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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT (FIFTH SESSION)

DEPARTMENTAL COMMITTEE ON HEALTH

PARLIAMENT
OF KENYA
LIBRARY

.....
REPORT ON-
THE RADIOGRAPHERS, BILL 2019, (NATIONAL ASSEMBLY BILL NO. 47 OF
2019)

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 Radiographers, Bill 2019, (National Assembly Bill No. 47 OF 2019), which was published on 25th June 2019, underwent First Reading on the 11th September, 2019 and was committed to the Departmental Committee on Health for consideration and reporting to the House.

This report contains the deliberations on the Bill. Most importantly, the Bill seeks to provide a legislative framework to make provision for the training, registration and licensing of radiographers, to regulate their practice, and to provide for the establishment, powers and functions of the Radiographers Board of Kenya.

Following placement of advertisements in the print media on 7th October, 2019 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 of Kenya and Standing Order 127(3), the Committee received memoranda from six (6) stakeholders namely:- Association of Kenya Medical Laboratory Scientific Officers (AKMLSO), Association of Professional Societies in East Africa (APSEA), Caesar Barare, Dr. Solomon Kilaha, The Kenya Association of Radiologists; and Society of Radiography in Kenya.

The Committee also invited stakeholders vide letter **REF: NA/DCS/HEALTH/CORR/2020/23 dated 13th March 2020** for a stakeholders' engagement meeting on the Bill. The meeting was held on **18th March 2020**.

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 Radiographers, Bill 2019, (National Assembly Bill No. 47 of 2019). 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 made useful contributions towards the preparation and production of this report.

It is my pleasure to report that the Committee has considered the Radiographers, Bill 2019, (National Assembly Bill No. 47 of 2019) and have the honour to report to table in the House the Committee's report on the Bill with the 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 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*

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 the following Members:

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

Vice-Chairperson
Hon. Joshua Kutuny, MP
Cherengany 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

5. 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 RADIOGRAPHERS, BILL 2019, NATIONAL ASSEMBLY BILL NO. 47

2.1 SUMMARY OF LEGAL PROVISIONS

6. The Bill seeks to provide a legislative framework to make provision for the training, registration and licensing of radiographers, to regulate their practice, and to provide for the establishment, powers and functions of the Radiographers Board of Kenya.
7. **Part I (Clauses 1-2)** of the Bill provides for preliminary provisions including the title of the Bill and the interpretation of terms used in the proposed Act.
8. **Part II (Clauses 3-12)** of the Bill provides for the Radiographers Board. Clauses 3 to 11 of the Bill provides for the establishment, composition, functions and powers of the Radiographers Board. The Board shall consist of nine members. It is further proposed that the Board shall be the regulatory body in respect of the training, licensing and control of the practice of radiography in Kenya. This part also provides for the office of the Registrar who is appointed by the Board and shall be the secretary to the Board.
9. **Part III (Clauses 13-17)** of the Bill is on the training and registration of radiographers. The Bill in clause 19 provides for approved institutions in charge of training radiographers. This part also contains provisions on set out requirements of persons to be registered as radiographers. Provisions on registration of radiographers are also provided for under this part of the proposed legislation. The Registrar of the Board shall maintain a register for all persons registered as radiographers under this Act. It proceeds to provide for the process of removal of members from the register. This Part will affect mostly institutions and courses that are foreign based as it proposes to exempt institutions and courses approved under the Universities Act from the requirements of this Part.
10. **Part IV (Clauses 18-21)** of the Bill contains provisions relating to private practice. It is proposed that radiographers wishing to offer their services directly to the public be issued with an annual practicing certificate by the Board so as to safeguard the public from unfit persons purporting to offer these services and this part sets out the qualifications for private practice. The procedures for application of a practicing certificate, validity of a practicing certificate, and renewal and cancellation and suspension of practicing certificate are also set out under this Act.
11. **Part V (Clauses 22-28)** of the Bill contains provisions relating to discipline of registered radiographers. The Bill proposes to establish a Disciplinary Committee of the Board whose functions shall be to inquire into any matter referred to it by the Board where there is professional misconduct, impropriety and negligence by a practitioner.

12. **PART VI (Clauses 29-34)** of the Bill provides for financial provisions. The funds of the Board shall comprise of grants, gifts, donations and such fees, monies and assets as may accrue to the Board. The financial year of the Board shall run for twelve months ending on the thirtieth day of June in each year. This part of the Bill also provides that accounts and audit shall be kept by the Board at all times.

13. **Part VII (Clauses 35-38)** of the Bill deals with miscellaneous provisions. Clause 35 of the Bill deals with certificates and provides that the certificates shall be issued by the board and proceeds to state that a person who destroys or defaces a certificate shall be guilty of an offence. This part provides for offences and the general penalty.

14. **Part VIII (Clauses 39)** of the Bill provides for delegated powers.

PART III

3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENTS ON THE BILL

15. Following placement of advertisements in the print media on 7th October, 2019 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 of Kenya and Standing Order 127(3). The Committee received memoranda from six (6) stakeholders namely;- Association of Kenya Medical Laboratory Scientific Officers (AKMLSO), Association of Professional Societies in East Africa (APSEA), Caesar Barare, Dr. Solomon Kilaha, The Kenya Association of Radiologists; and the Society of Radiography in Kenya.

3.1 THE KENYA ASSOCIATION OF RADIOLOGISTS

Short title and commencement

16. This bill seems to have moved to parliamentary reading without involvement of the key stakeholders in the practice of imaging. I.e. Radiologists, Medical Physicists, medical practitioners, registered ultrasound practitioners.

Interpretation

17. Definitions cited are incomplete e.g.

(a) Cabinet Secretary could also mean the cabinet Secretary responsible for Education. Training falls under the Ministry of Education.

(b) Radiographer – not defined.

The definition of who is a radiographer needs to come out clearly.

A radiographer performs a full scope of radiographic and fluoroscopic procedures that create the images needed for diagnosis at the request of and for interpretation by a licenced practitioner. (Ref: ASRT- American Society of radiologic Technologists: June 2019)

18. CLAUSE 6

- (a) Consider changing appointing authority as 6 (1) provides for appointment of a chairperson by the Cabinet Secretary.
- (b) Delete the word “*not below the level of a Deputy Director;*” appearing in clause 6 (1)
- (c).

Justification

Use the term relevant designee

- (c) The composition of the board is skewed to radiographers. It has no representation of the radiologist and medical practitioner, or other stakeholders. The medical board also has no representation.

Justification

It does not include radiologist who is the radiation officer as described under IAEA. Radiographers cannot be independent of the medical profession as they work under supervision of a medical doctor.

Reference: *Mwongozo on composition of the board*

- (d) The four nominees as provided in **clause 6(1)(e)** should represent different competencies in the field of medical imaging.

Justification

There are different stakeholders in the practice of medical imaging with different roles and competencies. These include radiologists, medical doctors, medical physicists, radiation oncologists, biomedical engineers, etc. who should be included as part of the board.

There is absence of a legal/ AG representative, administration, financial, and Security as per Mwongozo code.

- (e) **Clause 6(2) (a)** needs amendment as the provision is discriminatory and against as any Kenyan is qualified to chair a board.
- (f) **Clause 6(2) (b)** competencies should be more elaborate to include leadership, integrity, experience, training, professional standing.

Justification

Competencies should be aligned with those required of a person in this status.

CLAUSE 8

19. This clause appears to suggest that other entities can usurp the powers of the board.

CLAUSE 9

20. Members of board to be paid allowances as determined by the Salaries and Remuneration Commission (SRC).

CLAUSE 10

21. The appointment, terms, and conditions should be in the act.

CLAUSE 11

22. Delete the word “May” use the word “shall” in (b) and (c).

Justification

Executive Officer not defined and there is no role of the Executive officer.

CLAUSE 12

23. Review the sentences and the intention of the clause 12(1).
The CEO is the full custodian of matters or things done at the board and thus must be liable.
The liability in 12(2) here contradicts the previous clause (1).

CLAUSE 13

24.
(a) In clause 13(1) replace or with and...
unless such institution is established or accredited under the Universities Act, 2012 or the Technical and Vocational Education Act 2013 OR is approved and accredited by the Board for that...Delete the last section

Justification

The Board cannot accredit educational institutions independently or without following the recommendations of the Universities Act or the Technical and Vocational Education Act. This opens the door for backstreet institutions to follow this route of accreditation.

- (b) Approval of training institutions in clause 13(3) is usurping the role of other institutions.

Justification

Should also be expunged or be amended to include the Acts stated above.

- (c)Delete “under this Act” in clause 13(4) *Or add ---under the Universities Act, 2012 or the Technical and Vocational Education Act 2013*

Justification

The board can access and publish a list of training institutions from the two bodies.

CLAUSE 14

25. In clause 14(b) delete the word `as` with `or as`.

CLAUSE 15

26. (a)In clause 15(2)(c) delete the word “county” and substitute with “country”

Justification

Correct error.

27. (b) In clause 15(5)-Every person issued registered under subsection (4) shall be issued with a certificate or registration.

Justification

Correct error.

CLAUSE 16

28. These specializations are not clear nor do they follow the normal training categories. There is need to incorporate CT, MRI, and Sonography as the advanced training instead. Further in clause 16 (6) and (7) the prescribed fee needs to be clearly defined.

CLAUSE 18

29. In 18(1) Scope and definition is lacking. There is no difference in qualification for radiographers in private practice and public.
30. 18(2) (a) ought to be expunged as this goes against the requirements for registration of a medical practice under the Medical council regulations.
31. Radiography is part of imaging practice and thus cannot exist in isolation, as radiographers are not trained to clerk patients, prescribe tests and / or interpret results on their own. Additionally, International practice defines the role of a radiographer in a diagnostic imaging practice.
32. In 18(2) (b) “with others” Needs to define who these others are. As reasons provided above. There is need to separate the clause for employment and partnership. Consider expunging the whole clause.
33. Board should not define the working of the partnership, rather articles of association are well defined and filed at the registrar of societies.

CLAUSE 25

34. In 25(1) typos to be corrected
35. In 25(2), this clause usurps the role of the court.

CLAUSE 26

36. In 26(3), the sentence is misplaced. The Committee is not qualified to designate someone as ill. Ill health should disqualify one from practice. If so, this should be under recommendations from a registered medical practitioner.
37. In 26(4) through clause 26, delete practicing certificates.

CLAUSE 27

38. There is need to have a schedule for restoration of a radiographer.

CLAUSE 28

39. There is need to have a schedule for restoration of a radiographer.

CLAUSE 29

- 40. In 29(2), this needs guidance to provisions of state funds management.
- 41. In 29(3), it contradicts itself part VII, where it states that this is a money bill.

CLAUSE 32

- 42. In 32(2) not clear where the auditor is appointed.
- 43. In 32(2)(b) Relook at the timelines for beginning of audit and last day of the year.
- 44. In 32(3) Old reference used.
- 45. There is a Public Audit Act of 2015: align the provisions.

CLAUSE 32

- 46. Clarify on whether the board has a trust, is a trust or has a schedule for formation of a trust.

CLAUSE 34

- 47. In 34(2), Clarity of language is needed.

CLAUSE 35

- 48. In 35(1) needs clarity.
- 49. In 35(2), it is not feasible.
- 50. In 35(4) expunge this section.

CLAUSE 36

- 51. In 36(2) In reference to Partnership Clause 18 above, there is need to define roles of partners and compositions and competencies to be able to prevent an offence in practice.

CLAUSE 37

- 52. In 37 (2) the fines provided here need to be aligned throughout the document as compared to the durations of imprisonment.

CLAUSE 38

- 53. Expunge this section as it could be subject to abuse and infringement of people's rights.

3.2 SOCIETY OF RADIOGRAPHY IN KENYA AND CEASAR BARARE

CLAUSE 2

- 54. Delete, " Kenya Medical Training College, institutions established under the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013 and such other training institution as the Board may approve;:
- 55. This part of the clause should be amended to read,

“approved institution” means an institution for the training of persons seeking registration or enrolment under this Act so approved by the Board;”

Justification

This provides fairness and equity in oversight of training programmes to ensure uniform adherence to standards, and providing a level playing ground. The current wording gives unfair advantage of institutions mentioned in the Bill compromising the oversight role of the intended Board.

56. Definition of “Registrar” should be amended to read, “Registrar” means the registrar of radiographers appointed under section 10.

Justification

The definition becomes more specific to radiographers as the official is appointed by radiographers board.

57. Insert the word “Radiography” in interpretations so that it is interpreted as; the use of radiant energy, ionizing or non-ionizing radiation for medical, forensic, veterinary, industrial and research purposes;

Justification

This eliminates ambiguity and defines the profession that is going to be regulated.

CLAUSE 3

58. In 3(2) Delete the “**accounts**” and replace with “**contracts**”.
59. This part should be amended to read:
d) entering into **contracts**

Justification

Contracts is a simpler term that covers the mandate of the board listed in 3(2) (b).

CLAUSE 4

60. In 4(2) (c) This part should be amended by inserting the words “and licensed to practice” after the word “registered”.
61. This part should read:
(c) cause to be maintained a register of all persons registered **and licensed to practice** as radiographers in accordance with this Act.

Justification

This brings clarity to the intention of the legislation.

62. In 4(2)(e) Delete

“other than those established under the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013”

This part should be amended to read:

“approve institutions for the training of radiographers;”

Justification

This provides fairness and equity in oversight of training programmes to ensure uniform adherence to standards, and providing a level playing ground.

The current wording gives unfair advantage of institutions mentioned in the Bill compromising the oversight role of the intended Board.

CLAUSE 6

63. In 6(1)(b) this part should be amended to read;

The Board shall consist of –

(b) the Principal Secretary responsible for Health or a designated representative dealing with radiography matters not below the level of Chief Radiographer;

Justification

This will provide insights on overall policy specific to radiographers and radiography matters within Government.

64. In 6(1)(c) This part should be amended to read: The Board shall consist of –

(c) a head of radiography training from any of the approved radiography training institutions;

Justification

This provides fairness and equity in representation.

65. In 6(2)(e) The word “no” should be corrected to the word “not”;

The Clause should be revised so that it not subject to multiple interpretations.

This part should be amended to read;

No person shall be appointed as chairperson of the Board unless such a person is-

(b) a radiographer of **not** less than ten years’ experience of professional standing.

Justification

This is a typographical error. This statement enhances the stature of the position of chairperson.

66. In 6(e) Insert “Roman Numeral (v)” to read:

(v) radiographers working for the national government

This part should be amended by adding Roman Numeral (v) to read:

- (e) four radiographers competitively and transparently nominated by the Society of Radiography in Kenya from the following sectors:-
 - (i) radiographers working in the private sector;
 - (ii) radiographers working in the county governments;
 - (iii) radiographers working in training institutions in Kenya which award the qualifications recognized by the board under section 4; and
 - (iv) a representative of the governing organ of the Society of Radiography In Kenya
 - (v) radiographers working for the national government.

Justification

This criteria shall ensure fairness in nominations because it shall include radiographers working in the Ministry's semi -autonomous teaching and referral hospitals, national referral hospitals as well as Ministry Headquarters.

CLAUSE 10

67. This is repetition of the words “done by a member of the”.

This part should read:

12(1) No matter or thing done by a member of the Board or agent of the Board shall, if the matter or thing is done *bona fide* for executing the functions, powers and duties of the Board under this Act, render the member or agent or any person acting on their directions personally liable to any action, claim of demand whatsoever.

Justification

This is a typographical error.

CLAUSE 13

68. In 13 (1) Insert the word “of radiography” after the word, “charge”

Delete the word,

“institution” which is after the word “training”.

-“under the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013, or is” after sub clause (c).

This part should read:

13(1) No person being in charge of a radiography training in Kenya shall –

- a) Admit persons for training with a view of 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 has undergone a course or passed the examinations prescribed by the Board for purposes of registration unless such training is approved by the Board for the purposes in accordance with this Act.

Justification

This should be exclusive primary oversight of the Board.

69. In 13(3), delete the words,

“other than those established or accredited under the Universities Act, 2012 for the purposes of this section”

This part should read:

The Board shall prescribe the procedure for approving radiography training institutions.

Justification

The role of the Board to ensure that prescribed standards and conditions of training and professionalism are the same and adhered. This segmented or stratified justification for exemption from the Board’s purvey is a recipe for chaos. A good example was the past situation in India. This was so gross that the country created legislation that regulates all training and education for radiographers universities included.

CLAUSE 14

70. In 14(4), the provision should be deleted. This shall alter the numbering of provisions and the table of content.

Justification

The role of the Board to ensure that prescribed standards and conditions of training and professionalism are the same.

71. In 14 (5) Delete the words, “under the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013.

This part should read:

The Board may, after assessing the suitability for registration of a person under subsection (1) and (2), direct that before registration, the person shall undergo such further period of training or pass such examination in an institution accredited by the Board.

Justification

The role of the Board to ensure that prescribed standards and conditions of training and professionalism are the same.

CLAUSE 18

72. This should be amended to include “licensing”. This part should then read:
“Part IV – Provisions Related to Licensing and Private Practice”

Justification

To provide sequential flow.

CLAUSE 19

73. Arrangement of Clauses 18, 19, 20 and 21.

This part should be amended to read;

”Part IV – Provisions Relating to Licensing and Private Practice

18 – Application for Practicing Certificate

19 – Validity of Practicing Certificate

20 – Renewal, Cancellation and Suspension of Practicing Certificate

21 – Qualification for Private Practice.”

Justification

This provides a sequential and logical flow of activities related to licensing and private practice.

CLAUSE 29

74. 29(3) should be deleted from the Bill.

Justification

This provision will render the Board stillborn after enactment of the Bill.

3.3 ASSOCIATION OF KENYA MEDICAL LABORATORY SCIENTIFIC OFFICERS (AKMLSO)

CLAUSE 3

Define the Headquarters (site) of the Board.

CLAUSE 4

75. There is no mention of regulation of technologies in the sector, given some of the technologies used pose great danger to both user and client.

76. The functions of Executive Officer have not been defined since same Bill has under Section 6(1) (f), 10(1) and 3 (c) proposed for a Registrar who will be responsible for the day to day management of the Board and staff affairs.

77. In many instances, the Executive Officer is usually responsible for day to day running of an organisation and management of the secretariat.

CLAUSE 6

78. Cognizant of the fact that health is devolved function and that County Governments are major stakeholder, the Bill has not provided for representative from the Council of Governors.

CLAUSE 11

79. States: - The Board “May” then (a) states the Board “Shall” establish secretariat headed by the Executive Officer. The underlined and bold words seem to contradict.

CLAUSE 12

80. This is a well thought clause or section because many of the laws are designed to protect the Public forgetting providers equally require protection on matters profession.

3.4 DR. SOLOMON KILAHA

CLAUSE 4

81. The oversight role of the Board under the anticipated Law, like those for other professionals should provide a platform for equity in its mandate for graduate professionals from all training institutions irrespective of their independent Acts.
82. The Law through the Board should establish a framework and standards for approving radiography training, examination, qualification, graduation, and alumni statuses for graduates of training programmes and institutions.
83. The Board should establish a framework for registration and issuance of a certificate of registration and practicing license of a person following successful completion of training from approved institutions.

CLAUSE 6

84. The composition of the Board should consist, in addition to the Principal Secretary for Health, the Chief Radiographer and designated representative(s) from any of the approved radiography training institutions, and Radiographers with credibility and experience nominated from the Central Government, County Governments, Training Institutions, Private Sector and Faith Based Organization and the Society of Radiography in Kenya.

3.5 GENERAL STAKEHOLDERS' COMMENTS

Association of Professional Societies in East Africa (APSEA);

85. The Association of Professional Societies in East Africa (APSEA) is a Joint Forum and an umbrella body of professionals associations established in 1961 comprising of a corporate membership of twenty-eight (28) professional associations from diverse professional disciplines in the country. There are over 100,000 Professionals in Kenya. They include; Accounting, Agriculture, Arbitration, Architecture, Bankers, Chemists, Clerks of works, Consulting Engineers, Dentistry, Engineers, Food science and technology, Financial Analysts, Geology, Insurance, Law, Managers, Medicine, Meteorologists, Pharmacy, Physiotherapy, Planning, Procurement and Supplies, Quantity Surveyors, Radiology, Radiography, Certified Secretaries, Surveyors and Veterinary science.
86. APSEA notes with concern that the radiographer's profession has been practiced in the Country since the turn of the century and has remained unregulated despite formal trainings done in 1951 at one College and others in seven centres of the Kenya Medical Training College (KMTC) all in Kisumu. This has led to creating opportunity for unqualified persons to infiltrate, which may be detrimental to the Public and the Country at large.

87. APSEA also notes that other trainings have expanded to JKUAT and the Thika School of Medical Sciences. Other Institutions have approached SORK to approve their training programmes.
88. It is therefore of great importance to have this unregulated profession brought under legislative framework to ensure standardized and harmonized professional training, education and practice. They urge Parliament to urgently address concerns raised by the radiographer's profession and cause enactment of the bill to make it constitutional.

3.6 DR. SOLOMON KILAHA , PHD

89. The journey to have the radiography profession regulate itself through an Act of Parliament has taken a long time and therefore support the efforts of the National Assembly to provide legislative framework to regulate the profession through provision of defined structures.
90. Defined structures in the profession should take into consideration among other things, and not limited to issues regarding training, education, registration and licensing of radiographers as members of the body of health care providers.
91. The increase in demand, in both technological advancement and population growth, radiography and imaging services consumers calls for regulation of the profession. The increasing numbers of radiography/imaging service delivery points in the country and beyond calls for prudent regulation of the same.
92. The need for quality assurance and control measures of the profession demands prudent regulations for purposes of accountability.
93. Global competitiveness, challenges and trends in training and practice call for stringent legislation and regulation.

3.7 THE KENYA ASSOCIATION OF RADIOLOGISTS

94. The entire bill does not state the functions/scope of practice of the radiographers it intends to license. It is therefore left to the discretion of the Board to determine what the role of the radiographer is. The Bill also needs to mirror international practice standards and be in accordance with the International Nuclear regulations.
95. The bill appears to be superseding the role of the Nuclear Regulatory Act and the Health Act which already will be governing licensing and regulation of the radiation practice, as well as medical practice as far as licensing of medical imaging facilities.
96. The entire Act must be seen to be in agreement with the Health Amendment Act- thus this bill does not mirror the aspirations of the Health Act.
97. Concerning Practice and private practice, there is need to have explicit definitions and the scope of such a practice. Note that this is a health care facility.

PART IV

4.0 COMMITTEE RECOMMENDATION

98. The Committee having considered the Radiographers, Bill 2019, National Assembly Bill No. 47 of 2019 recommends that the House approve the Bill with amendments as proposed in the schedule.

PART V

5.0 SCHEDULE OF PROPOSED AMENDMENTS

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

CLAUSE 1

100. **THAT**, clause 1 of the Bill be amended by deleting the words “on the fourteenth day after publication in the Gazette” and substituting therefor the words “within twelve months after publication in the Gazette.”

Justification

The amendment seeks to give the Cabinet Secretary an allowance within which to put in place measures to allow for the implementation of the Act.

CLAUSE 2

101. **THAT**, clause 2 of the Bill be amended by inserting the following new definition in the proper alphabetical sequence—

"radiation" means and shall include, both ionizing and non-ionizing radiation; and

radiography” means the use of radiant energy, ionizing or non-ionizing radiation for medical, forensic, veterinary, industrial and research purposes;

Justification

The amendment seeks to introduce the definition of terms used in the Bill which have not been defined.

CLAUSE 3

102. **THAT**, clause 3 of the Bill be amended—

(a) in sub-clause (2) by deleting the word “accounts” appearing in paragraph (d) and substituting therefor the word “contracts”; and

(b) by inserting the following new sub-clause immediately after sub-clause (2) —

(3) The headquarters of the Board shall be in Nairobi or such other place as the Board may, by resolution, determine.

Justification

The amendments seeks to correct a grammatical error, and to provide for the headquarters of the Board in Nairobi.

CLAUSE 4

103. **THAT**, clause 4 of the Bill be amended in sub-clause (2)—

- (a) in paragraph (c) inserting the words “and licensed to practice” immediately after the word “registered”;
- (b) by deleting paragraph (d); and
- (c) by deleting paragraph (e).

Justification

The amendment seeks to ensure that the Board shall have the function of maintaining a register of both persons registered under the Act and persons licensed to practice under the Act.

The amendment further seeks to delete the provisions giving the Board the powers to prescribe courses and approve institutions, as this is left to be governed by the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013.

CLAUSE 6

104. **THAT**, the Bill be amended by deleting clause 6 and substituting therefor the following new clause—

- Composition of the Board.
- 6. (1)** The Board shall consist of—
- (a) a chairperson appointed by the Cabinet Secretary from amongst the persons nominated under paragraph (g);
 - (b) the Principal Secretary responsible for health or a designated representative dealing with radiography not below the level of Chief Radiographer;
 - (c) the Director of the Kenya Medical Training College or a designated representative not below the level of a Deputy Director;
 - (d) the Director General of the Kenya Nuclear Regulatory Authority or a designated representative;
 - (e) one person nominated by the Kenya Medical Practitioners and Dentist Council;
 - (f) the Chairperson of the Society of Radiography in Kenya;
 - (g) three radiographers competitively and transparently nominated by

the Society of Radiography in Kenya, who shall include—

- (i) one radiographer working in the private sectors;
- (ii) one radiographer working in the county governments; and
- (iii) one radiographer working in the national government.

(h) the Registrar who shall be the secretary to the Board.

(2) A person shall not be appointed as chairperson of the Board unless such person is—

- (a) registered under this Act as a radiographer;
- (b) a radiographer of not less than ten years standing; and
- (c) meets the requirements of Chapter Six of the Constitution.

Justification

The amendment seeks to reconstitute the Board to ensure that persons with a background in radiography are represented in the Board both from the national and county governments.

The amendment further seeks to ensure that a person appointed as a chairperson of the Board must meet the requirements of Chapter Six of the Constitution.

CLAUSE 10

105. **THAT**, clause 10 of the Bill be amended in—

- (a) sub clause (1) by deleting the word “Registra” and substituting therefor the word “Registrar”; and
- (b) sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)—

“(c) is qualified to be registered under this Act as a radiographer.”

Justification

The amendment corrects a grammatical error and also seeks to ensure that a person appointed as a Register must be qualified to be registered as a radiographer.

CLAUSE 11

106. **THAT**, the Bill be amended by deleting clause 11 and substituting therefor the following new clause—

Staff of The Board may—

the
Board.

- (a) appoint such officers and other staff as may be necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Board may determine upon the advice of the Salaries and Remuneration Commission; and
- (b) engage experts and resource persons whenever necessary for the discharge of its functions under this Act.

Justification

The amendment seeks to ensure that the Board shall have the power to appoint staff and organise the Board administratively as may be necessary.

CLAUSE 12

107. **THAT**, clause 12 of the Bill be amended in sub-clause (1) by deleting the words “of the done by a member”.

Justification

The amendment is necessary to delete repetition.

CLAUSE 13

108. **THAT**, clause 13 of the Bill be amended—
- (a) in sub-clause (1) by deleting the words “or is approved and accredited by the Board for that purpose in accordance with this Act.”;
 - (b) deleting sub-clause (3); and
 - (c) in sub-clause (4) by deleting the words “under this Act” and substituting therefor the words “under the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013.”

Justification

The amendment seeks to ensure that training institutions offering radiography training shall only be the training institutions established or accredited under the Universities Act, 2012 or the Technical and Vocational Education and Training Act, 2013.

CLAUSE 15

109. **THAT**, clause 15 of the Bill be amended—
- (a) in sub-clause (2) by deleting the word “county” appearing in paragraph (c) and substituting therefor the word “country”; and
 - (b) deleting sub-clause (5) and substituting therefor the following new sub-clause—

(5) Every person registered under subsection (4) shall be issued with a certificate of registration.

Justification

The amendment seeks to correct grammatical errors.

CLAUSE 23

110. **THAT**, clause 23 of the Bill be amended in the opening statement by deleting the word “bee” and substituting therefor the word “been.”

Justification

The amendment seeks to correct a grammatical error.

CLAUSE 25

111. **THAT**, clause 25(1) of the Bill be amended by deleting the word “hears” and substituting therefor the word “heard.”

Justification

The amendment seeks to correct a grammatical error.

CLAUSE 29

112. **THAT**, clause 29 of the Bill be amended
- (a) in sub-clause (1), by inserting the following new paragraph immediately after paragraph (a)—
 - “(aa) monies appropriated by Parliament;” and
 - (b) by deleting sub-clause (3).

Justification

The amendment seeks to ensure that the Board shall receive such funds as shall be appropriated by Parliament.

CLAUSE 32

113. **THAT**, clause 32 of the Bill be amended —

(a) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) Within a period of four months before the end of a financial year, the Board shall submit to the Auditor-General or to an auditor appointed under this section, the accounts of the Board together with—

- (a) a statement of income and expenditure of the Board during that year; and
- (b) a balance sheet of the Board on the last day of that year.

(b) in sub-clause (3) by deleting the words “by the” and substituting therefor the word “and.”

Justification

The amendment seeks to correct grammatical errors.

CLAUSE 34

114. **THAT**, clause 34 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) The Cabinet Secretary shall cause the annual report to be laid before the National Assembly within three months of the National Assembly next sitting after the report is presented to him.

Justification

The amendment seeks to correct a grammatical error.

CLAUSE 39

115. **THAT**, clause 39 of the Bill be amended in sub-clause (2) by—

- (a) deleting paragraph (c);
- (b) deleting paragraph (d);
- (c) deleting paragraph (e); and
- (d) deleting paragraph (f);

Justification

The amendment seeks to eliminate the possibility of overlapping of the functions of the Board with the power of the Cabinet Secretary to make Rules.

FIRST SCHEDULE

116. **THAT**, the First Schedule to the Bill be amended—

(a) in paragraph 2 —

(i) by deleting the words “of the person” appearing ins sub-paragraph (4) and substituting therefor the words “or the person”;

(ii) by deleing sub-paragraph (8) and substituting therefor the following new sub-paragraph—

(8) Subject to the provisions of the Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meeting and make standing orders in respect thereof.

Justification

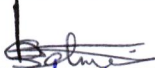
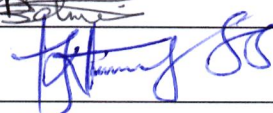
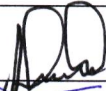



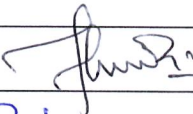
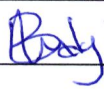
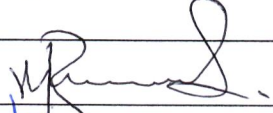

The amendment seeks to correct grammatical errors.

SIGNED.......... DATE.....

**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 RADIOGRAPHERS, BILL 2019,
NATIONAL ASSEMBLY BILL NO. 47

	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	
17.	Hon. Said Hiribae, MP	
18.	Hon. (Capt.) Ruweida Mohammed, MP	
19.	Hon. James Githua Kamau Wamacukuru, MP	

MINUTES OF THE THIRTY-NINTH (39TH) 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/2021/130: PRELIMINARIES

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

MIN.NO.NA/DC.H/2021/131: 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 p.m.

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)


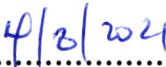
The Committee adopted the report on the Pharmacy and Poisons (Amendment) Bill, 2021 (National Assembly Bill No. 1 of 2021) after being proposed by the Hon. Joyce Akai Emanikor, MP and seconded by the Hon. (Capt) Ruweida Mohammed, MP. (*The Committee's proposed amendments are detailed in Part V of the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

MIN. NO.NA/DC.H/2021/132: ADJOURNMENT

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

HON. SABINA CHEGE, MP

(CHAIRPERSON)

Sign.......... Date..........

MINUTES OF THE THIRTY- SIXTH (36TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD ON MONDAY 26TH JULY, 2021 AT ENGLISH POINT, MARINA – MOMBASA IN MEDUSA 2 CONFERENCE ROOM AT 10.30 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/2021/121: PRELIMINARIES

The Vice-Chairperson called the meeting to order at 10.45 a.m. and said a prayer. Thereafter he welcomed the Committee Members.

MIN.NO.NA/DC.H/2021/122: CLAUSE BY CLAUSE CONSIDERATION OF THE RADIOGRAPHERS, BILL 2019, (NATIONAL ASSEMBLY BILL NO. 47 OF 2019)

After clause by clause deliberations, the Committees proposed amendments to the Radiographers, Bill 2019, (National Assembly Bill No. 47 of 2019) as follows:

CLAUSE 1

THAT, clause 1 of the Bill be amended by deleting the words “on the fourteenth day after publication in the Gazette” and substituting therefor the words “within twelve months after publication in the Gazette.”

Justification

The amendment seeks to give the Cabinet Secretary an allowance within which to put in place measures to allow for the implementation of the Act.

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definition in the proper alphabetical sequence—

"radiation" means and shall include, both ionizing and non-ionizing radiation;
and

radiography" means the use of radiant energy, ionizing or non-ionizing radiation for medical, forensic, veterinary, industrial and research purposes;

Justification

The amendment seeks to introduce the definition of terms used in the Bill but which have not been defined.

CLAUSE 3

THAT, clause 3 of the Bill be amended—

- (a) in sub-clause (2) by deleting the word “accounts” appearing in paragraph (d) and substituting therefor the word “contracts”; and
- (b) by inserting the following new sub-clause immediately after sub-clause (2) —

(3) The headquarters of the Board shall be in Nairobi or such other place as the Board may, by resolution, determine.

Justification

The amendments seeks to correct a grammatical error, and also to provide for the headquarters of the Board in Nairobi.

CLAUSE 4

THAT, clause 4 of the Bill be amended in sub-clause (2)—

- (a) in paragraph (c) inserting the words “and licensed to practice” immediately after the word “registered”;
- (b) by deleting paragraph (d); and
- (c) by deleting paragraph (e).

Justification

register of both persons registered under the Act and persons licensed to practice under the Act.

The amendment further seeks to delete the provisions giving the Board the powers to prescribe courses and approve institutions, as this is left to be governed by the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013.

CLAUSE 6

THAT, the Bill be amended by deleting clause 6 and substituting therefor the following new clause—

Composition of the Board.

6. (1) The Board shall consist of—
- (a) a chairperson appointed by the Cabinet Secretary from amongst the persons nominated under paragraph (g);
 - (b) the Principal Secretary responsible for health or a designated representative dealing with radiography not below the level of Chief Radiographer;
 - (c) the Director of the Kenya Medical Training College or a designated representative not below the level of a Deputy Director;
 - (d) the Director General of the Kenya Nuclear Regulatory Authority or a designated representative;
 - (e) one person nominated by the Kenya Medical Practitioners and Dentist Council;
 - (f) the Chairperson of the Society of Radiography in Kenya;
 - (g) three radiographers competitively and transparently nominated by the Society of Radiography in Kenya, who shall include—
 - (i) one radiographer working in the private sectors;
 - (ii) one radiographer working in the county governments; and
 - (iii) one radiographer working in the national government.
 - (h) the Registrar who shall be the secretary to the Board.
- (2) A person shall not be appointed as chairperson of the Board unless such person is—
- (a) registered under this Act as a radiographer;
 - (b) a radiographer of not less than ten years standing; and
 - (c) meets the requirements of Chapter Six of the Constitution.

Justification

radiography are represented in the Board both from the national and county governments. The amendment further seeks to ensure that a person appointed as a chairperson of the Board must meet the requirements of Chapter Six of the Constitution.

CLAUSE 10

THAT, clause 10 of the Bill be amended in—

- (a) sub clause (1) by deleting the word “Registra” and substituting therefor the word “Registrar”; and
- (b) sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)—

“(c) is qualified to be registered under this Act as a radiographer.”

Justification

The amendment corrects a grammatical error and also seeks to ensure that a person appointed as a Register must be qualified to be registered as a radiographer.

CLAUSE 11

THAT, the Bill be amended by deleting clause 11 and substituting therefor the following new clause—

Staff of the Board. The Board may—

- (a) appoint such officers and other staff as may be necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Board may determine upon the advice of the Salaries and Remuneration Commission; and
- (b) engage experts and resource persons whenever necessary for the discharge of its functions under this Act.

Justification

The amendment seeks to ensure that the Board shall have the power to appoint staff and organise the Board administratively as may be necessary.

CLAUSE 12

THAT, clause 12 of the Bill be amended in sub-clause (1) by deleting the words “of the done by a member”.

Justification

The amendment is necessary to delete repetition.

CLAUSE 13

THAT, clause 13 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “or is approved and accredited by the Board for that purpose in accordance with this Act.”;
- (b) deleting sub-clause (3); and

words “under the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013.”

Justification

The amendment seeks to ensure that training institutions offering radiography training shall only be the training institutions established or accredited under the Universities Act, 2012 or the Technical and Vocational Education and Training Act, 2013.

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in sub-clause (2) by deleting the word “county” appearing in paragraph (c) and substituting therefor the word “country”; and
- (b) deleting sub-clause (5) and substituting therefor the following new sub-clause—

(5) Every person registered under subsection (4) shall be issued with a certificate of registration.

Justification

The amendment seeks to correct grammatical errors.

CLAUSE 23

THAT, clause 23 of the Bill be amended in the opening statement by deleting the word “bee” and substituting therefor the word “been.”

Justification

The amendment seeks to correct a grammatical error.

CLAUSE 25

THAT, clause 25(1) of the Bill be amended by deleting the word “hears” and substituting therefor the word “heard.”

Justification

The amendment seeks to correct a grammatical error.

CLAUSE 29

THAT, clause 29 of the Bill be amended

- (a) in sub-clause (1), by inserting the following new paragraph immediately after paragraph (a)—
 - “(aa) monies appropriated by Parliament;” and
- (b) by deleting sub-clause (3).

Justification

The amendment seeks to ensure that the Board shall receive such funds as shall be appropriated by Parliament.

CLAUSE 32

(a) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) Within a period of four months before the end of a financial year, the Board shall submit to the Auditor-General or to an auditor appointed under this section, the accounts of the Board together with—

- (a) a statement of income and expenditure of the Board during that year; and
- (b) a balance sheet of the Board on the last day of that year.

(b) in sub-clause (3) by deleting the words “by the” and substituting therefor the word “and.”

Justification

The amendment seeks to correct grammatical errors.

CLAUSE 34

THAT, clause 34 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) The Cabinet Secretary shall cause the annual report to be laid before the National Assembly within three months of the National Assembly next sitting after the report is presented to him.

Justification

The amendment seeks to correct a grammatical error.

CLAUSE 39

THAT, clause 39 of the Bill be amended in sub-clause (2) by—

- (a) deleting paragraph (c);
- (b) deleting paragraph (d);
- (c) deleting paragraph (e); and
- (d) deleting paragraph (f);

Justification

The amendment seeks to eliminate the possibility of overlapping of the functions of the Board with the power of the Cabinet Secretary to make Rules.

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended—

(a) in paragraph 2 —

(i) by deleting the words “of the person” appearing in sub-paragraph (4) and substituting therefor the words “or the person”;

(ii) by deleting sub-paragraph (8) and substituting therefor the following new sub-paragraph—

(8) Subject to the provisions of the Schedule, the Board may determine its own procedure and the procedure for any committee of the Board

standing orders in respect thereof.

Justification


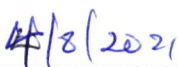
The amendment seeks to correct grammatical errors.

MIN. NO.NA/DC.H/2021/123: 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..........

**MINUTES OF THE FORTY-SEVENTH (47TH) OF THE DEPARTMENTAL
COMMITTEE ON HEALTH HELD IN ENGLISH POINT- MARINA, MOMBASA
ON FRIDAY 11TH NOVEMBER, 2020 AT 3.00 PM**

PRESENT

1. **The Hon. Sabina Chege, MP** - **Chairperson**
2. The Hon. Dr James Nyikal, MP
3. The Hon. Dr Mohamed Dahir Duale, MP
4. The Hon. Muriuki Njagagua, MP
5. The Hon. Martin Peters Owino, MP
6. The Hon. Beatrice Adagala, MP
7. The Hon. (Capt.) Ruweida Mohammed, MP
8. The Hon. James Githua Kamau Wamacukuru, MP

ABSENT WITH APOLOGY

1. **The Hon. Joshua Kutuny, MP – Vice-Chairperson**
2. The Hon. Dr. Eseli Simiyu, MP
3. The Hon. Dr. James Kipkosgei Murgor, MP
4. The Hon. Muriuki Njagagua, MP
5. The Hon. Joyce Akai Emanikor, MP
6. The Hon. Prof. Mohamud Sheikh Mohamed, MP
7. The Hon. Kipsengeret Koros, MP
8. The Hon. Tongoyo Gabriel Koshal, MP
9. The Hon. Sarah Paulata Korere, MP
10. The Hon. Dr. Gideon Ochanda, MP
11. The Hon. Said Hiribae, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

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

MIN. NO.NA/DC.H/2020/162

PRELIMINARIES

The Chairperson called the meeting to order at 3.25 p.m. and said a prayer. After that, the meeting proceeded to business.

MIN. NO.NA/DC.H/2020/163

**CLAUSE BY CLAUSE CONSIDERATION OF
THE RADIOGRAPHERS BILL 2019, (NATIONAL
ASSEMBLY BILL NO. 47 OF 2019)**

After lengthy deliberations, the Committees proposed amendments to the Radiographers Bill 2019, (National Assembly No. 47 of 2019) as follows:

CLAUSE 1

THAT, clause 1 of the Bill be amended by deleting the words “on the fourteenth day after publication in the Gazette” and substituting therefor the words “on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.”

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definition in the proper alphabetical sequence—

"radiation" means and shall include, both ionizing and non-ionizing radiation;
and

radiography” means the use of radiant energy, ionizing or non-ionizing radiation for medical, forensic, veterinary, industrial and research purposes;

CLAUSE 3

THAT, clause 3 of the Bill be amended—

- (a) in sub-clause (2) by deleting the word “accounts” appearing in paragraph (d) and substituting therefor the word “contracts”; and
- (b) by inserting the following new sub-clause immediately after sub-clause (2) —

(3) The headquarters of the Board shall be in Nairobi or such other place as the Board may, by resolution, determine.

CLAUSE 4

THAT, clause 4 of the Bill be amended in sub-clause (2)—

- (a) in paragraph (c) inserting the words “and licensed to practice” immediately after the word “registered”;

- (b) by deleting paragraph (d);
- (c) by deleting paragraph (e); and
- (d) by deleting paragraph (f).

CLAUSE 6

THAT, the Bill be amended by deleting clause 6 and substituting therefor the following new clause—

Composition
of the Board.

6. (1) The Board shall consist of—
- (a) a chairperson appointed by the Cabinet Secretary from amongst the persons nominated under paragraph (e);
 - (b) the Principal Secretary responsible for health or a designated representative dealing with radiography not below the level of Chief Radiographer;
 - (c) the Director of the Kenya Medical Training College or a designated representative not below the level of a Deputy Director;
 - (d) the Director General of the Kenya Nuclear Regulatory Authority or a designated representative;
 - (e) one person nominated by the Kenya Medical Practitioners and Dentist Council;
 - (f) the Chairperson of the Society of Radiography in Kenya;
 - (g) three radiographers competitively and transparently nominated by the Society of Radiography in Kenya, who shall include—
 - (i) one radiographer working in the private sectors;
 - (ii) one radiographer working in the county governments;
 - (iii) the head of radiograph training from any of the training institutions in Kenya which awards the qualifications recognized by the Board under section 4; and
 - (h) the Registrar who shall be the secretary to the Board.
- (2) A person shall not be appointed as chairperson of the Board unless such person is—
- (a) registered under this Act as a radiographer;
 - (b) a radiographer of not less than ten years standing; and
 - (c) meets the requirements of Chapter Six of the Constitution.

CLAUSE 10

THAT, clause 10 of the Bill be amended in—

- (a) sub clause (1) by deleting the word “Registra” and substituting therefor the word “Registrar”; and

- (b) sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)—

“(c)is qualified to be registered under this Act as a radiographer.”

CLAUSE 11

THAT, the Bill be amended by deleting clause 11 and substituting therefor the following new clause—

Staff of The Board may—

- the Board.
- (a) appoint such officers and other staff as may be necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Board may determine upon the advice of the Salaries and Remuneration Commission; and
 - (b) engage experts and resource persons whenever necessary for the discharge of its functions under this Act.

CLAUSE 12

THAT, clause 12 of the Bill be amended in sub-clause (1) by deleting the words “of the done by a member”.

CLAUSE 13

THAT, clause 13 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “the Technical and Vocational Education Act, 2013 or is approved and accredited by the Board for that purposes in accordance with this Act” appearing in the proviso and substituting therefor the words “Technical and Vocational Education and Training Ac, 2013”;
- (b) deleting sub-clause (3); and
- (c) in sub-clause (4) by deleting the words “under this Act” and substituting therefor the words “under the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013.”

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in sub-clause (2) by deleting the word “county” appearing in paragraph (c) and substituting therefor the word “country”; and
- (b) deleting sub-clause (5) and substituting therefor the following new sub-clause—

(5) Every person registered under subsection (4) shall be issued with a certificate of registration.

CLAUSE 23

THAT, clause 23 of the Bill be amended in the opening statement by deleting the word “bee” and substituting therefor the word “been.”

CLAUSE 25

THAT, clause 25(1) of the Bill be amended by deleting the word “hears” and substituting therefor the word “heard.”

CLAUSE 29

THAT, clause 29 of the Bill be amended by deleting sub-clause (3).

CLAUSE 32

THAT, clause 32 of the Bill be amended —

(a) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) Within a period of four months before the end of a financial year, the Board shall submit to the Auditor-General or to an auditor appointed under this section, the accounts of the Board together with—

- (a) a statement of income and expenditure of the Board during that year; and
- (b) a balance sheet of the Board on the last day of that year.

(b) in sub-clause (3) by deleting the words “by the” and substituting therefor the word “and.”

CLAUSE 34

THAT, clause 34 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) The Cabinet Secretary shall cause the annual report to be laid before the National Assembly within three months of the National Assembly next sitting after the report is presented to him.

CLAUSE 39

THAT, clause 39 of the Bill be amended in sub-clause (2) by—

- (c) deleting paragraph (c);
- (d) deleting paragraph (d);
- (e) deleting paragraph (e); and
- (f) deleting paragraph (f);

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended—

- (a) in paragraph 2 —
 - (i) by deleting the words “of the person” appearing ins sub-paragraph (4) and substituting therefor the words “or the person”;
 - (ii) by deleing sub-paragraph (8) and substituting therefor the following new sub-paragraph—
 - (8) Subject to the provisions of the Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meeting and make standing orders in respect thereof.

MIN. NO.NA/DC.H/2020/164

ADJOURNMENT

There being no other business, the meeting adjourned at 4.08 p.m.

Sign.......... Date.....17th, November 2020.....

(Chairperson)

MINUTES OF THE SEVENTEENTH SITTING (17TH) OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD IN THE MINI CHAMBER, 1ST FLOOR, PARLIAMENT BUILDINGS ON WEDNESDAY 18TH MARCH, 2020 AT 3.00 PM

PRESENT

1. **The Hon. Sabina Chege, MP** - Chairperson
2. The Hon. Dr Eseli Simiyu, MP
3. The Hon. Dr James Kipkosgei Murgor, MP
4. The Hon. Muriuki Njagagua, MP
5. The Hon. Stephen Mule, MP
6. The Hon. Martin Peters Owino, MP
7. The Hon. Kipsengeret Koros, MP
8. The Hon. Mercy Wanjiku Gakuya, MP
9. The Hon. Zachary Kwenya Thuku, MP

ABSENT WITH APOLOGY

1. **The Hon. Dr Swarup Ranjan Mishra, MP** - Vice-Chairperson
2. The Hon. Dr James Nyikal, 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. Gladwell Jesire Cheruiyot, MP
7. The Hon. Esther M. Passaris, MP
8. The Hon. Tongoyo Gabriel Koshal, MP
9. The Hon. David Ochieng', MP
10. The Hon. Patrick Munene Ntwiga, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

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

STAKEHOLDERS

1. Association of Kenya Medical Laboratory Scientific Officers (AKMLSO)
2. Association of Professional Societies in East Africa (APSEA)
3. Caesar Barare
4. Dr. Solomon Kilaha
5. The Kenya Association of Radiologists
6. Society of Radiography in Kenya.

MIN. NO.NA/DC.H/2020/69

PRELIMINARIES

The Chairperson called the meeting to order at 3.25 p.m. and said a prayer. After that, the meeting proceeded to business.

MIN. NO.NA/DC.H/2020/70

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



The following stakeholders appeared before the Committee and presented their views on the proposed amendments (*details of their submissions and import of the proposed amendment are contained in Part III of the report on the Radiographers Bill, 2019 National Assembly Bill No. 47 of 2019*).

1. Association of Kenya Medical Laboratory Scientific Officers (AKMLSO)
2. Association of Professional Societies in East Africa (APSEA)
3. Mr. Caesar Barare
4. Dr. Solomon Kilaha
5. The Kenya Association of Radiologists
6. Society of Radiography in Kenya.

MIN. NO.NA/DC.H/2020/71

ADJOURNMENT

There being no other business, the meeting adjourned at 4.08 p.m.

Sign.......... Date..........

(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
OF THE STAR/COKE

MPS 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-

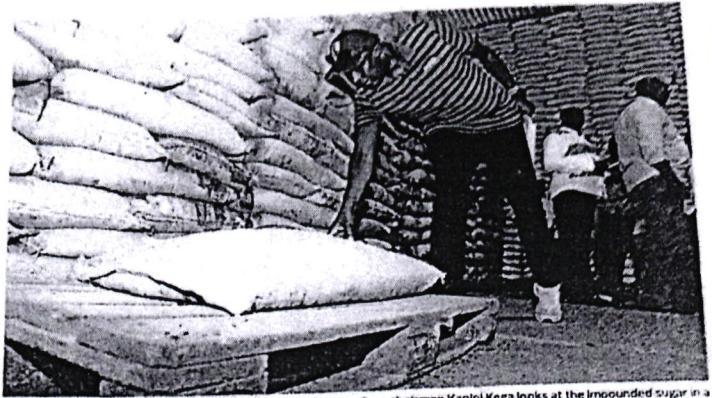
went where the committee inspected go-downs holding condensed sugar and edible oils. Kega said investors have incurred losses and several businesses have collapsed because of Kebs' ineffectiveness.

Kebs' 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 in a Mombasa warehouse on Saturday. (PHOTO COURTESY)

recompensing the affected companies for accrued losses. The Kient 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 raise 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. 21 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. of 2019) seeks to amend the Cancer Prevention and Control Act, 2012 to make provision for training of health cadres in the specialised medical field of oncology, to include cancer treatment as part of the provision of primary healthcare 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 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.

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