



Approved for tabling.

SNA
18/6/2020

 REPUBLIC OF KENYA THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 18 JUN 2020	DAY:
TABLED BY: <i>Member Health</i>	 HARAMBEE
CLERK-AT THE-TABLE: <i>S. Kaloma</i>	

Member, Health Committee
Hon. Gladwell Chemungu

18/6/2020

THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - FOURTH SESSION

DEPARTMENTAL COMMITTEE
ON
HEALTH



REPORT
ON
THE CONSIDERATION OF THE HEALTH (AMENDMENT) BILL, 2019, NATIONAL
ASSEMBLY BILL NO. 64 OF 2019

Published by:-

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Parliament Buildings
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CHAIRPERSON'S FOREWORD

The Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019 was published on 13th September, 2019. Pursuant to Standing Order 127(1) the Bill was committed for consideration to the Departmental Committee on Health having been read a First Time on 2nd October, 2019.

The principal object of the Bill is to amend the Health Act, 2017 to make provision for the development of policy guidelines to regulate the referral of patients to health institutions both within and outside the country.

Pursuant to the provisions of Article 118 of the Constitution of Kenya and Standing Order 127(3) of the National Assembly, the Committee through local daily newspapers of Monday, October 7, 2019 published an advertisement inviting the public to submit memoranda. Further, in a letter dated 5th March, 2020 the Committee invited individuals and institutions to make presentations on the Bill. The meeting was held on Thursday 12th March, 2020 in the Mini Chamber, County Hall, Parliament Buildings.

The report is in two volumes. Volume 1 of the Bill the analysis of the public submissions on the Bill, written submission received from the public noting general comments in support or against the amendments and the list of the individuals and institutions that submitted their memoranda and participated in the public hearing meeting.

Volume 2 of the Bill contains adoption schedule, a copy of the newspaper advertisements of Monday, October 7, 2019 inviting the public to submit memoranda on the Bill and a letter inviting other stakeholders for public hearing meeting that was conducted on Thursday 12th March, 2020 and the minutes of the committee sittings during the consideration of the Bill.

May I take this opportunity to thank and commend Committee Members for devotion and commitment to duty, the Speaker and the Clerk of the National Assembly for providing leadership and direction and finally the Committee secretariat for exemplary performance in the provision of technical and logistical support. Indeed, their efforts were critical in the consideration of the Bill and production of this report. The Committee also reiterates its gratitude to stakeholders who made submissions in relation to the Consideration of the Bill.

On behalf of the Departmental Committee on Health and pursuant to the provisions of Standing Order 127 (4), it is my pleasant privilege and duty to present the House a report of the Committee on its consideration of the **The Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019**

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

PART 1

1.0 PREFACE

1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

01. 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 analyze 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
02. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, matters related to health, medical care and health insurance.
03. In executing its mandate, the Committee oversees the following government Ministries and departments;
 - a. Ministry of Health
 - b. Kenya Medical Supplies Authority
 - c. Kenyatta National Hospital
 - d. Moi Teaching and Referral Hospital (MTRH)
 - e. Kenya Medical Training College (KMTC)
 - f. National Hospital Insurance Fund (NHIF)
 - g. Kenya Medical Research Institute (KEMRI)
 - h. National Aids and Control Council (NACC) and
 - i. Kenyatta University Teaching, Referral & Research Hospital (KUTRRH).
 - j. Kenya Nuclear Regulatory Authority (KNRA)

1.2 COMMITTEE MEMBERSHIP

04. The Departmental Committee on Health was constituted by the House in December, 2017 and comprises of the following Members:-

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

Hon. Dr. Swarup Ranjan Mishra, MP (**Vice-Chairperson**) M.P
MP for Kesses Constituency
Jubilee Party

Hon. (Dr.) James Nyikal, MP for Seme Constituency ODM Party	ODM Party
Hon. (Dr.) Eseli Simiyu, MP for Tongaren Constituency FORD-K	Hon. Gladwell J. Cheruiyot, MP for Baringo County KANU Party
Hon. (Dr.) James K. Murgor, MP for Keiyo North Constituency Jubilee Party	Hon. Kipsengeret Koros, MP for Sigowet Constituency Independent Member
Hon. Muriuki Njagagua, MP for Mbeere North Constituency Jubilee Party	Hon. Martin Peters Owino, MP for Ndhiwa Constituency ODM Party
Hon. (Dr.) Mohamed Duale, MP for Daadab Constituency KANU Party	Hon. Mercy Wanjiku Gakuya, MP for Kasarani Constituency Jubilee Party
Hon. Alfred Agoi Masadia, MP for Sabatia Constituency ANC Party	Hon. Prof. Mohamud S. Mohamed, MP for Wajir South Constituency Jubilee Party
Hon. Stephen Mule, MP for Matungulu Constituency WIPER Party	Hon. Patrick Munene Ntwiga, MP for Chuka Igamba Ng'ombe Constituency Jubilee Party
Hon. David Ochieng', MP for Ugenya Constituency MDG Party	Hon. Tongoyo Gabriel Koshal, MP for Narok West Constituency CCM Party
Hon. Esther M. Passaris, MP for Nairobi County	Hon. Zachary Kwenya Thuku, MP for Kinangop Constituency Jubilee Party

1.3 SECRETARIAT

05. The Committee is facilitated by the following Secretariat:-

Mr Benjamin Magut
Senior Clerk Assistant/Team Leader

Mr. Muyodi Meldaki Emmanuel
Clerk Assistant III

Mr. Eric Kanyi
Fiscal Analyst

Ms. Lynette A. Otieno
Legal Counsel I

Ms. Winnie Kiziah
Media Officer

Ms. Maureen Kweyu
Audio Officer

1.4 ACKNOWLEDGEMENTS

06. The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee is also thankful to Members of the Committee and the Secretariat for their dedication and useful expertise and insights during the consideration of **The Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019**

07. On behalf of the Departmental Committee on Health and pursuant to the provisions of Standing Order 127 (4), it is my pleasant privilege and duty to present the House a report of the Committee on its consideration of **The Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019**

SIGNED 

HON. (HON. SABINA CHEGE, MP)

CHAIRPERSON DEPARTMENTAL COMMITTEE ON HEALTH

DATE 17th JUNE, 2020

PART II

2.0 OVERVIEW OF THE HEALTH (AMENDMENT) BILL, 2019, NATIONAL ASSEMBLY BILL NO. 64 OF 2019

2.1 ANALYSIS OF THE BILL

08. The principal object of the Bill is to amend the Health Act, 2017 to make provision for the development of policy guidelines to regulate the referral of patients to health institutions both within and outside the country.
09. The new section will ensure the relevant stakeholders are involved in the process of developing such policy guidelines so as to ensure the referral to hospitals outside the country is not subjected to abuse.

2.2 CONSIDERATION OF THE BILL (PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL)

2.2.1 LEGAL PROVISION ON PUBLIC PARTICIPATION

10. Article 118 (1) (b) of the Constitution of Kenya provides as follows –

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”

11. Standing Order 127(3) provides as follows –

“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its recommendation to the House”

2.2.2 METHODOLOGY USED BY THE COMMITTEE IN PUBLIC PARTICIPATION

12. The Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019 was published on 17th September, 2019. Pursuant to Standing Order 127(1) the Bill was committed for consideration to the Departmental Committee on Health having been read a First Time on 2nd October, 2019.
13. Pursuant to the said provisions of the Constitution and Standing Orders, the Committee through local daily newspapers of Monday, October 7, 2019 published an advertisement inviting the public to submit memoranda. Further, in a letter dated 5th March, 2020 the Committee invited individuals and institutions to make presentations on the Bill. The meeting was held on Thursday 12th March, 2020 in the Mini Chamber, County Hall, Parliament Buildings.
14. Volume 1 of the Bill as the contains the analysis of the public submissions on the Bill, written submission received from the public noting general comments in support or against the amendments and the list of the individuals and institutions that submitted their memoranda and participated in the public hearing meeting.

15. Volume 2 of the Bill contains adoption schedule, a copy of the newspaper advertisements of Monday, October 7, 2019 inviting the public to submit memoranda on the Bill and a letter inviting other stakeholders for public hearing meeting that was conducted on Thursday 12th March, 2020 and the minutes of the committee sittings during the consideration of the Bill.

3.0 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION

16. Following the call for memoranda from the public through the placement of adverts in the print media on **Monday, October 7, 2019**. The Committee also undertook stakeholder mapping where a number of stakeholders were requested through letters Ref: NA/DCS/HEALTH/2020/011 dated 5th March, 2020 to submit their views on the Bill. The Committee received memoranda from the following stakeholders:-

1. Attorney General
2. Kenya National Chamber Of Commerce And Industry

3.1 THE OFFICE OF THE ATTORNEY GENERAL

17. In their submissions the Office of Attorney General proposed the following amendments:-

Clause 2 – New Section 79A

- (a) Amend the marginal note by deleting the expression “referral outside the country” and substituting therefor with the expression “referrals within and outside the country.”

Justification

The Kenya Medical Practitioners and Dentist Council only deals with referral outside the country and the proposed amendment ropes in referrals within and outside the country

- (b) By deleting paragraph (a) in subsection (2) and substituting therefore he following-

“the bodies responsible for the registration and licensing of health workers”.

Justification

In the memorandum of objects and reasons of the proposed Bill, the new section 79A aims at the development of policy guidelines to regulate the referral of patients to health institutions both within and outside the country and to ensure that the relevant stakeholders are involved.

3.2 KENYA NATIONAL CHAMBER OF COMMERCE AND INDUSTRY

18. In their submissions the Kenya Chamber of Commerce and Industry noted the following :-

- (a) Kenya leads as a destination for medical Tourism in the region. KNCCI as the voice of the private sector seeks to guard the population against exploitation and unethical exposure to international facilities that don't give all information to patients.
- (b) Referral is an integral part of daily patient management. The private health sector should be involved in the referral of patients to ensure timely care is accorded to the patients. The

amendment should put in place policies to ensure reimbursements of services offered for referred clients.

(c) Referrals outside the country should only be made from accredited health facilities and professionals.

(d) KNCCI recommended that-

(i) The Kenya Medical Practitioners and Dentist Council (KMPDC) to clearly state what procedures and treatment modalities are specialists ones.

(ii) KMPDC to register health centers and professionals that perform specialist procedures and establish a transparent criterion for such registration.

(iii) These registered health centers to keep a registry of referrals received, procedures performed and outcomes for appraisal.

(iv) No referrals outside the country unless by a registered health center, professional and only through the KMPDC final approval.

(v) KMPDC to pre-qualify foreign facilities receiving referrals from Kenya establish a criteria for appraisal.

(vi) KMPDC to limit any foreign medical camp/excursions especially those that aim to fish for referral patients.

(vii) Establish a very strict code of conduct and standards for centers receiving referrals and their professional personnel.

4.0 COMMITTEE OBSERVATIONS

19. The Committee having considered the Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019 and the submissions from the stakeholders makes the following observations.

- i) The Health (Amendment) Bill, 2019 is noble as it seeks to regulate the increasingly popular mass exodus of patients from Kenya to countries abroad. This exodus strains private as well as public resources.
- ii) Further, the country has seen a tremendous improvement in health provision with hitherto complex procedures now available locally. This has therefore limited the need for foreign intervention;
- iii) Patients seeking treatment abroad have in some instances been referred to unknown hospitals and specialists, putting the lives of Kenyans at risk;
- iv) Moreover, on return there have not been mechanisms for post-treatment management of the patients, rendering already costly treatment unhelpful;
- v) The country's healthcare system is generally in need of concrete policies for referrals, both within the country and abroad. This would need the improvement of services at county-level hospitals and firm referral guidelines for those treated within, and proper guidelines to refer patients abroad.
- vi) Section 79 of the Health Act, 2017 provides for guideline on referrals of patients within the country therefore the proposal in Bill should be limited to referral of patients outside the country.

5.0 COMMITTEE RECOMMENDATIONS

20. Upon considering the The Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019 and the submissions from the stakeholders the Committee recommends the following amendments-

CLAUSE 2

THAT Clause 2 of the Bill be amended in the proposed new section 79(A) —

(a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Cabinet Secretary shall develop policy guidelines on the mechanisms for referral of patients to health institutions outside the country.

(b) in subsection (3) by deleting the words “within or”.

Justification

Section 79 of the Health Act, 2017 provides for guideline on referrals of patients within the country therefore the proposal in Bill should be limited to referral of patients outside the country.

SIGNED

HON. SABINA CHEGE, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON HEALTH

DATE.....17TH JUNE, 2020.

THE NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON HEALTH
ATTENDANCE SCHEDULE

Date: 27/5/2020

Venue: Committee Room 4

Time Started: 2:00 pm

Time Ended: 3:00 pm

Adoption of the Report on Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019

	NAME	SIGNATURE
1.	Hon. Sabina Chege, MP – Chairperson	
2.	Hon. Swarup Ranjan Mishra, MP – Vice-Chairperson	
3.	Hon. (Dr.) Eseli Simiyu, MP	
4.	Hon. (Dr.) James Nyikal, MP	
5.	Hon. Alfred Agoi Masadia, MP	
6.	Hon. (Dr.) James Kipkosgei Murgor, MP	
7.	Hon. Muriuki Njagagua, MP	
8.	Hon. (Dr.) Mohamed Dahir Duale, MP	
9.	Hon. Stephen Mule, MP	
10.	Hon. David Ochieng', MP	
11.	Hon. Prof. Mohamud Sheikh Mohamed, MP	
12.	Hon. Martin Peters Owino, MP	
13.	Hon. Gladwell Jesire Cheruiyot, MP	
14.	Hon. Esther M. Passaris, MP	
15.	Hon. Kipsengeret Koros, MP	
16.	Hon. Mercy Wanjiku Gakuya, MP	
17.	Hon. Patrick Munene Ntwiga, MP	
18.	Hon. Tongoyo Gabriel Koshal, MP	
19.	Hon. Zachary Kwenya Thuku, MP	

MINUTES OF THE TWENTY-SEVENTH SITTING (27th) OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD IN THE COMMITTEE ROOM 4, CONTINENTAL HOUSE ON WEDNESDAY 27TH MAY, 2020 AT 2.00 PM.

PRESENT

1. The Hon. Sabina Chege, MP - Chairperson
2. The Hon. Muriuki Njagagua, MP
3. The Hon. Stephen Mule, MP
4. The Hon. Martin Peters Owino, MP
5. The Hon. Esther M. Passaris, MP
6. The Hon. Tongoyo Gabriel Koshal, MP
7. The Hon. Kipsengeret Koros, MP
8. The Hon. Gladwell Jesire Cheruiyot, MP
9. The Hon. Mercy Wanjiku Gakuya, MP

ABSENT WITH APOLOGY

1. The Hon. Dr Swarup Ranjan Mishra, MP - Vice-Chairperson
2. The Hon. Dr Eseli Simiyu, MP
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. Alfred Agoi Masadia, MP
7. The Hon. David Ochieng', MP
8. The Hon. Prof Mohamud Sheikh Mohamed, MP
9. The Hon. Patrick Munene Ntwiga, MP
10. The Hon. Zachary Kwenya Thuku, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Benjamin Magut - Clerk Assistant I
2. Muyodi Emmanuel - Clerk Assistant III
3. Lynette Otieno - Legal Counsel I

MIN. NO.NA/DC.H/2020105: PRELIMINARIES

The Chairperson called the meeting to order at 2.17 PM and said a prayer. After that, the meeting proceeded to business.

**MIN. NO.NA/DC.H/2020/106: CONSIDERATION AND ADOPTION OF THE
REPORTS ON BILLS**

A. The Cancer Prevention and Control (Amendment) Bill, 2019, National Assembly Bill No. 65.

The Committee considered and adopted the report on **The Cancer Prevention and Control (Amendment) Bill, 2019, National Assembly Bill No. 65.** after being proposed by the Hon. Muriuki Njagagua, MP and seconded by Hon. Stephen Mule, MP.

B. The Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019

The Committee considered and adopted the report on **The Health (Amendment) Bill, 2019, National Assembly Bill No. 64 of 2019** after being proposed by the Hon. Stephen Mule, MP and seconded by Hon. Muriuki Njagagua, MP.

**MIN. NO.NA/DC.H/2020/107: MEETING WITH HON. MARTIN PETERS
OWINO, MP ON THE COMMUNITY HEALTH
WORKERS, BILL 2018**

Hon. Martin Peters Owino, MP appeared before the Committee to expound on and vouch for his legislative proposal.

He said that the principal object of the Bill was to provide a legislative framework to make provision for the training, registration and licensing of community health workers; to regulate their practice; to provide for the establishment, powers and functions of the Community Health Workers Council of Kenya.

He said that CHWs play a critical role in the health sector and that the Bill would ensure that they are well structured, supervised and monitored.

Also, the Bill would ensure that CHWs are remunerated with a package commensurate to their efforts, and hence reduce the high rate of CHWs attrition currently witnessed in the health sector.

Committee's way forward

The Committee resolved to support the publishing of the Bill.

MIN. NO.NA/DC.H/2020/108: ADJOURNMENT

There being no other business, the meeting adjourned at 3.21 PM.

Sign.....*hu*..... Date.....*17TH JUNE, 2020*.....

(Chairperson)

**MINUTES OF THE FIFTHTEENTH SITTING (15TH) OF THE DEPARTMENTAL
COMMITTEE ON HEALTH HELD IN THE MINI CHAMBER, 1ST FLOOR,
PARLIAMENT BUILDINGS ON THURSDAY 12TH MARCH, 2020 AT 2.30 PM**

PRESENT

1. The Hon. Sabina Chege, MP - Chairperson
2. The Hon. Dr Swarup Ranjan Mishra, 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. Dr Mohamed Dahir Duale, MP
8. The Hon. David Ochieng', MP
9. The Hon. Prof Mohamud Sheikh Mohamed, MP
10. The Hon. Martin Peters Owino, MP
11. The Hon. Gladwell Jesire Cheruiyot, MP
12. The Hon. Esther M. Passaris, MP
13. The Hon. Kipsengeret Koros, MP
14. The Hon. Mercy Wanjiku Gakuya, MP
15. The Hon. Tongoyo Gabriel Koshal, MP
16. The Hon. Zachary Kwenya Thuku, MP

ABSENT WITH APOLOGY

1. The Hon. Alfred Agoi Masadia, MP
2. The Hon. Stephen Mule, MP
3. The Hon. Patrick Munene Ntwiga, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Muyodi Emmanuel - Clerk Assistant III
2. Lynette Otieno - Legal Counsel

STAKEHOLDERS

Kenya National Chamber of Commerce & Industry (KNCCI)

1. Dr Ruto Erick – Vice President
2. Gedion Kipyakwai
3. Ruth Wandenya
4. Sigu Jacqueline
5. Kihara Njuguna

MIN. NO.NA/DC.H/2020/62

PRELIMINARIES

The Chairperson called the meeting to order at 2.20 PM and said a prayer. After that, the meeting proceeded to business.

MIN. NO. NA/DC.H/2020/63:

ADOPTION OF AGENDA

The Committee adopted the agenda as hereunder after being proposed by Hon. Esther M. Passaris, MP and seconded by Hon. Stephen Mule, MP.

AGENDA

1. Prayers
2. Adoption of the Agenda
3. **Substantive Agenda**

**The public hearing on the the Health (Amendment)
Bill, 2019**

MIN. NO.NA/DC.H/2020/64:

PUBLIC HEARING ON THE HEALTH (AMENDMENT) BILL, 2019

The Committee received memorandum from the following institutions following a call for memoranda through the print media on Monday, October 7, 2019 and a letter dated 5th March, 2020.

1. **Attorney General**
2. **Kenya National Chamber of Commerce and Industry**

The institutions mentioned above presented their memorandums as follows:

1. OFFICE OF THE ATTORNEY GENERAL

Clause 2 – New Section 79A

The Office of the Attorney General proposed as follows:

- (a) Amend the marginal note by deleting the expression "referral outside the country" and substituting therefor with the expression "referrals within and outside the country."

Justification

The Kenya Medical Practitioners and Dentist Council only deals with referral outside the country and the proposed amendment ropes in referrals within and outside the country

- (b) By deleting paragraph (a) in subsection (2) and substituting therefore the following-

(a) the bodies responsible for the registration and licensing of health workers.

Justification

In the memorandum of objects and reasons of the proposed Bill, the new section 79A aims at the development of policy guidelines to regulate the referral of patients to health institutions both within and outside the country and to ensure that the relevant stakeholders are involved.

2. KENYA NATIONAL CHAMBER OF COMMERCE AND INDUSTRY

Kenya National Chamber of Commerce and Industry proposed as follows

Clause 2 – New Section 79A

Kenya National Chamber of Commerce and Industry said that Kenya leads as a destination for medical Tourism in the region. KNCCI as the voice of the private sector seeks to guard the population against exploitation and unethical exposure to international facilities that don't give all information to patients.

Referral is an integral part of daily patient management. The private health sector should be involved in the referral of patients to ensure timely care is accorded to the patients. The amendment should put in place policies to ensure reimbursements of services offered for referred clients.

Referrals outside the country should only be made from accredited health facilities and professionals.

KNCCI further recommended that-

- i. The Kenya Medical Practitioners and Dentist Council (KMPDC) to clearly state what procedures and treatment modalities are specialists ones.
- ii. KMPDC to register health centers and professionals that perform specialist procedures and establish a transparent criterion for such registration.
- iii. These registered health centers to keep a registry of referrals received, procedures performed and outcomes for appraisal.
- iv. No referrals outside the country unless by a registered health center, professional and only through the KMPDC final approval.
- v. KMPDC to pre-qualify foreign facilities receiving referrals from Kenya establish a criteria for appraisal.
- vi. KMPDC to limit any foreign medical camp/excursions especially those that aim to fish for referral patients.

- vii. Establish a very strict code of conduct and standards for centers receiving referrals and their professional personnel.

MIN. NO.NA/DC.H/2020/65:

ADJOURNMENT

There being no other business, the meeting adjourned at 4.05 PM.

Sign.....*W.*..... Date.....*17TH JUNE, 2020*.....

(Chairperson)

NEWS GENERAL

REPORT ON SAFETY DELAYED

Kebs put on the spot over sugar seized from Kwale

House team wants resampling, testing done

SHARAN OMAR
in Nairobi

AVN have given the Kenya Bureau of Standards 14 days to resample and determine the safety of the sugar impounded at the Kenya International Sugar Company in Kwale.

More than 8,900 sacks of sugar were confiscated last year over allegations that they were illegally imported and harmful to consumers.

The National Assembly Committee on Trade, Industries and Cooperatives said the delay to file the sugar reports has cost more than 2,400 jobs because of negligence by some few individuals in government.

"The company has closed, destroying livelihoods of thousands just because somebody in a public office has failed to do his work," chairman Kanini Kega said.

He spoke on Saturday in Msamb-

were where the committee inspected go-downs holding condemned sugar and edible oils. Kega said investors have incurred losses and several businesses have collapsed because of Kebs' indecisiveness.

Kisumu general Manager Pamela Ogada said the business has highly suffered since their sugar was seized. She said they cannot cater for expenses because their only source of income has been paralysed.

Ogada appealed to the government to intervene. She said time is limited, adding that the impounded sugar will have expired by December, hence resulting in huge losses.

Kega accused Kebs of defying a court order that directed it to resample the sugar. "I don't understand why a government agency could disobey a court order. This is bad."

He said Kebs' arrogance might burden the national government in



National Assembly Committee on Trade, Industries and Cooperatives chairman Kanini Kega looks at the impounded sugar at a Mombasa warehouse on Saturday. PHOTO: CHRIS OCHI

recompensing the affected companies for accrued losses. The Kieni lawmaker said the sugar was domestically manufactured and not imported as alleged. "This product comes from within. It has actually been extracted from the sugarcane seen around the place."

Kega said once the sugar is found unsafe for use, it should be destroyed immediately so it is not smuggled

into the market. The committee blamed the multagency team that looked into the sugar problem for dragging the case and urged President Uhuru Kenyatta to dismantle it to ease executions of orders.

Kega said a lot of time is wasted through prolonged consultations that the board has to consider. The multagency team comprises Kebs, the Directorate of Criminal Investi-

gations, the Kenya Revenue Authority and the Anti-Counterfeit Agency, among others. He said the team has outlived its mandate and should be dissolved so each department works freely on its own.

"I believe the multagency team, for now, has done its duties and it is time the group was split for each and every sector to operate alone to be held liable on an individual basis."

REPUBLIC OF KENYA



NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Mental Health (Amendment) Bill (Senate Bill No. 32 of 2018)
2. The Radiographers Bill (National Assembly Bill No. 47 of 2019)
3. The Health (Amendment) Bill (National Assembly Bill No. 64 of 2019)
4. The Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No. 65 of 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". Further, the National Assembly 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".

1. The Mental Health (Amendment) Bill (Senate Bill No. 32 of 2018) proposes to impose obligations on each level of government to address the issue of accessibility to mental health services including care, treatment and rehabilitation of persons with mental illness. It also proposes to incorporate within the membership of Kenya Mental Health Board representation of the county governments. The Bill further seeks to review the membership of the Kenya Mental Health Board from the current fourteen executive members to nine in order to make the workings of the Council more efficient and representative.

2. The Radiographers Bill (National Assembly Bill No. 47 of 2019) principal object is to provide a legislative framework for the training, registration and licensing of radiographers, so as to regulate their practice.

3. The Health (Amendment) Bill (National Assembly Bill No. 64 of 2019) seeks to amend the Health Act No. 35 of 2017 to introduce a new section which provides for the development of policy guidelines to regulate the referral of patients to health institutions both within and outside the country.

4. The Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No. 65 of 2019) seeks to amend the Cancer Prevention and Control Act, 2012 to make provision for training of health cadres in the specialized medical field of oncology, to include cancer treatment as part of the provision of primary health care and to incorporate the use of e-health and telemedicine.

The above mentioned Bills have undergone First reading and are now committed to the Departmental Committee on Health for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) and Standing Order 127(3), the Committee invites interested members of the public to submit any presentations they may have on the four Bills. The presentations 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 the clerk@parliament.go.ke; to be received on or before Monday, 14th October, 2019 at 5.00 pm.

Copies of the Bills may be downloaded from Parliamentary website:
<http://www.parliament.go.ke/the-national-assembly/house-business/bills>

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 60 of 2019)
2. The Public Fundraising Appeals Bill, (National Assembly Bill No. 66 of 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". Further, the National Assembly 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 Constitution of Kenya (Amendment) Bill, 2019 seeks to amend the Constitution of Kenya in order to enforce the principle of separation of powers so as to allow Parliament and County Assemblies to discharge their functions on matters under consideration or being proceeded with by Parliament, County Assemblies or any of their committees in line with international practice where Courts only intervene after Parliament has executed its mandate.

The Public Fundraising Appeals Bill, 2019 seeks to regulate public collections or harambees; to repeal the Public Collections Act and in its place have a more robust legal architecture in addressing pertinent issues in public collections. Further, it seeks to provide a framework for transparency and accountability in the conduct of fundraising appeals, avail proper safeguards to curb corruption that arises in voluntary collections with a view to ensuring that organizers of public fundraisings account for the monies raised.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Select Committee on National Cohesion & Equal Opportunity; for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3) the Committee invites members of the Public to submit representations they may have on the said Bills. The representations 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 on or before Monday, 14th October, 2019 at 5.00 pm.

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MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



Telegraphic Address:
"Bunge", Nairobi
Telephone: 254-020-221291
Fax: 254-020-243694
E-mail: clerk@parliament.com

Clerk's Chambers
National Assembly
Parliament Buildings
P O Box 41842-00100
NAIROBI, Kenya

NATIONAL ASSEMBLY

NA/DCS/HEALTH/CORR/2020/017

5th March, 2020

Ms. Susan Mochache, CBS
Principal Secretary
Ministry of Health
Afya House
NAIROBI

Dr. Alfred Karagu
Executive Director
National Cancer Institute of Kenya
Afya House
NAIROBI

The Executive Director
Kenya Cancer Association
Nurses Complex KNH
Kenyatta National Hospital
NAIROBI

Mr. Stephen Mutoro
Secretary General
Consumer Federation of Kenya COFEK
Rehema Place, Block F Suite No.45
Ngong Road
NAIROBI

Dr. Abdi Mohamed
Chairman
Kenya Association of Private Hospital (KAPH)
KTDA Plaza Moi Avenue 7th floor IRC Centre
NAIROBI

Dr. Erick Ruto
Chairman
Reale Hospital & Clinics
Elgon View Estate, Nyerere Rd
ELDORET

Dear

REF: PUBLIC HEARINGS ON THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL, 2019 AND THE HEALTH (AMENDMENT) BILL, 2019

The Departmental Committee on Health is constituted under Standing Order 216 and is mandated inter-alia "study and review programs and all legislation referred to it."

Article 118(1)(b) of the Constitution requires parliament to facilitate public participation and involvement in the legislation and other business of Parliament and its Committees. In addition, Standing Order 127(3) of the National Assembly requires a Committee to which a Bill is committed to facilitate public participation and take into account the views and recommendations of the public when it makes its report to the House.

Pursuant to the provisions of S.O. 127, The Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No.65 of 2019) and the Health (Amendment) Bill (National Assembly Bill No.64 of 2019) have been committed to the Committee on Health for consideration and thereafter submission of a report to the House.

The Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No.65 of 2019) seeks to amend the Cancer Prevention and Control Act, 2012 to make provision for the training of health cadres in the specialized medical field of oncology, to include cancer treatment as part of provision of primary healthcare and to incorporate the use of e-health and telemedicine.

The Health (Amendment) Bill (National Assembly Bill No. 64 of 2019), seeks to amend the Health Act No. 21 of 2017 to introduce a section which provides for the development of policies and guidelines to regulate the referrals of patients to health institutions both within and outside the country.

Therefore, this is to inform you that the Departmental Committee on Health will hold public hearings on Thursday, 12th March 2020 in the Mini Chamber 1st Floor, County Hall Parliament Buildings at 10:00am to seek public views on the above mentioned Bill.

It is therefore to invite your organization to make representations if any on the stated bill. Your liaison officer for this purpose is Mr. Benjamin Magut, who may be reached on telephone no. 0712974966 and email bmagut@parliament.go.ke or bemack2@gmail.com.

Yours faithfully,



REMIAH W. NDOMBI
CLERK OF THE NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON HEALTH

Date: 12/3/20

Venue: Mombasa

Time Started: 10:00 am

Time Ended: 4:00 pm

Agenda: Agenda: Public Hearings on the Cancer Prevention and Control (Amendment) Bill, 2019 and the Health (Amendment) Bill, 2019

NO.	NAME	INSTITUTION	DESIGNATION	TEL NO	SIGNATURE
	DR JIMOTHY OLUKENYI	KENYA ASSOCIATION OF PRIVATE HOSPITALS	Secretary General	0721307354	[Signature]
	GRACE KIPYAGWAI	KNCCI	Health Sector Committee Member	072333842	[Signature]
	DR RUTH K. KIRIA	Kenya Health Insurance Authority	Member	072573972	[Signature]
	DR NEZSON ODHAMBO	PHARMACEUTICALS SECTOR	Member	0722757228	[Signature]
	Abraham Wacanga	KNCCI	Member	018687707	[Signature]
	Siga Shingwile	KNCCI	Member	0727940847	[Signature]
	KITHARA NJUGUNA	KNCCI	Member	0722916913	[Signature]
	Emily Othman	KNCCI	Member	07211647301	[Signature]



DEPARTMENTAL COMMITTEE ON HEALTH

Date: 12/3/20

Venue: Akiba Centre

Time Started: 10:00 am

Time Ended: 4:00 pm

Agenda: Agenda: Public Hearings on the Cancer Prevention and Control (Amendment) Bill, 2019 and the Health (Amendment) Bill, 2019

NO.	NAME	INSTITUTION	DESIGNATION	TEL NO	SIGNATURE
	DR. MAREK KARAKU	NATIONAL INSTITUTE OF CANCER RESEARCH	CEO	0720849417	
	DR. HANNAH KAGIRI	NATIONAL CANCER INSTITUTE	Policy Director	07220849358	
	DR. MA THOMAS	ICMIA	Member	07222704951	
	DR. GEORGE O. RAE	KAPPA	MEMBER EXECUTIVE COM	0703576761	
	HARRISON ANJOKO	KENCO	Programs		