Hon. Prof Mohamud Sheikh Mohamed, MP
6. The Hon. Muriuki Njagagua, MP
7. The Hon. Joyce Akai Emanikor, MP
8. The Hon. Martin Peters Owino, MP
9. The Hon. Dr Gideon Ochanda, MP
10. The Hon. Kipsengeret Koros, MP
11. The Hon. (Capt) Ruweida Mohammed, MP
12. The Hon. Beatrice Adagala, MP

ABSENT WITH APOLOGY

1. The Hon. Dr James Nyikal, MP
2. The Hon. Dr Eseli Simiyu, MP
3. The Hon. Alfred Agoi Masadia, MP
4. The Hon James Githua Kamau Wamacukuru, MP
5. The Hon. Tongoyo Gabriel Koshal, MP
6. The Hon. Said Hiribae, MP
7. The Hon. Sarah Paulata Korere, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-----------------------|---|--------------------|
| 1. Douglas Katho | - | Clerk Assistant II |
| 2. Christine Odhiambo | - | Legal Counsel I |
| 3. Muyodi Emmanuel | - | Clerk Assistant II |
| 4. Nimrod Ochieng | - | Audio Officer |

MIN. NO.NA/DC.H/2021/136: PRELIMINARIES

The Vice-Chairperson called the meeting to order at 10.15 a.m. and said a prayer.

MIN.NO.NA/DC.H/2021/137: ADOPTION OF THE REPORTS ON BILLS

The Committee considered the proposed amendments and adopted the reports as follows:

**1. THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL, 2021
(NATIONAL ASSEMBLY BILL NO. 21 OF 2021)**

The agenda was deferred to Wednesday 4th August, 2021 at 9.00 a.m.

2. THE COMMUNITY HEALTH WORKERS BILL, 2020, (NATIONAL ASSEMBLY BILL NO. 30 OF 2020)

The Committee adopted the report on the Community Health Workers Bill, 2020 (National Assembly Bill No. 30 of 2020) after being proposed by the Hon. Beatrice Adagala, MP and seconded by the Hon. (Capt) Ruweida Mohammed, MP. (*The Committee's proposed amendments are detailed in Part V of the report*).

3. THE RADIOGRAPHERS BILL 2019, (NATIONAL ASSEMBLY BILL NO. 47 OF 2019)

The Committee adopted the report on the Radiographers Bill, 2019 (National Assembly Bill No. 47 of 2019) after being proposed by the Hon. Joyce Akai Emanikor, MP and seconded by the Hon. (Capt) Ruweida Mohammed, MP. (*The Committee's proposed amendments are detailed in Part V of the report*).

4. THE HEALTH (AMENDMENT) BILL, 2021, (NATIONAL ASSEMBLY BILL NO. 14 OF 2021)

The Committee adopted the report on the Health (Amendment) Bill, 2021 (National Assembly Bill No. 14 of 2021) after being proposed by the Hon. (Capt) Ruweida Mohammed, MP and seconded by the Hon. Kipsengeret Koros, MP. (*The Committee's proposed amendments are detailed in Part V of the report*).

5. THE PHARMACY AND POISONS (AMENDMENT) BILL, 2021 (NATIONAL ASSEMBLY BILL NO. 1 OF 2021)

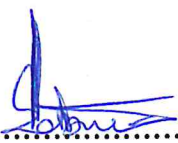
The Committee adopted the report on the Pharmacy and Poisons (Amendment) Bill, 2021 (National Assembly Bill No. 1 of 2021) after being proposed by the Hon. Joyce Akai Emanikor, MP and seconded by the Hon. (Capt) Ruweida Mohammed, MP. (*The Committee's proposed amendments are detailed in Part V of the report*).

MIN. NO.NA/DC.H/2021/138: ADJOURNMENT

There being no further business, the meeting was adjourned at 12.44 p.m.

HON. SABINA CHEGE, MP

(CHAIRPERSON)

Sign.......... Date.....4/2/2021.....

MINUTES OF THE THIRTY-FIFTH (35TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD ON MONDAY 26TH JULY, 2021 AT ENGLISH POINT, MARINA – MOMBASA IN MEDUSA 2 CONFERENCE ROOM AT 9.30 A.M

PRESENT

1. **The Hon. Sabina Chege, MP** - Chairperson
2. **The Hon. Joshua Kutuny, MP** - Vice-Chairperson
3. The Hon. Dr James Nyikal, MP
4. The Hon. Dr James Kipkosgei Murgor, MP
5. The Hon. Dr Mohamed Dahir Duale, MP
6. The Hon. Prof Mohamud Sheikh Mohamed, MP
7. The Hon. Muriuki Njagagua, MP
8. The Hon. Dr Gideon Ochanda, MP
9. The Hon. Martin Peters Owino, MP
10. The Hon. (Capt) Ruweida Mohammed, MP
11. The Hon. Kipsengeret Koros, MP
12. The Hon. Beatrice Adagala, MP
13. The Hon James Githua Kamau Wamacukuru, MP

ABSENT WITH APOLOGY

1. The Hon. Dr Eseli Simiyu, MP
2. The Hon. Joyce Akai Emanikor, MP
3. The Hon. Alfred Agoi Masadia, MP
4. The Hon. Tongoyo Gabriel Koshal, MP
5. The Hon. Said Hiribae, MP
6. The Hon. Sarah Paulata Korere, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-----------------------|---|------------------------|
| 1. Benjamin Magut | – | Senior Clerk Assistant |
| 2. Douglas Katho | – | Clerk Assistant II |
| 3. Christine Odhiambo | – | Legal Counsel I |
| 4. Muyodi Emmanuel | – | Clerk Assistant II |
| 5. Nimrod Ochieng | – | Audio Officer |

MIN. NO.NA/DC.H/2021/118: PRELIMINARIES

The Vice-Chairperson called the meeting to order at 9.25 a.m. and said a prayer.

MIN.NO.NA/DC.H/2021/119: CLAUSE BY CLAUSE CONSIDERATION OF THE COMMUNITY HEALTH WORKERS BILL,2020(NATIONAL ASSEMBLY BILL NO. 30 OF 2020)

After lengthy deliberations, the Committees proposed amendments to the Community Health Workers Bill, (*National Assembly Bill No. 30 of 2020*) as follows:

1. The Committees proposed the following amendments to be considered by the House in the Committee stage:

CLAUSE 5

2. **THAT**, clause 5 of the Bill be amended in paragraph (g) by inserting the words “and county governments” immediately after the words “the Cabinet Secretary”.

Justification

The amendment seeks to ensure that both the national government and county governments shall benefit from the advise of the Community Health Workers Council.

CLAUSE 6

3. **THAT**, clause 6 of the Bill be amended by deleting sub-clause (1) and inserting the following new sub-clause—

“(1) The Council shall consist of—

- (a) the Director of Medical Services or a representative designated in writing;
- (b) the Head of Primary Healthcare from the ministry for the time being responsible for matters relating to health;
- (c) the Director of Education or a representative designated in writing;
- (d) one person from a non-governmental organisation in the health sector nominated by the Non- Governmental Organisation Coordination Board;
- (e) one registered community health nurse nominated by the Nursing Council of Kenya;
- (f) one lecturer in community health from the department dealing with community health, nominated by the Kenya Medical Training College;
- (g) one community health worker employed in the national government, nominated by the Cabinet Secretary;
- (h) one community health worker employed in the county government, nominated by the Council of County Governors; and
- (i) the Registrar who shall be an *ex officio* member of the Council.”

Justification

The amendment seeks too ensure that the Council is adequately represented by persons with knowledge in community health, and also to ensure that county governments are represented in the Council.

CLAUSE 18

4. **THAT**, clause 18 of the Bill be amended—

- (a) in paragraph (b) by deleting the words “in any of the courses outlined in the Second Schedule”; and
- (b) in paragraph (c) by inserting the words “in community health” immediately after the words “ten years experience”

Justification

The amendment seeks to ensure that a person shall qualify for appointment as a Registrar if the person has any of the degrees recognised in Kenya, and must also have a minimum of ten years experience in community health.

SECOND SCHEDULE

5. **THAT**, the Second Schedule to the Bill be amended by—

- (a) deleting paragraph (b); and
- (b) deleting paragraph (c).

Justification

The amendment seeks to ensure that all persons performing the functions of a community health worker shall be required to have only a minimum of a certificate qualification to be eligible for registration under the Act.

NEW PART

6. **THAT**, the Bill be amended by inserting the following new Part immediately after Part VI—

PART VII- TRANSITIONAL PROVISIONS

Transitional provisions. **35.** Within twelve months after the enactment of this Act, all persons performing the functions of a community health worker shall undertake any of the courses prescribed in the Second Schedule to be eligible for registration as a community health worker under this Act.

Justification


The amendment seeks to introduce a transitional provision to ensure that within 12 months of enactment of the Act, all persons currently working as community health workers will be required to attain the academic qualification prescribed in the Second Schedule so as to be eligible for registration under the Act.

MIN. NO.NA/DC.H/2021/120: ADJOURNMENT/DATE OF NEXT MEETING

There being no further business, the meeting was adjourned at 11.04 a.m.

HON. SABINA CHEGE, MP

(CHAIRPERSON)

Sign.  Date..... 4/8/2021

**MINUTES OF THE TWENTY-SEVENTH (27TH) SITTING OF THE
DEPARTMENTAL COMMITTEE ON HEALTH HELD ON WEDNESDAY 30TH
JUNE, 2021 VIA ZOOM AT 9.00 A.M.**

PRESENT

1. **The Hon. Sabina Chege, MP - Chairperson**
2. **The Hon. Joshua Kutuny, MP – Vice-Chairperson**
3. The Hon. Dr James Nyikal, MP
4. The Hon. Dr James Kipkosgei Murgor, MP
5. The Hon. Muriuki Njagagua, MP
6. The Hon. Martin Peters Owino, MP
7. The Hon. Joyce Akai Emanikor, MP
8. The Hon. (Capt) Ruweida Mohammed, MP
9. The Hon. Beatrice Adagala, MP

ABSENT WITH APOLOGY

1. The Hon. Dr Eseli Simiyu, MP
2. The Hon. Dr Mohamed Dahir Duale, MP
3. The Hon. Alfred Agoi Masadia, MP
4. The Hon. Prof Mohamud Sheikh Mohamed, MP
5. The Hon. Dr Gideon Ochanda, MP
6. The Hon. Kipsengeret Koros, MP
7. The Hon. Tongoyo Gabriel Koshal, MP
8. The Hon James Githua Kamau Wamacukuru, MP
9. The Hon. Said Hiribae, MP
10. The Hon. Sarah Paulata Korere, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-----------------------|---|------------------------|
| 1. Benjamin Magut | – | Senior Clerk Assistant |
| 2. Christine Odhiambo | – | Legal Counsel I |
| 3. Muyodi Emmanuel | – | Clerk Assistant II |
| 4. Nimrod Ochieng | – | Audio Officer |

STAKEHOLDERS

1. The Ministry of Health
2. National Hospital Insurance Fund
3. Kenya Medical Practitioners Pharmacists and Dentists Union,
4. Dr. Kahura Mundia
5. National Gender and Equality Commission,
6. Central Organization of Trade Unions(COTU)
7. Federation of Kenya Employers
8. BRITAM Holding PLC
9. Kenya Association of Private Hospitals
10. Kenya Union of Nutritionists and Dietitians

MIN. NO.NA/DC.H/2021/94: PRELIMINARIES

The Vice-Chairperson called the meeting to order at 9.21 a.m. and said a prayer. Thereafter he welcomed the Committee Members and stakeholders.

MIN.NO.NA/DC.H/2021/95: STAKEHOLDERS ENGAGEMENT ON THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL, 2021, NATIONAL ASSEMBLY BILL NO. 21 OF 2021

The following stakeholders appeared before the Committee and presented their views on the proposed amendments (*details of their submissions and import of each proposed amendment are contained in Part III of the report on the National Hospital Insurance Fund (Amendment) Bill, National Assembly Bill No. 21 of 2021*)

- i. The Ministry of Health
- ii. National Hospital Insurance Fund
- iii. Kenya Medical Practitioners Pharmacists and Dentists Union,
- iv. Dr. Kahura Mundia
- v. National Gender and Equality Commission,
- vi. Central Organization of Trade Unions(COTU)
- vii. Federation of Kenya Employers
- viii. BRITAM Holding PLC
- ix. Kenya Association of Private Hospitals
- x. Kenya Union of Nutritionists and Dietitians

MIN. NO.NA/DC.H/2021/96: ADJOURNMENT/DATE OF NEXT MEETING

There being no further business, the meeting was adjourned at 1.04 p.m.

HON. SABINA CHEGE, MP

(CHAIRPERSON)

Sign.......... Date.....4/2/2021.....

MINUTES OF THE TWENTY-SIXTH (26TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD ON TUESDAY 29TH JUNE, 2021 VIA ZOOM AT 9.00 A.M.

PRESENT

1. **The Hon. Joshua Kutuny, MP – Vice-Chairperson**
2. The Hon. Dr James Nyikal, MP
3. The Hon. Dr James Kipkosgei Murgor, MP
4. The Hon. Muriuki Njagagua, MP
5. The Hon. Martin Peters Owino, MP
6. The Hon. Joyce Akai Emanikor, MP
7. The Hon. (Capt) Ruweida Mohammed, MP
8. The Hon. Beatrice Adagala, MP
9. The Hon. Said Hiribae, MP
10. The Hon. Sarah Paulata Korere, MP

ABSENT WITH APOLOGY

1. **The Hon. Sabina Chege, MP - Chairperson**
2. The Hon. Dr Eseli Simiyu, MP
3. The Hon. Dr Mohamed Dahir Duale, MP
4. The Hon. Alfred Agoi Masadia, MP
5. The Hon. Prof Mohamud Sheikh Mohamed, MP
6. The Hon. Dr Gideon Ochanda, MP
7. The Hon. Kipsengeret Koros, MP
8. The Hon. Tongoyo Gabriel Koshal, MP
9. The Hon James Githua Kamau Wamacukuru, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-----------------------|---|------------------------|
| 1. Benjamin Magut | – | Senior Clerk Assistant |
| 2. Christine Odhiambo | – | Legal Counsel I |
| 3. Muyodi Emmanuel | – | Clerk Assistant II |
| 4. Nimrod Ochieng | – | Audio Officer |

STAKEHOLDERS

MINISTRY OF HEALTH

Ms. Susan Mochache, CBS - Principal Secretary

THE NATIONAL HOSPITAL INSURANCE FUND

Dr Peter Kamunyo Gathege - Chief Executive Officer

MIN. NO.NA/DC.H/2021/91: PRELIMINARIES

The Vice-Chairperson called the meeting to order at 9.15 a.m. and said a prayer. Thereafter he welcomed the Members and stakeholders.

MIN.NO.NA/DC.H/2021/92: STAKEHOLDERS ENGAGEMENT ON THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL, 2021, NATIONAL ASSEMBLY BILL NO. 21 OF 2021

The Ministry of Health and the National Hospital Insurance Fund presented as follows on the National Hospital Insurance Fund (Amendment) Bill, National Assembly Bill No. 21 of 2021:

The Government of Kenya adopted Universal Health Coverage (UHC) as one of the Big Four priority agenda, with an aspiration that by 2022, all citizens will have access to quality healthcare services that they need without getting into financial difficulties.

For the Government to realise and sustain UHC there is need for the development and implementation of adequate policy, legal and institutional frameworks, include the transformation and repositioning of the National Hospital Insurance Fund (NHIF) as the

key driver and strategic purchaser of healthcare services for Kenyan residents. Among the key recommendations proposed to reposition NHIF as a key driver for UHC in Kenya is the amendment of the NHIF Act.

The Bill proposes one of the concepts that is practised the world over where the private health insurance is the primary payer while the social health insurer becomes the second payer. This will allow the social insurer to cater for the cost of treatment more comprehensively for the vulnerable populations in the society with a limited ability to purchase insurance or even health services.

The Bill also proposes that employers match the employees' contribution, and those on the voluntary scheme will retain their current monthly contributions of Kshs. 500 (annual contribution of Kshs. 6,000).

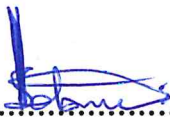
This will be made mandatory, and all households with the ability to pay must contribute to the kitty. However, for those unable to pay, the National and County Government will step in to pay. Approximately 20% of the 5.1 million poor and vulnerable households have been identified across all 47 Counties.

To cater to its member's holistic wellness, the Bill proposes that NHIF be transformed into a National Health Scheme, meaning the focus will be placed on primary care, preventive, promotive and palliative care.

Finally, to reduce the turnaround time in service delivery, deter fraudulent activities, the Bill has allowed for the complete digitisation of the NHIF processes.

There being no further business, the meeting was adjourned at 12.44 p.m.

HON. SABINA CHEGE, MP
(CHAIRPERSON)

Sign.......... Date.....4/2/2021.....

Comment 5

MINUTES OF THE EIGHTEENTH (18TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD VIA ZOOM ON THURSDAY 6TH MAY, 2021 AT 9.00 AM

PRESENT

1. **The Hon. Sabina Chege, MP - Chairperson**
2. **The Hon. Joshua Kutuny, MP – Vice-Chairperson**
3. The Hon. Dr Eseli Simiyu, MP
4. The Hon. Dr James Nyikal, MP
5. The Hon. Dr James Kipkosgei Murgor, MP
6. The Hon. Muriuki Njagagua, MP
7. The Hon. Prof Mohamud Sheikh Mohamed, MP
8. The Hon. Sarah Paulata Korere, MP
9. The Hon. Beatrice Adagala, MP
10. The Hon. (Capt) Ruweida Mohammed, MP

ABSENT WITH APOLOGY

1. The Hon. Dr Mohamed Dahir Duale, MP
2. The Hon. Alfred Agoi Masadia, MP
3. The Hon. Joyce Akai Emanikor, MP
4. The Hon. Dr Gideon Ochanda, MP
5. The Hon. Martin Peters Owino, MP
6. The Hon. Said Hiribae, MP
7. The Hon. Tongoyo Gabriel Koshal, MP
8. The Hon. Kipsengeret Koros, MP
9. The Hon James Githua Kamau Wamacukuru, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-----------------------|---|------------------------|
| 1. Benjamin Magut | – | Senior Clerk Assistant |
| 2. Christine Odhiambo | – | Legal Counsel I |
| 3. Muyodi Emmanuel | – | Clerk Assistant II |
| 4. Nimrod Ochieng | – | Audio Officer |

STAKEHOLDERS

1. The Ministry of Health
2. Public Health Officers and Technicians Council
3. National Gender and Equality Commission
4. Community Health Services & Development Officers Association,
5. Society of Community Health Caregivers
6. The Peoples Health Movement
7. Mr. James Wakungwi Sakwa.

MIN. NO.NA/DC.H/2021/69: PRELIMINARIES

The Chairperson called the meeting to order at 9.17 am.

MIN. NO. NA/DC.H/2021/70: ADOPTION OF AGENDA

The Committee adopted the agenda after being proposed by Hon. Muriuki Njagagua, MP and seconded by Hon. Beatrice Adagala, MP.

MIN.NO.NA/DC.H/2021/71: STAKEHOLDER ENGAGEMENT ON THE COMMUNITY HEALTH WORKERS BILL, 2020

The following stakeholders appeared before the Committee and presented their views on the proposed amendments (*details of their submissions and import of each proposed amendment are contained in Part III of the report on the Community Health Workers Bill, 2020*).


1. The Ministry of Health
2. Public Health Officers and Technicians Council
3. National Gender and Equality Commission
4. Community Health Services & Development Officers Association,
5. Society of Community Health Caregivers
6. The Peoples Health Movement
7. Mr. James Wakungwi Sakwa.

MIN. NO.NA/DC.H/2021/72: ADJOURNMENT

There being no other business to deliberate on, the meeting was adjourned at 11:34 am. The next meeting will be held on notice.

HON. SABINA CHEGE, MP

(CHAIRPERSON)

Sign.......... Date.....4/2/2021.....

(Chairperson)

... she gave him the title deed to the land, which was in her name. A Good Samaritan paid her hospital bill.

Ms Ndong'a told the court that Obochi had two previous wives who ran away, leaving behind four children.

She was taking care of all the

... the only way for her to save her life was to immobilise the deceased," the judge said, noting that she stuck with the husband despite the fact that he was HIV positive while she was negative.

"That although she discovered that the deceased was HIV positive while she was negative, she

... meted on her by her late husband who is described as irresponsible and violent.

"Secondly, she'll be remembered as a person who killed her husband in the process of defending her own life" the judge said.

skiplagat@ke.nationmedia.com

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT (FIFTH SESSION)

INVITATION FOR PUBLIC PARTICIPATION & SUBMISSION OF MEMORANDA

(Article 118 (1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders)

In the Matter of consideration by the National Assembly: -

- 1. The Health Laws (Amendment) Bill, (National Assembly Bill No. 2 of 2021)**
- 2. The Community Health Workers Bill, (National Assembly Bill No. 30 of 2020)**

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Standing Order 127 provides that "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House"

The Health Laws (Amendment) Bill, (National Assembly Bill No. 2 of 2021), seeks to make various, wide ranging amendments to various health-related statutes on matters relating to health policy to improve efficiency, service delivery, realization of the Universal Health Coverage and the Big 4 Agenda, in line with the Constitution, the Health Act, 2017, the Mwongozo Code of Governance for State Corporations and other applicable laws.

The Community Health Workers Bill, (National Assembly Bill No. 30 of 2020), introduced by **Hon. Martin Peters Owino, M.P.**, seeks to provide a framework for the regulation of community health workers. The Health Act, 2017 in the First Schedule recognizes Community Health Services at Level 1 hospitals in which the person in charge is the community health extension worker.

The Bills have undergone First Reading pursuant to Standing Order 127(3) and stand committed to the **Departmental Committee on Health** for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution of Kenya and Standing Order 127(3), the Committee invites interested members of public to submit any representations that they may have on the said Bills. The Bills can be accessed from the Parliamentary website at www.parliament.go.ke/the-national-assembly/house-business/bills.

The representations or written submissions may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to clerk@parliament.go.ke; to be received not later than **Thursday 18th March 2021, at 5.00 p.m.**

MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY

