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REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT (FIFTH SESSION)



DEPARTMENTAL COMMITTEE ON HEALTH

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE:</b> 20 SEP 2021	<b>DAY:</b> Tuesday
<b>TABLED BY:</b> L, 2021	Chairperson DC on health
<b>CLERK AT THE TABLE:</b>	Getrude Chebet

REPORT ON-  
THE HEALTH LAWS (AMENDMENT) BILL, 2021  
(NATIONAL ASSEMBLY BILL NO. 2 of 2021)

CLERKS CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI

SEPTEMBER, 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 Health Laws (Amendment) (*National Assembly Bill No. 2 of 2021*) Bill was published on **1<sup>st</sup> February, 2021**, underwent **First Reading on 30<sup>th</sup> March, 2021** 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 amend seventeen (17) health-related statutes on matters relating to health policy to improve efficiency, service delivery, realization of the Universal Health Coverage and the Big 4 Agenda in line with the Constitution, the Health Act, 2017, and the Mwongozo Code of Governance for State Corporations.

Following the placement of adverts in the print media on 11<sup>th</sup> June, 2021 requesting for comments on the Bill from members of the public and relevant stakeholders pursuant to the provisions of Article 118(1)(b) of the Constitution of Kenya and Standing Order 127(3), the Committee received memoranda from thirty-five (35) stakeholders. The public participation meeting was held virtually on 22<sup>nd</sup> April 2021.

On behalf of the Departmental Committee on Health and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Health Laws (Amendment) Bill (National Assembly Bill No. 2 of 2021). 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 Honorable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

Pursuant to Standing Order 127(4), it is my pleasure to report that the Committee has considered the Health Laws (Amendment) Bill (*N.A. Bill No. 2 of 2021*) and have the honour 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

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 MANDATE OF THE COMMITTEE**

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.

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

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

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

Hon. Joshua Kutuny, MP (**Vice-Chairperson**)  
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

The following Secretariat staff service the Committee:

**Head of the Secretariat**

Mr. Douglas Katho  
**Clerk Assistant**

Ms. Christine Odhiambo  
**Legal Counsel I**

Mr. Muyodi Meldaki Emmanuel  
**Clerk Assistant II**

Mr. Eric Kanyi  
**Fiscal Analyst I**

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 HEALTH LAWS (AMENDMENT) (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

#### 2.1 ANALYSIS OF THE BILL

1. The Bill seeks to amend the following seventeen (17) health-related statutes on matters relating to health policy to improve efficiency, service delivery, realization of the Universal Health Coverage and the Big 4 Agenda in line with the Constitution, the Health Act, 2017, and the Mwangozo Code of Governance for State Corporations—
  - i. Pharmacy and Poisons Act (Cap. 244)
  - ii. Mental Health Act (Cap. 248)
  - iii. The Medical Practitioners and Dentists Act (Cap. 253)
  - iv. The Nurses Act (Cap. 257)
  - v. The Kenya Medical Training College Act (Cap 261)
  - vi. The National Hospital Insurance Fund Act, 1999 (No. 9 of 1999)
  - vii. The Medical Laboratory Technicians and Technologists Act, 1999 (No. 10 of 1999)
  - viii. The Tobacco Control Act, 2007 (No. 4 of 2007)
  - ix. The Nutritionists and Dieticians Act (No. 18 of 2007)
  - x. The Cancer Prevention and Control Act (No. 15 of 2012)
  - xi. The Public Health Officers (Training, Registration and Licensing) Act, 2013 (No.12 of 2013)
  - xii. The Kenya Medical Supplies Authority Act, (No. 20 of 2013)
  - xiii. The Counsellors and Psychologists Act, 2014 (No. 14 of 2014)
  - xiv. The Physiotherapists Act (No. 20 of 2014)
  - xv. The Health Records and Information Managers Act (No.15 of 2016)
  - xvi. The Health Act, 2017 (No. 21 of 2017)
  - xvii. The Clinical Officers (Training, Registration and Licensing) Act (No. 20 of 2017)

## 2.2 REVIEW OF THE HEALTH LAWS (AMENDMENT) (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

2. The Bill seeks to amend seventeen (17) health-related statutes on matters relating to health policy to improve efficiency, service delivery, realization of the Universal Health Coverage and the Big 4 Agenda in line with the Constitution, the Health Act, 2017, and the Mwongozo Code of Governance for State Corporations as follows—

### (i) Pharmacy and Poisons Act (Cap. 244)

3. The Bill—

- (a) proposes amendments to section 3 of the Act to change the composition, qualifications and mode of appointment of the Pharmacy and Poisons Board.

Currently the Board comprises **nine (9) members**, namely a chairperson appointed by the President who must be a registered pharmacist of good standing with a degree in pharmacy and have at least ten years' experience in the pharmaceutical sector; the Director of pharmaceutical services; the Principal Secretary for finance; two persons representing the pharmacy training institutions (a pharmacist and a pharmaceutical technologist); three other persons appointed by the Cabinet Secretary (one pharmacist representing institutions of higher learning, one pharmaceutical technologist representing mid-level colleges and one enrolled pharmaceutical technologist with expertise in community pharmacy nominated by the Kenya Pharmaceutical Association); and one medical practitioner nominated by the Kenya Medical Association.

Under the proposed amendment, the Board is to have **eight (8) Members**, namely a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; and four other persons, not being public officers, of whom three must be from the pharmacy profession, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to accounting, pharmacy, business management, public health, economics, law or any other relevant field.

The amendment further introduces a three (3) year term of office for the Board Members, renewable once.

- (b) proposes amendments to section 4(4) of the Act to change the quorum of the Board from five (5), (of whom three must be pharmacists) to two-thirds of the Members.

- (c) proposes the insertion of a new section 5A into the Act to require the Board to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries; and
- (d) proposes amendments to repeal sections 35C, 35D, 35E, 35F, 35G, 35H, 35I, 35J and 35K which contain all the provisions relating to the establishment, incorporation, administration, functions, powers and funding of the National Quality Control Laboratory.

**(ii) Mental Health Act (Cap. 248)**

4. The Bill—

- (a) proposes amendments to section 2 of the Act to insert the definition of the term “Cabinet Secretary” and to amend the definition of the term “Director” from the “Director of Medical Services” to the “Director-General for health appointed under the Health Act, 2017”;
- (b) proposes amendments to section 4(2) of the Act to delete the reference to the “Director of Medical Services” and “Minister”;
- (c) proposes amendments to sections 4, 5, 7, 8, 9, 20, 28 and 33 to delete references to “Minister” and replace them with “Cabinet Secretary”;
- (d) proposes amendments to section 42 of the Act to replace the Attorney General with the Director of Public Prosecutions as the person with authority to consent to the commencement of any criminal proceedings under the Act;
- (e) proposes amendments to section 53 of the Act to enhance the general penalty from “a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both” to “a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both”.

**(iii) The Medical Practitioners and Dentists Act (Cap. 253)**

5. The Bill—

- (a) proposes amendments to section 3A of the Act to change the composition, qualifications and mode of appointment of the Medical Practitioners and Dentists Council.

Currently the Council comprises **nine (9) members** namely a chairperson appointed by the President who must be a specialist medical or dental practitioner of good standing

and have at least ten years' experience; the Director General for health; a representative of universities in Kenya which have the power to grant a qualification which is registerable under the Act; a representative of the Kenya Medical Association; a representative of Kenya Dental Association; a representative of oral health practitioners; a person nominated by Kenya National Commission on Human Rights; a representative of the private sector in health; and one person with knowledge and expertise in finance or audit.

Under the proposed amendment, the Council is to have **eight (8) Members** being a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; and four other persons not being public officers, of whom three shall be from the medical and dental profession, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, medicine, public health, business management, economics, law or any other relevant field;

- (b) proposes the insertion of a new section 4D to require the Council to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries;
- (c) proposes amendments to section 15 of the Act to empower the Council to accredit all health facilities or institutions registered under the Act.

#### **(iv) The Nurses Act (Cap. 257)**

##### 6. The Bill—

- (a) proposes to repeal and replace section 4 of the Act thereby changing the composition, qualifications and mode of appointment of the Nursing Council.

Currently, the Council comprises **thirteen (13) members**, namely the Director of Medical Services; the Director of Education; the Chief Nursing Officer; the Attorney-General; a registered midwife elected by registered midwives; a registered community health nurse elected by registered community health nurses; a registered psychiatric health nurse; a registered general nurse elected by registered general nurses; a nurse nominated by the National Nurses Association of Kenya; a nurse nominated by the Kenya Progressive Nurses Association; a registered nurse educator actively involved in the training of nurses nominated by recognized universities in Kenya; two registered nurses nominated by registered religious organizations providing health services in Kenya; and a person with a professional background in human resource management.

Under the proposed amendment the Council is to comprise **eight (8) members** being a non-executive chairperson appointed by the President; the Principal Secretary for health, or his or her representative, appointed in writing; the Principal Secretary for finance; the Attorney-General; four other persons, not being public officers, three of whom must be from the nursing and midwifery profession, appointed by the Cabinet Secretary by virtue of gender, disability, skills mix, regional balance and their knowledge and experience in matters relating to finance or audit, nursing, business management, public health, midwifery or any other relevant field.

- (b) proposes to repeal sections 5 and 6 of the Act whose content is included in the amendment to section 4 above;
- (c) proposes to repeal section 26(j) of the Act which empowers the Cabinet Secretary to make regulations governing the election of certain members to the Nursing Council. In the event the amendment to section 4 is passed and the Council reconstituted, no such regulations would need to be made;

**(v) The Kenya Medical Training College Act (Cap 261)**

- 7. The Bill proposes amendments to section 9 of the Act to replace the Director General of Health with the Attorney-General in the Board of Directors of the Kenya Medical Training College.

**(vi) The National Hospital Insurance Fund Act, 1999 (No. 9 of 1999)**

8. The Bill—

- (a) proposes amendments to section 2 of the Act to delete the definition of the words “the Minister” and to insert a new definition for “Cabinet Secretary”
- (b) proposes to repeal and replace section 4(1) of the Act thereby changing the composition, mode of appointment and qualifications of the members of the Board of the National Hospital Insurance Fund.

Currently the Board comprises **ten (10) members**, namely a chairperson appointed by the President by virtue of his knowledge and experience in matters relating to insurance, financial management, economics, health or business administration; the Principal Secretary for health; the Principal Secretary to the Treasury; the Director of Personnel Management; the Director of Medical Services; one person nominated by the Federation of Kenya Employers; one person nominated by the Central Organisation of Trade Unions; one person nominated by the Kenya National Union of Teachers and the Kenya Union of Post Primary Education; one person nominated by the Kenya Medical Association; and one person nominated by faith-based healthcare organisations.

Under the amendment, the Board is to comprise **eight (8) members**, namely a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; one person nominated by the umbrella body representing the employers; one person nominated by the umbrella body representing the trade unions; one person, not being a governor, nominated by the Council of Governors; and one other persons not being a public officer, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, medicine, business management, public health, economics, insurance, law or any other relevant field.

- (c) proposes amendments to sections 5, 6, 9, 15, 26, 27, 29, 30, 31, 34, 36, 38, and the First and Second Schedules of the Act to delete references to “Minister” and replace them with “Cabinet Secretary”;
- (d) proposes the insertion of new sections 22A, 22B, 22C, and 22D which establish a Universal Health Coverage Scheme and provide for the membership criteria for the Scheme, identification of beneficiaries, and the administration of the Scheme by the NHIF Board, respectively. The proposed Universal Health Coverage Scheme is to comprise of a national scheme for vulnerable and indigent persons to ensure their easier access to quality, promotive, preventive, curative, rehabilitative, and palliative health services based on need, social and financial risk protection.
- (e) proposes amendments to section 37 of the Act to align it with the enactment of the Public Finance Management Act, 2012 and the Public Audit Act, 2015; and
- (f) proposes the insertion of a new section 45A into the Act which provides that the NHIF Act shall supersede any other laws where the provisions of such laws are conflict with its provisions.

**(vii) The Medical Laboratory Technicians and Technologists Act, 1999 (No. 10 of 1999)**

9. The Bill—

- (a) proposes amendments to section 2 of the Act to delete the definitions of “Association” and “Minister” and to introduce a new definition for the term “Cabinet Secretary”;
- (b) proposes to repeal and replace section 6 of the Act thereby changing the composition, mode of appointment and qualifications of the members of the Kenya Medical Laboratory Technicians and Technologists Board.

Currently, the Board comprises fifteen (15) to nineteen (19) members, namely the Director of Medical Services; the head of the National Public Health Laboratories; the

Registrar of the Board; the Director of technical training in the ministry of education; the medical laboratory technologist in charge of the Division of Vector-borne Diseases; three registered laboratory technicians (two of whom must be in private practice) elected by the Association of Kenya Medical Laboratory Scientific Officers; three registered laboratory technologists (two of whom must be in private practice) elected by the Association; the executive chairman of the Association; not less than three but not more than five laboratory technicians and technologists appointed by the Cabinet Secretary; and not more than two other member co-opted by the Board from time to time.

Under the proposed amendment, the Board is to comprise **eight (8) members** being a non-executive chairperson appointed by the President; the health Principal Secretary; the Principal Secretary for finance; the Attorney-General; and four other persons, not being public officers, of whom three shall be from the medical laboratory sciences' profession, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to medical laboratory sciences, finance or audit, medical research, business management, law or any other relevant field.

- (c) proposes the insertion a new section 10A into the Act to require the Board to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries;
- (d) proposes amendments to sections 23, 24, 35 and 40 and the Schedule to the Act to delete references to "Minister" and replace them with "Cabinet Secretary";
- (e) proposes amendments to section 25 of the Act to empower the Board to make regulations providing for the validation of all in-vitro diagnostics by the Board and to enhance the penalty for any breach of the terms and conditions prescribed by the Board for private practitioners from "a fine not exceeding one hundred thousand shillings, or imprisonment for a term not exceeding twelve months, or to both" to "a fine not exceeding one million shillings, or imprisonment for a term not exceeding five years, or to both";
- (f) proposes amendments to section 26 of the Act on the composition of the Disciplinary Committee to align it with the proposed deletion of the term "Association" from the Act;
- (g) proposes amendments to section 37 of the Act to align it with the enactment of the Public Finance Management Act, 2012 and the Public Audit Act, 2015;

- (h) proposes amendments to section 39 of the Act to enhance the general penalty under the Act from a fine not exceeding thirty thousand shillings to a fine not exceeding three hundred thousand shillings;
- (i) proposes amendments to section 40 of the Act to delete references to the election of Board members;
- (j) proposes amendments to the Schedule to delete references to the election of Board members and altering the quorum of the Board from eleven (11) members to two-thirds of the members;

**(viii) The Tobacco Control Act, 2007 (No. 4 of 2007)**

10. The Bill—

- (a) proposes to repeal and replace section 5 of the Act thereby changing the composition, mode of appointment and qualifications of the members of the Tobacco Control Board.

Currently, the Board comprises **sixteen (16) members**, namely a chairperson appointed by the Cabinet Secretary; the Director of Medical Services; the Chief Public Health Officer; the Director of Children's Services; the Attorney-General; the Director of the Kenya Medical Research Institute; the Director of Agriculture; the Director-General of the National Environmental Management Authority; the Planning Secretary; the Director of Local Authorities; one person nominated by the Kenya Medical Association; a representative of the business community nominated by the Kenya National Chamber of Commerce and Industry; a representative of non-governmental organisations engaged in matters relating to tobacco control nominated by the Non-Governmental Organisations Council; one representative of religious organisations appointed by the Cabinet Secretary; one representative of women's organisations nominated by the National Council of Women of Kenya; and one person nominated by the Law Society of Kenya.

Under the proposed amendment, the Board is to comprise **nine (9) members**, namely a chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General and five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, public health, medical research, environmental health science, business management, economics, law or any other relevant field.

- (b) proposes the insertion of a new section 5A requiring the Board to competitively recruit a Chief Executive Officer who shall also serve as the Secretary to the Board.

**(ix) The Nutritionists and Dieticians Act (No. 18 of 2007)**

11. The Bill—

- (a) proposes amendments to section 2 of the Act to delete the definitions of “Kenya Coalition for Action in Nutrition” and “Nutrition Association of Kenya”;
- (b) proposes to repeal and replace section 5 of the Act thereby changing the composition, mode of appointment and qualifications of the members of the Council of the Nutritionists and Dieticians Institute.

Currently, the Council comprises **eight (8) members**, namely a chairperson appointed by the Cabinet Secretary who must be a holder of a bachelors’ degree in nutrition or dietetics and have at least ten years of professional experience after the first degree of which two years must be at leadership and managerial level; one qualified nutritionist or dietician professional with a minimum of a diploma; the Director of Nutrition and Dietetics Services in the ministry of health; one representative of the Consumers Federation of Kenya who must be a holder of at least a bachelors’ degree; one representative of faculties teaching nutrition and dietetics at public universities who possesses at least a masters’ degree; one representative from public and private middle level colleges offering courses in nutrition or dietetics; the Director General for health; and one member with technical knowledge and competencies in finance appointed by the Cabinet Secretary.

Under the proposed amendment, the Council is to comprise **eight (8) members**, namely a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; and four other persons, not being public officers, of whom three shall be from the nutrition and dietetics profession, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, accounting, nutrition or dietetics, business management, economics, law or any other relevant field;

- (c) proposes to repeal and replace section 9 of the Act thereby changing the mode of appointment and educational qualifications of the Chief Executive Officer (CEO) of the Institute.

Currently, the CEO is competitively recruited by the Council on terms and conditions of service determined by Public Service Commission. The current educational qualifications require a person to possess a Master of Science degree or its equivalent from a university recognised in Kenya.

Under the proposed amendments, the CEO is to be competitively recruited by the Council on the terms and conditions of service determined by the Council in consultation with relevant Government agencies. He or she must possess at least a degree or its equivalent from a university recognised in Kenya.

- (d) proposes amendments to the First Schedule to the Act to change the quorum of the Council from one-third to two-thirds of the members;

**(x) The Cancer Prevention and Control Act (No. 15 of 2012)**

12. The Bill—

- (a) proposes amendments to section 6(2) of the Act to change the composition, mode of appointment and qualifications for members of the Board of Trustees of the National Cancer Institute.

Currently, the Board of Trustees comprises **nine (9) members**, namely the chairperson; the Principal Secretary for health; the Principal Secretary for finance; one person nominated by the registered cancer associations; the Secretary of the National Council for Science and Technology; one person nominated by the Media Owners Association; one prominent philanthropist or industrialist of good standing; one person nominated by the universities teaching medicine; and one person nominated by institutions conducting medical research. The Attorney-General is an *ex officio* member.

Under the proposed amendments, the Board is to comprise **eight (8) members**, namely a chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; the secretary of the National Council for Science and Technology; and three other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, medicine, pharmacy, medical research, business management, economics, law or any other relevant field.

- (b) proposes the insertion of a new section 10A into the Act to require the Board to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries.

**(xi) The Public Health Officers (Training, Registration and Licensing) Act, 2013 (No.12 of 2013)**

13. The Bill—

- (a) proposes amendments to section 2 of the Act to delete the definition of “Minister” and to insert the definition of “Cabinet Secretary”;

- (b) proposes amendments to section 3 of the Act to change the composition, mode of appointment and qualifications for members of the Public Health Offices and Technicians Council.

Currently, the Council comprises **fifteen (15) members**, namely a chairperson appointed by the Cabinet Secretary who must be a public health officer of not less than ten years standing and the holder of a diploma, higher diploma or degree in public health; the Director of Medical Services; the Chief Public Health Officer; a representative of the Ministry responsible for urban areas and cities; one public health officer from a local authority; the Director, Kenya Medical Training College; a representative of the universities in Kenya which award a qualification which is registrable under the Act; the chairman of the Association of Public Health Officers; four public health officers; one representative of the Kenya Bureau of Standards; one representative of the Physical Planners Registration Board; and one public health technician elected by the Association.

Under the proposed amendments, the Council is to comprise **eight (8) members**, namely a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; and four other persons, not being public officers, of whom three shall be public health officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, public health, business management, accounting, economics, law or any other relevant field.

- (c) proposes the insertion of a new section 3A into the Act to require the Council to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries;
- (d) proposes to repeal and replace section 6 of the Act to provide for the manner of appointment of members to the Council, their term of office and the manner in which they may vacate office;
- (e) proposes to repeal section 7 of the Act on account of the amendment to section 6 above;
- (f) proposes amendments to repeal and replace section 23 of the Act to establish the office of the Registrar of the Council who is to be the CEO and Secretary to the Council. Currently, the Chief Public Officer is the Registrar. Under the proposed amendments the Registrar is to be competitively recruited by the Council and must possess at least a degree or its equivalent, at least ten years professional administrative experience in public health or environmental health matters and meet the requirements of Chapter Six of the Constitution.

- (g) proposes amendments to the Schedule to change the quorum from eight (8) to two thirds of the members of the Council.

**(xii) The Kenya Medical Supplies Authority Act, (No. 20 of 2013)**

14. The Bill proposes amendments to repeal and replace section 5 of the Act thereby changing the composition, mode of appointment and qualifications of the members of the Kenya Medical Supplies Authority.

Currently, the Board comprises **seven (7) members**, namely a chairperson appointed by the President who must have at least a university degree in a relevant discipline and at least fifteen years' experience in matters relating to healthcare, business management or public administration; the Principal Secretary for health; the Principal Secretary for finance; three persons recruited and appointed by the Cabinet Secretary, one of whom must at least hold a degree in pharmacy and two from among persons who have at least a university degree in a relevant discipline and at least ten years' experience in management or in the health sector; and one person recruited by the Council of Governors who has at least a university degree in a relevant discipline and at least ten years' experience in management or in the health sector.

Under the proposed amendments, the Board is to comprise eight (8) members, namely a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; one person, not being a governor, nominated by the Council of Governors; and three other persons, not being public officers, of whom two shall be pharmacists experienced in drug and medical supplies, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, supply management, business management, economics, law or any other relevant field.

**(xiii) The Counsellors and Psychologists Act, 2014 (No. 14 of 2014)**

15. The Bill—

- (a) proposes amendments to section 2 of the Act to delete the definitions of "Council", "Secretary" and "Society" which are not used within the body of the Act;
- (b) proposes to repeal and replace section 4 of the Act thereby changing the composition, mode of appointment and qualifications of members of the Counsellors and Psychologists Board.

Currently, the Board comprises **eight (8) members**, namely a chairperson appointed by the Cabinet Secretary who must have at least a bachelors' degree in a relevant field and at

least fifteen years' experience in counselling or psychology; the Director General of Health; the Principal Secretary for finance; two counsellors or psychologists each representing middle level colleges and institutions of higher learning; two persons (one representing counsellors and the other representing psychologists) nominated by registered counsellors and psychologists; and one counsellor or psychologist person from minorities and marginalized groups.

Under the proposed amendment, the Board is to comprise **eight (8) members**, namely a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; and four other persons, not being public officers, of whom three shall be from the counselling and psychology profession, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, accounting, counselling and psychology, business management, economics, law or any other relevant field.

#### **(xiv) The Physiotherapists Act (No. 20 of 2014)**

16. The Bill—

- (a) proposes to repeal and replace section 6 of the Act thereby changing the composition, mode of appointment and qualifications of members of the Physiotherapy Council of Kenya.

Currently, the Council comprises **seven (7) members**, namely a person from the Ministry of health appointed by the Cabinet Secretary; the Director of the Kenya Medical Training; one person with disability nominated by the National Council for Persons With Disabilities; and four physiotherapists competitively and transparently nominated by the Kenya Society of Physiotherapists from which the Cabinet Secretary must appoint a chairperson.

Under the proposed amendments, the Council is to comprise **eight (8) members**, namely a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; the Director of the Kenya Medical Training college; and three other persons, not being public officers, of whom three shall be from the physiotherapy profession, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, physiotherapy, business management, economics, law or any other relevant field.

- (b) proposes amendments to section 10(3) to change the designation of the Registrar of the Council from being the secretary to Chief Executive Officer;

- (c) proposes the insertion of a new section 10A into the Act to require the Council to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries.

**(xv) The Health Records and Information Managers Act (No.15 of 2016)**

17. The Bill—

- (a) proposes amendments to section 2 of the Act to delete the definition of “Association”;
- (b) proposes to repeal and replace section 7 of the Act thereby changing the composition of the Health Records and Information Managers Board.

Currently the Board comprises **ten (10) members**, namely a chairperson appointed by the Cabinet Secretary who must have a minimum of a bachelors’ degree in a relevant field and ten years’ relevant experience; the Director or Deputy Director Health Records and Information Management in the Ministry of Health; two representatives from middle level training colleges and universities offering training in health records and information technology; three registered managers representing the private sector; faith-based organisations; and the Association of Medical Records Officers of Kenya; a bona-fide member of a professional body regulating the accountancy profession; the Secretary General of the Association of Medical Records Officers of Kenya; and one member co-opted by the Board from time to time.

Under the proposed amendments, the Board is to comprise **eight (8) members**, namely a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; and four other persons, not being public officers, of whom three shall be from the health records and information technology profession, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, accounting, health records and information technology, business management, economics, law or any other relevant field.

- (c) proposes the insertion of a new section 14A into the Act to require the Board to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries;
- (d) proposes amendments to section 28 of the Act to appoint the chairperson of the Association of Medical Records Officers of Kenya as the chairperson of the Disciplinary Committee. The section currently provides for the Chairperson of the Board as the chair of the Committee.

**(xvi) The Clinical Officers (Training, Registration and Licensing) Act (No. 20 of 2017)**

18. The Bill—

- (a) proposes amendments to section 2 of the Act to delete the definition of “Kenya Clinical Officers Association”;
- (b) proposes amendments to repeal and replace section 4 of the Act thereby changing the composition, mode of appointment and qualifications of members of the Clinical Officers Council of Kenya.

Currently, the Council comprises **ten (10) members**, namely a chairperson appointed by the President who must have a relevant bachelors’ degree from a recognised university and at least ten years’ relevant experience; the Director General for health; the Chief Clinical Officer; one clinical officer elected by members of faculty of Clinical Medicine of the Kenya Medical Training College; one clinical officer nominated by the Kenya Clinical Officers Association; one clinical officer representing universities training clinical officers elected by teaching staff; two clinical officers of either gender, one in public practice and the other in private practice; one person with knowledge and expertise in finance or audit appointed by the Cabinet Secretary; and one person representing the public nominated by consumer organisations.

Under the proposed amendments, the Council is to comprise **eight (8) members**, namely a non-executive chairperson appointed by the President; the Principal Secretary in the ministry of health; the Attorney-General; the Director of the Kenya Medical Training college; and four other persons, not being public officers, of whom three shall be from the clinical medicine profession, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, clinical medicine, public health, business management, accounting, economics, law or any other relevant field.

- (c) proposes the insertion of a new section 8A into the Act requiring the Council to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries;
- (d) proposes amendments to section 24 of the Act to appoint the chairperson of the Kenya Clinical Officers Association or their nominee as the chairperson of the Disciplinary Committee.
- (e) proposes amendments to the First Schedule to the Act to change the quorum of the Council from seven (7) to two-thirds of the members.

(xvii) **The Health Act, 2017 (No. 21 of 2017)**

19. The Bill—

- (a) proposes amendments to section 30 of the Act to remove the Director-General of Health as a member of the Kenya Health Human Resource Advisory Council and replace the three persons nominated by public universities, private universities and mid-level institutions in the Council with three other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, human resource management, medicine, business management, economics, law or any other relevant field;
- (b) proposes amendments to section 33 of the Act to change the qualifications for appointment as the Chief Executive Officer of the Kenya Health Human Resource Advisory Council.

Currently one must hold at least a degree in medicine from a university recognized in Kenya, be registered by the Medical Practitioners and Dentists Board and have at least ten years' experience in the practice of medicine, five of which must be at a senior management level.

Under the proposed amendment, one must possess at least a degree or its equivalent from a university recognized in Kenya and have at least ten years' experience at management level to qualify for appointment.

- (c) proposes the insertion of a new section 33A into the Act to require the Kenya Health Human Resource Advisory Council to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries;
- (d) proposes amendments to repeal and replace section 46 of the Act thereby changing the composition, mode of appointment and qualifications of members of the Board of the Kenya Health Professions Oversight Authority.

Currently, the Board comprises **twelve (12) members**, namely a chairperson appointed by the Cabinet Secretary; the Principal Secretary for health; the Director-General for health; the Attorney General; two representatives nominated by the health regulatory bodies established under an Act of Parliament; two representatives nominated by the Council of Governors; two representatives nominated by the health professional associations registered by the Registrar of Societies who are not regulated or registered

by any regulatory body; one representative from the private sector appointed by the Cabinet Secretary; and one representative from consumer rights bodies.

Under the proposed amendments, the Board is to comprise **eight (8) members**, namely a non-executive chairperson appointed by the President; the Principal Secretary for health; the Principal Secretary for finance; the Attorney-General; and four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, business management, economics, law or any other relevant field.

- (e) proposes amendments to section 49 to change the qualifications for appointment as the Chief Executive Officer of the Kenya Health Professions Oversight Authority.

Currently one must be a health practitioner registered by a regulatory body and possess at least ten years' experience in the practice of medicine, five of which must be at a senior management level.

Under the proposed amendment, one must possess at least a degree or its equivalent from a university recognized in Kenya and have at least ten years' experience at management level to qualify for appointment.

- (f) proposes the insertion of a new section 49A into the Act to require the Board of Kenya Health Professions Oversight Authority to recruit and appoint a Corporation Secretary who must be a member of the Institute of Certified Public Secretaries;
- (g) proposes amendments to the First Schedule to change the qualifications prescribed for the persons in-charge of Level 3, Level 4, Level 5 and Level 6 health facilities.

Currently, one must be a clinical officer or medical officer to be in-charge of a Level 3 health facility. In addition, one must be a registered medical practitioner with a Master's degree in health-related field to be in charge of a Level 4, Level 5 or Level 6 Hospital, among other qualifications.

Under the proposed amendments, the requirement for one to be a clinical officer or medical officer as regards Level 3 facilities is to be replaced with a requirement that one only be a "registered health practitioner". In addition, the requirement that one must be a registered medical practitioner with a Master's degree in health-related field to be in charge of a Level 4, Level 5 or Level 6 facility is to be replaced with a requirement that the person hold either a Master's degree in medicine, law, business management, physical science, social science or any other relevant field.

## PART III

### 3 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION

20. Following the call for memoranda from the public through the placement of adverts in the print media on **11<sup>th</sup> March, 2021** requesting for comments from the public on the Bill and invitation of stakeholders vide letter REF: NA/DCS/HEALTH/2021/11 dated 20<sup>th</sup> April, 2021 for a stakeholder meeting on the Bill which was held via Zoom online platform on 22<sup>nd</sup> April, 2021 the Committee received joint and individual memoranda from the following stakeholders:

#### **Parties to the Joint Memorandum-**

- i. Ministry of Health
- ii. Pharmaceutical Society of Kenya
- iii. Kenya Medical Association
- iv. The National Nurses Association of Kenya
- v. Kenya Dental Association
- vi. Kenya Pharmaceutical Association
- vii. Kenya Clinical Officers Association
- viii. The Association of Kenya Medical Laboratory Scientific Officers
- ix. The Association of Medical Engineering of Kenya
- x. The Kenya Association of Radiologists
- xi. The Public Health Society of Kenya
- xii. Environmental Public Health Association of Kenya

#### **Individual Memoranda**

- i. The Peoples Health Movement- Kenya
- ii. Christian Medical & Dental Association of Kenya
- iii. Kenya Progressive Nurses Association
- iv. Kenya Medical Association
- v. Kenya Nutritionists and Dieticians Institute
- vi. Association of Medical Records Officers- Kenya
- vii. Health Records and Information Management Society
- viii. Health Systems Management Association
- ix. Society of Radiography in Kenya
- x. Dr. Kahura Mundia
- xi. Dr. Magare Gikenyi
- xii. Ikacho Lokwee
- xiii. Willis Okoth
- xiv. Abraham Kimeli Kiplagat

- xv. William Komen
- xvi. Rodgers Kwalera
- xvii. Henry Cheruiyot
- xviii. Faith Adhiambo
- xix. Japheth Ngeno
- xx. Milcah Koech
- xxi. Rose Jepchirchir Bargoiyet
- xxii. Nelly Jepngetich Tarus
- xxiii. Alice Jeruto Kimutai
- xxiv. Faith Cheruiyot
- xxv. Mark Kiplimo Chepsiror
- xxvi. Kenneth Kibet Koech
- xxvii. Jane Mochache
- xxviii. Thomas Orwenyo

The stakeholders submitted as follows to specific Acts:

### **3.1 THE PHARMACY AND POISONS ACT (CAP. 244)**

21. The parties to the Joint Memorandum submitted as follows on Section 3:

#### **Amend 3(1)(e)-**

(e)four other persons, not being public officers from the pharmacy profession, two shall be pharmacists and two shall be pharmaceutical technologists whom shall demonstrate good standing from Pharmaceutical Society of Kenya and Kenya Pharmaceutical Association respectively, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to accounting, pharmacy, business management, public health, economics, law or any other relevant field; and

#### **Justification-**

To ensure that the persons to be appointed represent the interest of the association/society and avoid conditional nominations.

22. The following stakeholders, *Ikacho Lokwee, Willis Okoth, Abraham Kimeli Kiplagat, William Komen, Rodgers Kwalera, Henry Cheruiyot, Faith Adhiambo, Japheth Ngeno, Milcah Koech, Rose Jepchirchir Bargoiyet*, proposed as follows on **Section. 3:**

**3(1)(a)-** a non-executive chairperson who shall be a pharmacy practitioner and shall be appointed by the President

**3(1)(e)-** four other persons, not being public officers, of whom all must be from pharmacy profession, appointed by the Cabinet Secretary following recommendations from the two

associations in pharmacy practice. Two each from Pharmacy Society of Kenya and Kenya Pharmaceutical Association, by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to pharmacy practice and technologies.

**Justification-**

To ensure that the two cadres in pharmacy practice, pharmacists (degree holders) and pharmaceutical technologists (diploma holders) are represented at the highest decision making organ of the Board.

23. The following stakeholders, *Nelly Jepngetich Tarus, Alice Jeruto Kimutai, Faith Cheruiyot, Mark Kiplimo Chepsiror, Kenneth Kibet Koech, Jane Mochache, Thomas Orwenyo* proposed deletion of **Sections 35D, 35E, 35F, 35G, 35H, 35I, 35J:**

**Justification-**

To ensure the Board carries out its core mandate of safeguarding against manufacturing, importation, distribution, and use of contraband medicines, poor quality drugs and misuse of controlled medicines that must be approved by the Board.

24. **The Peoples Health Movement- Kenya** proposed that **Sections 3 and 5A** be amended as follows-

**Section 3**

- i. Form one Board to govern the health sector
- ii. Chairperson position should be filled through competitive process
- iii. More professionals should be included in the Board
- iv. Expand the grounds for removal to include bankruptcy or elective position
- v. Board members to serve for only one term

**Justification-**

- i. To reduce the wage bill
- ii. To ensure integrity in the process
- iii. To ensure equitable representation of pharmacy profession in its Board
- iv. To afford equal opportunities to Kenyans

**Section 5A**

Include a clause providing for the protection of the Secretary from interference by the Board

**Justification-**

To effectively provide guidance to the Board

### **3.2 THE MENTAL HEALTH ACT (CAP. 248)**

25. The Peoples Health Movement- Kenya proposed an amendment to **Section 53** as follows:  
Amend fine to 100,000 shillings and imprisonment to 6 months

**Justification-**

Proposed penalty is too punitive and may target health workers

### **3.3 THE MEDICAL PRACTITIONERS AND DENTISTS ACT (CAP. 253)**

26. The parties to the Joint Memorandum submitted as follows on **Section. 3A(1)**:

- i. Delete paragraph (d)
- ii. Amend paragraph (e)-  
five other persons not being public officers from the medical and dental profession whom shall demonstrate good standing from their respective association or society, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, medicine, public health, business management, economics, law or any other relevant field; and

**Justification-**

To ensure that the persons to be appointed represent the interest of the association/society and avoid conditional nominations.

27. Christian Medical & Dental Association of Kenya proposed an amendment to **Section 3A** as follows:

- i. include a representative from the Ministry of Education in the Council:
- ii. include more persons from the private health sector: and
- iii. 3A(1)(e)- consideration should be given to members of the relevant health professional associations.

**Justification-**

- i. To conform to the mandate of the Council to regulate the training and licensing of medical institutions and practitioners
- ii. The private sector provides almost half of the health services in Kenya

28. The Peoples Health Movement- Kenya proposed that **Sections 3A, 4D and 4E** be amended as follows:

**Section 3A**

- i. Chairperson and members position should be filled through competitive process

- ii. More professionals should be included in the Council
- iii. Expand the grounds for removal to include bankruptcy or elective position
- iv. Council members to serve for only one term
- v. Vacancies in the Council to be filled within 30 days

**Justification-**

- i. To ensure integrity in the process
- ii. To ensure equitable representation of medical and dental profession in its Council
- iii. To afford equal opportunities to Kenyans

**Section 4D**

Include a clause providing for the protection of the Secretary from interference by the Council

**Justification –**

To effectively provide guidance to the Council

**Section 4E**

Provide exact number of staff to be employed

**Justification -**

To guard against the unfettered discretion to employ many staff

29. Dr. Kahura Mundia and Dr. Magare Gikenyi proposed amendment to **Sections 3A, 4D and 4E** as follows:

**Section 3A**

- i. Provide express selection and appointment criteria based on merit and competency
- ii. Minimize government dominance in healthcare professional regulation
- iii. (a, b, c)- delete representatives

**Justification-**

- i. To set a clear criteria of qualifications
- ii. To promote efficiency and effectiveness

**Section 4D**

Provide express selection and appointment criteria based on merit and competency

**Justification-**

To set a clear criteria of qualifications

**Section 4E**

- i. Set criteria of qualifications for staff of the Council
- ii. Provide term limits of staff
- iii. Prescribe job designations and descriptions

**Justification-**

For clarity

**3.4 THE NURSES ACT (CAP. 257)**

30. The parties to the Joint Memorandum submitted as follows on **Section. 4A(1)**:

- i. Delete paragraph (d)
- ii. Amend paragraph (e)-  
(e) five other persons, of whom not more than two shall be public officers from the nursing and midwifery profession, one of who shall be from the National Nurses Association, whom shall demonstrate good standing from their respective association or society, appointed by the Cabinet Secretary by virtue of gender, disability, skills mix, regional balance and their knowledge and experience in matters relating to finance or audit, nursing, business management, public health, midwifery or any other relevant field; and

**Justification-**

To ensure that the persons to be appointed represent the interest of the associations/society and avoid conditional nominations.

31. The Peoples Health Movement- Kenya proposed an amendment to **Section. 4** as follows:

- i. Chairperson and members position should be filled through competitive process
- ii. More professionals should be included in the Council
- iii. Expand the grounds for removal to include bankruptcy or elective position
- iv. Council members to serve for only one term

**Justification-**

- i. To ensure integrity in the process
- ii. To ensure equitable representation of medical and dental profession in its Council
- iii. To afford equal opportunities to Kenyans

32. The Kenya Progressive Nurses Association proposed an amendment to **Section. 4** as follows:

- (1) 4(1)(a)- must be a holder of either BScN or BScM with masters in a nursing field being an added advantage
- (2) (b)- replace with the Director General of health or his representative appointed in writing
- (3) (c)- replace with Director Nursing services in Kenya or his/her representative appointed in writing
- (4) (d)- replace with the corporation secretary as ex officio member of the Council
- (5) (e) the four persons should be-
  - i) one representative of Kenya Progressive Nurses Association
  - ii) one representative of Midwifery Association of Kenya
  - iii) one representative of National Nurses Association of Kenya
  - iv) one representative of public interest

**Justification-**

- i. For better regulation
- ii. To offer technical advice
- iii. To ensure ethics and professionalism
- iv. To avoid conflict of interest
- v. The key stakeholders of the nursing profession should represent the interest of nurses in the Council

**3.6 THE NATIONAL HOSPITAL INSURANCE FUND ACT (NO. 9 OF 1998)**

33. The Peoples Health Movement- Kenya proposed that **Section 4** be amended as follows:

- i. Chairperson position should be filled through competitive process
- ii. Provide clear criteria on the nomination of the representative of employers
- iii. Provide clear criteria on the nomination of the representative of trade unions
- iv. Expand number of representatives from the Council of Governors

**Justifications-**

- i. To ensure integrity in the appointment process
- ii. To remove ambiguity
- iii. To ensure adequate representation from the county governments

**Deletion of Section. 22A**

**Justification-**

To avoid duplicity since the National Hospital Insurance Fund contributes to universal health coverage in the provision of affordable, accessible, sustainable and quality health.

34. Dr. Kahura Mundia and Dr. Magare Gikenyi proposed amendment to Section 22A, 22B and 22C as follows:

**Section 4(1)**

- i. Provide criteria of qualifications for appointment
- ii. Describe the roles of the appointees

**Justification-**

For clarity

**Section 22A**

- i. Provide a linkage to Article 43 of the Constitution
- ii. Provide guidelines on the basic essential care package for all
- iii. 22A(3)(e)- provide a fixed percentage of fund allocation

**Justification-**

To assist in the implementation of UHC

**Section 22B**

All Kenyans should qualify to the membership of the scheme

**Justification-**

As provided in Article 43(1)(a) and (2) of the Constitution

**Section 22C**

Identification of beneficiaries is unconstitutional

**Justification-**

All Kenyans should be entitled to the basic care package

**Section 22D**

- i. 22D(2)- Lack of clear transitional provision
- ii. 22D(3)(a)- The Board cannot prescribe treatment guidelines
- iii. (3)(c) is ambiguous

**Justifications-**

- i. Provide transitional provisions
- ii. The Board is not professionally qualified to provide treatment guidelines
- iii. Provide express roles of the Board

### **3.7 THE MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS ACT (NO. 10 OF 1999)**

35. The parties to the Joint Memorandum submitted as follows on **Section. 6:**

i. Deletion of paragraph (d)

ii. Amendment of paragraph (e)- as follows:

(e) five other persons, of whom not more than two shall be public officers from the medical laboratory sciences' profession from private medical laboratory, training institutions, research institutions and laboratory and equipment and reagents distributors whom shall demonstrate good standing from their respective association or society, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to medical laboratory sciences, finance or audit, medical research, business management, law or any other relevant field; and

#### **Justification-**

To ensure that the persons to be appointed represent the interest of the associations/society and avoid conditional nominations.

36. The Peoples Health Movement- Kenya proposed an amendment to **Section 6, 10A and 25(3)** as follows:

#### **Section 6**

- i. Chairperson position should be filled through competitive process
- ii. More professionals should be included in the Board

#### **Justification**

- i. To ensure integrity in the process
- ii. To ensure equitable representation of medical laboratory profession in its Board

#### **Section 10A**

Include a clause providing for the protection of the Secretary from interference by the Board

#### **Justification**

To effectively provide guidance to the Board

#### **Section 25(3)**

Amend fine to 250,000 shillings and imprisonment

**Justification**

The fine is too punitive

**3.8 THE TOBACCO CONTROL ACT (NO. 4 OF 2007)**

37. Kenya Medical Association proposed an amendment to **Section 5** as follows:

Add- person nominated by the Kenya Manufacturers Association and person nominated by Law Society Kenya.

**Justification –**

To provide technical expertise

38. The Peoples Health Movement- Kenya proposed an amendment to Section 5 as follows:

- i. Chairperson and members position should be filled through competitive process
- ii. More professionals should be included in the Board
- iii. 5(4)- clearly set out what constitutes affiliation, fine for non-disclosure should be reasonable
- iv. Board members should serve for only one term
- v. Grounds for removal should include bankruptcy and elective position
- vi. Vacancy to be filled within 30 days
- vii. Include a provision to create a mechanism for checks and balances and to regulate board procedure

**Justification –**

- i. To ensure integrity in the process
- ii. To remove ambiguity
- iii. Proposed penalty for non-disclosure is too punitive
- iv. To provide opportunity to Kenyans
- v. To ensure exhaustive grounds for removal from office

**3.9 THE NUTRITIONISTS AND DIETICIANS ACT NO. 18 OF 2007**

39. The **parties to the Joint memoranda proposed amendments to Section 5 as follows:**

- i. Deletion of paragraph (d)
- ii. Amendment of paragraph (e)-

(e) five other persons, not being public officers from the nutrition and dietetics profession whom shall demonstrate good standing from their respective association or society,

appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to medical laboratory sciences, finance or audit, medical research, business management, law or any other relevant field; and

**Justification-**

To ensure that the five persons to be appointed represent the interest of the association/society and avoid conditional nominations.

40. The Kenya Nutritionists and Dieticians Institute proposed deletion of **Sections 5 and 9**

**Justification-**

- i. Lack of consultation
- ii. Sections 5 and 9 were amended in the Health Laws (Amendment) Act, 2019 which are still in the early stages of operationalization
- iii. Having the Principal Secretary in regulatory bodies could bring inefficiencies
- iv. Giving the Cabinet Secretary powers to appoint professionals into the Board/ Council could lead to abuse

41. The Peoples Health Movement- Kenya proposed the following amendments to **Sections 5:**

- i. Chairperson position should be filled through competitive process
- ii. More professionals should be included in the Board
- iii. Include a provision to create a mechanism for checks and balances and to regulate board procedure

**Justification-**

- i. To ensure integrity in the process
- ii. To provide opportunity to Kenyans
- iii. To guard against abuse

**3.10 THE CANCER PREVENTION AND CONTROL ACT (NO. 15 OF 2012)**

42. The Peoples Health Movement- Kenya proposed amendment to **Sections 6(2) and 10A** as follows:

**Section 6(2)**

- i. Chairperson and members position should be filled through competitive process
- ii. More professionals should be included in the Board

**Justification-**

- i. To ensure integrity in the process

- ii. To ensure equitable representation of professionals
- iii. To remove ambiguity

**Section 10A**

Include a clause providing for the protection of the Secretary from interference by the Board

**Justification-**

To effectively provide guidance to the Board

**3.11 THE PUBLIC HEALTH OFFICERS (TRAINING, REGISTRATION AND LICENSING) ACT (NO. 12 OF 2013)**

43. The parties to the Joint memoranda proposed amendments to **Section 3** as follows:

- i. Delete paragraph (d)
- ii. Amend paragraph (e)-  
(e) five other persons, not being public officers, from the Public Health Officers whom shall demonstrate good standing from their respective association or society, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, public health, business management, accounting, economics, law or any other relevant field; and

**Justification-**

To ensure that the five persons to be appointed represent the interest of the association/society and avoid conditional nominations.

44. The Peoples Health Movement- Kenya proposed amendment to **Sections 3(3), 3A** and **6** as follows:

**Section 3(3)** – Chairperson position should be filled through competitive process.

**Justification** - To ensure integrity in the process

**Section 3A** - Include a clause providing for the protection of the Secretary from interference by the Board

**Justification** - To effectively provide guidance to the Board.

**Section 6** –

- i. Chairperson position should be filled through competitive process

- ii. Grounds for removal should include bankruptcy and elective position

**Justification –**

- i. To ensure integrity in the process
- ii. To provide exhaustive grounds for removal from office

**3.12 THE KENYA MEDICAL SUPPLIES AUTHORITY ACT (NO. 20 OF 2013)**

45. The Peoples Health Movement- Kenya proposed amendments to **Section 5** as follows:

**Section 5**

Chairperson position should be filled through competitive process.

**Justification-**

To ensure integrity in the process

**3.13 THE COUNSELLORS AND PSYCHOLOGISTS ACT (NO. 14 OF 2014)**

46. The parties to the Joint memoranda proposed amendments to **Section 4** as follows:

- i. Delete paragraph (d)
  - ii. Amend paragraph (e)-
- (e) five other persons, not being public officers from the counselling and psychology profession whom shall demonstrate good standing from their respective association or society, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, accounting, counselling and psychology, business management, economics, law or any other relevant field; and

47. The Peoples Health Movement- Kenya proposed that **Section 4** be amended as follows:

Chairperson and members position should be filled through competitive process

More professionals should be included in the Board.

**Justification-**

- i. To ensure integrity in the process
- ii. To ensure equitable representation of professionals
- iii. To remove ambiguity

### **3.14 THE PHYSIOTHERAPISTS ACT (NO. 20 OF 2014)**

48. The parties to the Joint memoranda proposed amendments to section 6 as follows:

- i. Delete paragraph (d)
- ii. Replace paragraph (e) with-
- iii. “(e) a representative of the Training Institutions of physiotherapy;”
- iv. Replace paragraph (f) with-

(f) four other persons, a representative from the public, private practice, universities and Kenya society of physiotherapist, whom shall demonstrate good standing from Kenya Society of Physiotherapist, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, physiotherapy, public health, business management, accounting, economics, law or any other relevant field; and

#### **Justification-**

To ensure that the persons to be appointed represent the interest of the association/society and avoid conditional nominations.

49. The Peoples Health Movement- Kenya proposed amendments to **Section 6** and **10A** as follows:

#### **Section 6**

Chairperson and members position should be filled through competitive process

#### **Justification**

To ensure integrity in the process.

#### **Section 10A**

Include a clause providing for the protection of the Secretary from interference by the Council

#### **Justification**

To effectively provide guidance to the Council

### **3.15 THE HEALTH RECORDS AND INFORMATION MANAGERS ACT (NO. 15 OF 2016)**

50. The parties to the Joint memoranda proposed amendments to **Section 7** as follows:

- i. Delete paragraph (d)
  - ii. Amend paragraph (e)-
- (e) five other persons, not being public officers from the health records and information technology profession whom shall demonstrate good standing from their respective association or society, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, accounting, health records and information technology, business management, economics, law or any other relevant field; and

**Justification-**

To ensure that the persons to be appointed represent the interest of the association/society and avoid conditional nominations.

51. Association of Medical Records Officers- Kenya proposed amendments as follows:

Deletion of **Section 2**

**Justification-**

International best practice is to link the professional board and association which directly links to the members.

**Section 7**

Professional regulatory board should have an executive Board

**Justifications-**

- i. A non- executive Board will compromise the standards of the profession practice and training
- ii. An executive Board is necessary to advice on matters pertaining to the profession

**Section 7(1)(d)-** Delete and replace with-

“(d) the Director-General in the Ministry for the time being responsible for health or his or her representative, appointed in writing”

**Justification-**

To provide oversight in technical advice on matters pertaining to health

**Section 7(1)(e)-** Delete “health records and information technology profession” and substitute with “health records and information management profession”

**Justification-**

- i. The course is referred to as health records and information management with various categories
- ii. The term “technology” covers only diploma holders while the term “management” covers all categories

**Section 7(1)(e) - Delete and replace with-**

“(e)- four other persons who shall be from the health records and information management profession, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to Health Records and Information Management Practice, training or relevant field of the public health practice appointed in writing.”

The 4 persons to be-

- i) Director of Health Records and Information Management in the Ministry for Health
- ii) From the training institution responsible for training of health records and information management professionals
- iii) From the private sector practicing as a health records and information management practitioner
- iv) From the county government practicing as a health records and information management practitioner/ manager

**Justification-**

- i) To perform the Board functions effectively
- ii) To maintain standards and sustainability of the profession
- iii) To provide policy guidance
- iv) To facilitate communication between the Board and training institutions
- v) To represent interests of the private sector
- vi) Health is a devolved function between the national and county governments

52. The **Peoples Health Movement- Kenya proposed an amendment to Section 7 and 14A as follows:**

**Section 7**

Chairperson position should be filled through competitive process

**Justification-**

To ensure integrity in the process

**Section 14A**

Include a clause providing for the protection of the Secretary from interference by the Board

**Justification -**

To effectively provide guidance to the Board

53. The Health Records and Information Management Society proposed an amendment to **Section 28(1)** as follows:

(a)- Delete and replace with-

“(a) the chairperson of the Committee shall be an appointee of the Chairman of the Board”

**Justification-**

The person tasked with this responsibility should be answerable to the chairman of the Board, to eliminate direct and indirect interests.

**3.17 THE CLINICAL OFFICERS (TRAINING, REGISTRATION AND LICENSING) ACT (NO. 20 OF 2017)**

54. The parties to the Joint memoranda proposed amendments to **Section 2** and **4** as follows:

**Section 2**

Retain the definition of “Kenya Clinical Officers Association”.

**Justification**

The chair of the association is the chair of the disciplinary committee.

**Section 4**

- i. Delete paragraph (c)
- ii. Replace paragraph (d) with-  
“(d) a representative of the Training Institutions of clinical medicine;
- iii. Replace paragraph (e)-

(e) four other persons, not being public officers from the clinical medicine profession whom shall demonstrate good standing from their respective association or society, which shall consist of a representative from Kenya Clinical Officers Association, Clinical Officer representing the Public Sector, Clinical Officer representing the Private Sector, Clinical Officer representing Universities and Specialized Clinical Officer respectively, appointed by

the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, clinical medicine, public health, business management, accounting, economics, law or any other relevant field; and

**Justification**

To ensure that the persons to be appointed represent the interest of the association/society and avoid conditional nominations.

55. The Peoples Health Movement- Kenya proposed an amendment to **Section 4** and **8A** as follows:

**Section 4**

Chairperson position should be filled through competitive process

**Justification**

To ensure integrity in the process

**Section 8A**

Include a clause providing for the protection of the Secretary from interference by the Council

**Justification**

To effectively provide guidance to the Council

**3.18 THE HEALTH ACT (NO. 21 OF 2017)**

56. The Peoples Health Movement- Kenya proposed amendments to **Section 33A**, **46(1)** and **49A** as follows:

**Section 33A**

Include a clause providing for the protection of the Secretary from interference by the Council

**Justification-**

To effectively provide guidance to the Council

**Section 46(1)**

- i. Chairperson position should be filled through competitive process
- ii. (46(1)(e)- appointment of the four persons should be through a competitive process

**Justification-**

- i. To ensure integrity in the process
- ii. To remove ambiguity and possibility of abuse

**Section 49A**

Include a clause providing for the protection of the Secretary from interference by the Board

**Justification -**

To effectively provide guidance to the Board

57. The Health Systems Management Association proposed an amendment to the **First Schedule** as follows:

- i. LEVEL 3- In-charge must hold a diploma in healthcare management offered at KMTC and other approved tertiary colleges
- ii. LEVEL 4 & 5- must hold a degree in health systems management or its equivalent
- iii. LEVEL 6- must hold a degree with 5 years' experience or Master's degree in health systems management or equivalent
- iv. All managers at any level must be active members of a professional association and satisfy the requirements of Chapter 6 of the Constitution and Mwingozo

**Justification –**

To cap the allowed degrees for the position of management of health facilities

58. The Society of Radiography in Kenya proposed as follows to the **First Schedule**  
**Add the words “is a registered health practitioner who” To the proposed amendments for LEVEL 4, LEVEL 5 and LEVEL 6.**

59. Dr. Kahura Mundia and Dr. Magare Gikenyi proposed amendments to the following Sections. **30(1)(e), 30(1)(i), 33(2), 33A, 46(1), 49(2), 49A** and **First Schedule** as follows:

**30(1)(e)** - Replace with Principal Secretary Finance

**30(1)(i)** - Define role of Board nominees

**33(2)** - (2)(a)- Provide qualification  
(2)(b)- include management training

**33A** - No clear appointment criteria

No office term limits

**46(1)** - (1)(a)- provide clear appointment criteria

(1)(d)- role of Attorney-General is unclear in the Board

(1)(e)- provide clear roles designation

**49(2)** - (2)(a)- include qualification in a healthcare related field

**49A** - Include minimum qualification requirements

Add term limit

**FIRST SCHEDULE** - Retain basic training in a healthcare related field

## **PART IV**

### **4 COMMITTEE RECOMMENDATION**

60. The Committee having considered the Health Laws (Amendment) (National Assembly Bill No. 2 of 2021) recommends that the House approves the Bill with amendments as proposed in the schedule.

## PART V

### 5 SCHEDULE OF PROPOSED AMENDMENTS

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

THAT the Schedule to the Bill be amended —

62. in the proposed amendments to the **Pharmacy and Poisons Act, Cap. 244**—

a. by deleting the proposed amendments to section 3 and substituting therefor the following new amendments—

s. Delete and substitute therefor the following new section—

3

Establishment of  
Pharmacy and  
Poisons Board.

3. (1) There is established a Board which shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the ministry for the time being responsible for health, or a representative appointed in writing;
- (c) the Attorney General or a representative appointed in writing;
- (d) the Chief Pharmacist;
- (e) one person nominated by the Kenya Health Professions Oversight Authority;
- (f) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with knowledge and experience in management of whom—
  - (i) three shall be from the pharmacy profession nominated by the Pharmaceutical Society of Kenya and the Kenya Pharmaceutical Association, of whom two shall be pharmacists with knowledge on regulatory affairs, quality assurance and pharmaceutical development and one shall be a pharmaceutical technologist;
  - (ii) one pharmacist nominated by universities in Kenya which have the power to grant a qualification which is registerable under this Act;
  - (iii) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field; and
- (g) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be

appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (f) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Board if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Board without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding twenty thousand shillings; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board.

#### **Justification**

The amendment seeks to ensure that the Board shall be comprised of persons with knowledge and expertise in matters related to the pharmacy profession.

b. by inserting the following new amendment immediately after the proposed amendment to section 3—

s.3B Insert the following new subsection immediately after subsection (3)—

“(4) The Board shall perform its functions under subsection (2) in consultation with the Board of Management of the National Quality Control Laboratory.”

#### **Justification**

The amendment seeks to ensure that the Pharmacy and Poisons Board shall perform its functions related to the regulation of medicinal substances in consultation with the Board of Management of the National Quality Control Laboratory.

c. by deleting the proposed amendments to section 4;

#### **Justification**

The deletion of the amendment seeks to retain the quorum for meetings of the Board at five members.

d. by deleting the proposed amendment to section 35C;

- e. by deleting the proposed amendment to section 35D;
  - f. by deleting the proposed amendment to section 35E;
  - g. by deleting the proposed amendment to section 35F and inserting the following new amendment—
- s. 35F Delete subsection (1) and insert the following new subsection—
- “(1) There shall be a Board of Management for the Laboratory, which shall consist of nine members to be appointed by the Cabinet Secretary and which shall consist of—
- a. a non-executive chairperson who shall—
    - i. be a registered pharmacist of good standing with a degree in pharmacy; and
    - ii. have at least fifteen years' experience in the pharmaceutical sector;
  - b. the Principal Secretary in the ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
  - c. the Principal Secretary in the ministry for the time being responsible for matters relating to finance, or a representative appointed in writing; the Attorney-General or a representative appointed in writing;
  - e. one person having knowledge and experience in supply chain management, nominated by the Council of County Governors;
  - f. two pharmacists, not being public officers, with knowledge and experience in drug analysis, pharmaceutical manufacturing and regulatory affairs of health products and technologies;
  - g. one person from the healthcare profession having knowledge and experience in quality management systems; and
  - h. the Director who shall be the Chief Executive Officer and an *ex officio* member of the Board.
- h. by deleting the proposed amendment to section 35G;
  - i. by deleting the proposed amendment to section 35H;
  - j. by deleting the proposed amendment to section 35I;
  - k. by deleting the proposed amendment to section 35J;
  - l. by deleting the proposed amendment to section 35K;

**Justification**

The amendment seeks to retain the National Quality Control Laboratory as a body corporate, since it plays a vital role in the examination, testing and analysis of drugs.

The amendment further seeks to provide that the members of the Board of the National Quality Control Laboratory shall be appointed by the Cabinet Secretary from a set criteria, so as to avoid any ambiguity that may arise.

63. in the proposed amendments to the **Medical Practitioners and Dentists Act, Cap. 253**—

a. by deleting the proposed amendments to section 3A and substituting therefor the following new amendments—

s. Delete and substitute therefor the following new section—  
3A

Composition of the Council.

3A. (1) The Council shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
- (c) the Attorney General or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) one person nominated by the Kenya Health Professions Oversight Authority;
- (f) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with knowledge and experience in management of whom—
  - (i) one person shall be a representative of universities in Kenya which have the power to grant a qualification which is registerable under this Act;
  - (ii) one person who shall be a representative of the Kenya Medical Association;
  - (iii) one person who shall be a representative of Kenya Dental Association; and
  - (iv) one person who shall be a representative of oral health practitioners;
  - (v) one person with knowledge and expertise in finance and audit, accounting, business management, economics, law or any other relevant field;
- (g) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (f) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Council without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding twenty thousand shillings; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

(5) The quorum for the conduct of business at a meeting of the Council shall be five members.

(6) The chairperson shall preside at all meetings of the Council but in the absence of the chairperson the members present shall appoint one of their number to preside at the meeting.

(7) The Council shall meet at least once in every three months.

(8) The Council may appoint suitable persons to assist in carrying out particular decisions of the Council or particular duties or investigations for the Council.

(9) The powers of the Council shall not be affected by any vacancy in the membership thereof.

(10) Subject to the provisions of this Act, the Council may regulate its own procedure.

**Justification**

The amendment seeks to ensure that the Council shall be comprised of persons with knowledge and expertise in matters related to the medical and dental profession.

- b. in the proposed new section 4E, by deleting the words “relevant Government agencies” and substituting therefor the words “Salaries and Remuneration Commission”.

**Justification**

The amendment seeks to make express reference to the Salaries and Remuneration Commission as the body constitutionally mandated to review and determine the salaries of public officers.

64. in the proposed amendments to the **Nurses Act, Cap. 257**—

a. by deleting the proposed amendments to section 4 and inserting the following new amendment—

s. Delete and substitute therefor the following new section—  
4

Membership  
of the Council.

4. (1) The Council shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for Health, or a representative appointed in writing;
- (c) the Attorney-General or a representative appointed in writing;
- (d) the Director of Nursing Services;
- (e) one person nominated by the Kenya Health Professions Oversight Authority;
- (f) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
  - (i) one shall be a nurse nominated by the National Nurses Association of Kenya;
  - (ii) one shall be a nurse nominated by the Kenya Progressive Nurses Association;
  - (iii) one shall be a registered nurse educator actively involved in the training of nurses nominated by recognized universities in Kenya;
  - (iv) one shall be a person with a professional background in human resource management;
- (e) the Chief Executive Officer of the Kenya Medical Training College or a representative appointed in writing; and
- (g) the Registrar who shall be the Chief Executive Officer and an *ex officio member* of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (f) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Council without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding twenty thousand shillings; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

**Justification**

The amendment seeks to ensure that the Council shall be comprised of persons with knowledge and expertise in matters related to the nursing profession.

65. by deleting the proposed amendments to the **Kenya Medical Training College Act, Cap. 261**–

**Justification**

The deletion of the proposed amendment seeks to ensure that the Director General for health is retained in the membership of the Board of Directors of the Kenya Medical Training College.

66. in the proposed amendments to the **National Hospital Insurance Fund Act, No. 9 of 1998**–

a. by deleting the proposed amendment to section 4(1) and inserting the following new amendment–

s. Delete and substitute therefor the following new subsection–

4(1)

Establishment  
of the Board.

4. (1) There is established a Board to be known as the National Health Insurance Fund Board of Management which shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
- (c) the Attorney-General or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) one person, not being a Governor, nominated by the Council of County Governors;
- (f) one person nominated by the Kenya Health Professions Oversight Authority;
- (g) one person nominated by the Federation of Kenya Employers;
- (h) one person nominated by the Central Organization of Trade Unions;
- (i) two other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance

- or audit, medicine, business management, public health, economics, insurance, law or any other relevant field; and
- (j) the Chief Executive Officer who shall be the Registrar and an *ex officio* member and also the secretary to the Board.

**Justification**

The amendment seeks to ensure that the Board shall be comprised of persons from all relevant stakeholders involved in matters related to hospital benefits and covers.

- b. by deleting the proposed new subsection (1A);

**Justification**

The deletion of the proposed new subsection is necessary as a consequence of the reconstitution of the Board.

- c. in the proposed new section 22C, by deleting the words “ministry responsible for health and the respective counties” and substituting therefor the words “social assistance committees in the respective constituencies.”

**Justification**

The amendment seeks to ensure that the Constituency Social Assistance Committees shall be involved in the process of identification of beneficiaries under the Fund.

- d. in the proposed new section 22D–

67. by deleting the proposed new subsection (1) and inserting the following new subsection–  
“(1) The Universal Health Coverage Scheme shall be administered by the Board separately from the other schemes administered by the Fund.”;

- ii. by deleting the proposed new subsection (2);

**Justification**

The amendment seeks to ensure that the Universal Health Coverage Scheme shall be run separately from the current existing schemes run by the National Hospital Insurance Fund, which will be necessary for accountability purposes.

68. in the proposed amendments to the **Kenya Medical Laboratory Technicians and Technologists Act, No. 10 of 1999**–

- a. by deleting the proposed amendment to section 2;

**Justification**

The deletion of the amendment seeks to ensure that the Association of Kenya Medical Laboratory Scientific Officers is retained as defined in the Act, since there shall be a representative of the Association to be included in the composition of the Board.

- b. by deleting the proposed amendment to section 6 and inserting the following new amendment–

s. Delete and substitute therefor the following new section—

6

Membership  
of the Board.

6. (1) The Board shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;
- (c) the Attorney-General or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) one person nominated by the Kenya health Professions Oversight Authority;
- (f) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
  - (i) one shall be a pathologist nominated by the Kenya Medical Association;
  - (ii) two shall be from the medical laboratory profession nominated by the Association of Kenya Medical Laboratory Scientific Officers of whom one shall be a laboratory technologist and one shall be a laboratory technician;
  - (iii) one registered laboratory technologist nominated by a university recognized in Kenya offering medical laboratory sciences;
  - (iv) one registered laboratory technician nominated by a university recognized in Kenya offering medical laboratory sciences; and

(g) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (f) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in

- writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Board without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding twenty thousand shillings; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board.

**Justification**

The amendment seeks to ensure that the Board shall be comprised of persons with knowledge and expertise in matters related to the medical laboratory profession.

- c. in the proposed amendment to section 26(1)(a), by deleting the proposed new paragraph (a) and inserting the following new paragraph—  
“(a) a chairperson elected from amongst the members of the Board appointed under paragraphs (e) or (f) of section 6(1).”

**Justification**

The amendment seeks to ensure that the chairperson of the Disciplinary Committee shall be one of the persons appointed to serve in the Board.

- d. in the proposed amendment to the Schedule—
  - i. by deleting the proposed amendment to paragraph 1 and inserting the following new amendment—  
“Delete the words “or re-election, as the case may be” and substitute therefor the words “for one further term of three years.”
  - ii. by deleting the proposed amendment to paragraph 3(4) and inserting the following new amendment—  
“Delete the word “eleven” and substitute therefor the word “five”.

**Justification**

The amendment seeks to provide with certainty that the re-appointment of the Board members shall only be for a period of one further term of three years.  
The amendment also seeks to ensure that the quorum for the conduct of meetings of the Board shall be five members, since the Board will comprise of nine members.

69. in the proposed amendments to the **Tobacco Control Act, No. 4 of 2007**—

- a. by deleting the proposed amendment to section 5 and inserting the following new amendment—
- s. Delete and substitute therefor the following new section—  
5  
Membership    **5.** (1) There is established a Board to be known as the Tobacco Control

of the Board. Board which shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;
- (c) the Principal Secretary for the time being responsible for matters relating to interior and coordination of National Government or a representative appointed in writing;
- (d) the Attorney-General or a representative appointed in writing;
- (e) the Director General for health or a representative appointed in writing;
- (f) one person nominated by the Kenya health Professions Oversight Authority;
- (g) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
  - (i) one shall be a representative of the business community in Kenya, nominated by the Kenya National Chamber of Commerce and Industry;
  - (ii) one representative of Consumer Federation of Kenya;
  - (iii) one representative from the Non-Governmental Organizations Co-ordination Board;
  - (iv) one representative from the National Environment Management Authority; and
- (h) the Chief Executive Officer who shall be an *ex officio* member and secretary to the Board.

(2) The persons appointed under subsection (1)(g) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(g) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) No member of the Board shall directly or indirectly be affiliated to the tobacco industry or its subsidiaries.

(5) A member who fails to disclose his or her affiliation to the tobacco industry or its subsidiary commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or imprisonment for a period not exceeding five years or both.

(6) A person appointed as a member of the Board under subsection (1)(a) and (g), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Board if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Board without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding twenty thousand shillings; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board.

(7) The chairperson shall preside at all meetings of the Board and, in the absence for any reason of the chairperson, the other members of the Board who are present at that meeting shall choose one among their number to act as the chairperson at the meeting.

(8) Five members of the Board shall constitute a quorum at any meeting.

(9) The Board shall meet at least once in every three months.

(10) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(11) The expenses of the Board shall be defrayed out of the monies provided by Parliament for that purpose.

(12) Subject to the provisions of this Act, the Board may regulate its own procedure.

### **Justification**

The amendment seeks to ensure that the Board shall be comprised of persons having the relevant expertise as well as representatives of the relevant stakeholders.

70. in the proposed amendments to the **Nutritionists and Dieticians Act, No. 18 of 2007**—

a. by deleting the proposed amendment to section 5 and inserting the following new amendment—

s. Delete and substitute therefor the following new section—

5

The Council of 5. (1) There is established the Council of the Institute which shall consist of—  
(a) a non-executive chairperson appointed by the President;

the  
Institute.

- (b) the Principal Secretary in the Ministry for the time being responsible for health or a representative appointed in writing;
- (c) the Attorney-General or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) one person nominated by the Kenya Health Professions Oversight Authority;
- (h) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
  - (i) two shall be from the nutrition and dietetics profession of good standing nominated by the Nutrition Association of Kenya;
  - (ii) one shall be a registered nutrition and dietetics educator actively involved in the training of nutrition and dietetics professionals nominated by recognized universities or colleges in Kenya;
  - (iii) one shall be a representative of the Consumers Federation of Kenya, who shall be a holder of at least a diploma in nutrition studies;
  - (iv) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, human resource, law or any other relevant field; and
- (g) the Chief Executive Officer who shall be an *ex-officio* member of the Board.

(2) The persons appointed under subsection (1)(h) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(h) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (h), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Council

- without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding twenty thousand shillings; or
  - (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

(5) The Council may establish committees consisting of members of the Council to deal with such matters as the Council may specify.

(6) Subject to the First Schedule, the Council shall regulate its own procedures.

### **Justification**

The amendment seeks to ensure that the Council shall be comprised of persons having the relevant expertise and knowledge in matters relating to nutrition and dietetics.

The amendment also seeks to provide the grounds upon which a person may cease to be a member of the Council.

- b. in the proposed amendment to section 9, by deleting the words “relevant Government agencies” appearing in the proposed new section 9 and substituting therefor the words “Salaries and Remuneration Commission”;

### **Justification**

The amendment seeks to expressly make reference to the Salaries and Remuneration Commission as the body constitutionally mandated to review and determine salaries and remunerations of public officers.

- c. in the proposed amendment to the First Schedule, by deleting the expression “two-thirds” and substituting therefor the word “seven”.

### **Justification**

The amendment seeks to set the quorum for a meeting of the Council at seven members, since the Council will be composed of eleven members.

71. in the proposed amendments to the **Cancer Prevention and Control Act, No. 15 of 2012**—

- a. by deleting the proposed amendment to section 6(2) and inserting the following new amendment—

s. 6(2) Delete and substitute therefor the following new section—

“(2) The Board shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;
- (c) the Attorney-General or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) one person nominated by the Kenya Health Professions Oversight Authority;
- (f) the Secretary of the National Council for Science and Technology;
- (g) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with managerial experience of whom—
  - (i) one shall be a person nominated by the Kenya Medical Association;
  - (ii) one shall be a person, not being a Governor, nominated by the Council of County Governors;
  - (iii) one shall be a person nominated by the registered cancer associations in such manner as may be prescribed;
  - (iv) one shall be a person nominated by the Consumers Federation of Kenya; and
- (h) the Chief Executive Officer who shall be an *ex officio* member of the Board.

New subsections.

Insert the following new subsections immediately after subsection (1)—

(2A) The persons appointed under subsection (2)(g) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(2B) The nominations under subsection (2)(g) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

### **Justification**

The amendment seeks to ensure that the Board shall be comprised with members having the necessary knowledge and expertise relevant to fulfill the objects and functions of the Board.

The amendment also seeks to provide for the manner of nomination of the representatives from the various institutions.

72. in the proposed amendments to the **Public Health Officers (Training, Registration and Licensing) Act, No. 12 of 2013**—

a. by deleting the proposed amendment to section 3(3) and inserting the following new amendment—

s. 3(3) Delete and substitute therefor the following new subsection—

“(3) The Council shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;
- (c) the Principal Secretary for the time being responsible for matters relating to labour and social protection or a representative appointed in writing;
- (d) the Attorney-General or a representative appointed in writing;
- (e) the Director General for health or a representative appointed in writing;
- (f) one person nominated by the Kenya Health Professions Oversight Authority;
- (g) one person, not being a Governor, nominated by the Council of County Governors;
- (h) three other persons, being practitioners of public health, and not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, public health, business management, accounting, economics, law or any other relevant field; and
- (i) the Registrar who shall be the Chief Executive Officer and an *ex-officio* member of the Council.

New subsections.

Insert the following new subsections immediately after subsection (3)—

(3A) The persons appointed under subsection (3)(h) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3B) The nominations under subsection (3)(h) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

### **Justification**

The amendment seeks to reconstitute the Council to ensure that the Council shall be comprised with members having the necessary knowledge and expertise in public health which is relevant to fulfill the objects and functions of the Board.

The amendment also seeks to provide for the manner of nomination of the representatives from the various institutions.

- b. in the proposed amendment to section 6–
  - i. by deleting the expression “(e)” appearing in the proposed new subsection (1) and substituting therefor the expression “(f)”;
  - ii. by deleting the expression “(d)” appearing in the proposed new subsection (2) and substituting therefor the expression “(f)”;
  - iii. by deleting the expression “(d)” appearing in the proposed new subsection (5) and substituting therefor the expression “(f)”;

**Justification**

The amendment is necessary for purposes of correct referencing.

- c. in the proposed amendment to the Schedule, by deleting the words “two-thirds” and substituting therefor the word “nine”;

**Justification**

The amendment seeks to ensure that the quorum for the conduct of meetings of the Council shall be an odd number which is necessary for voting purposes.

73. in the proposed amendments to the **Kenya Medical Supplies Authority Act, No. 20 of 2013**–

- a. by deleting the proposed amendment to section 5 and inserting the following new amendment–

- s. Delete and substitute therefor the following new section–

5

Composition  
of the Board.

- 5. (1) The Board shall consist of–
  - (a) a non-executive chairperson appointed by the President;
  - (b) the Principal Secretary in the ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
  - (c) the Attorney General or a representative appointed in writing;
  - (d) the Director General for health or a representative appointed in writing;
  - (e) one person nominated by the Kenya Health Professions Oversight Authority;
  - (f) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with knowledge and experience in management of whom–
    - (i) one shall be a person, not being a Governor, nominated by the Council of County Governors;
    - (ii) two shall be pharmacists having experience in drug and medical supplies, nominated by the Pharmaceutical Society of Kenya.
    - (iii) one shall be a pharmaceutical technologist having experience

in drug and medical supplies, nominated by the Kenya Pharmaceutical Association;

(iv) one shall be a person with knowledge and experience in matters relating to finance or audit, supply management, business management, economics, law or any other relevant field; and

(g) the Chief Executive Officer who shall be an *ex-officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

(5) Subject to the Schedule, the Council shall regulate its own procedures.

### Justification

The amendment seeks to ensure that the Board is comprised of members having the relevant knowledge and expertise in medical supplies.

74. in the proposed amendments to the **Counsellors and Psychologists Act, No. 14 of 2014**—

a. by deleting the proposed amendments to section 4 and inserting the following new amendment—

s. Delete and substitute therefor the following new section—

4

Composition  
of the Board.

**4. (1) The Board shall consist of—**

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for health or a representative appointed in writing;
- (c) the Principal Secretary in the Ministry for the time being

- responsible for matters relating to finance or a representative appointed in writing;
- (d) the Attorney-General or a representative appointed in writing;
  - (e) the Director General for health or a representative appointed in writing;
  - (f) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, of whom—
    - (i) one shall be a representative of universities in Kenya which have the power to grant a qualification which is registerable under this Act;
    - (ii) two shall be from the counselling and psychology profession of good standing nominated from their respective association or society, of whom one shall be a counsellor and one shall be a psychologist;
    - (iii) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field;
  - (g) the Chief Executive Officer of the Kenya Medical Training College or a representative appointed in writing; and
  - (h) Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

### **Justification**

The amendment seeks to ensure that the Board is comprised of members having the relevant knowledge and expertise in counseling and psychology.

75. in the proposed amendments to the **Physiotherapists Act, No. 20 of 2014**—

a. by deleting the proposed amendment to section 6 and inserting the following new amendment—

s. Delete and substitute therefor the following new section—  
6

Composition  
of the Council.

6. (1) The Council shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;
- (d) the Attorney-General or a representative appointed in writing;
- (e) the Director General for health or a representative appointed in writing;
- (f) five other persons, not being public officers of whom two shall be from the physiotherapy profession appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with managerial experience of whom—
  - (i) one shall be a physiotherapist who shall be a representative of universities in Kenya which have the power to grant a qualification which is registerable under this Act;
  - (ii) one shall be a person with disability nominated by the National Council of Persons with Disability;
  - (iii) two shall be from the physiotherapy profession of good standing nominated from their respective association or society;
  - (iv) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field; and
- (g) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or

institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

#### **Justification**

The amendment seeks to ensure that the Board is comprised of members having the relevant knowledge and expertise in physiotherapy.

76. in the proposed amendments to the **Health Records and Information Managers Act, No. 15 of 2016**–

- a. by deleting the proposed amendment to section 2;

#### **Justification**

The amendment seeks to retain the Association of Medical Records Officers of Kenya as defined in the Act, since the Association nominates a member to the Board.

- b. by deleting the proposed amendment to section 7 and inserting the following new amendment–

- s. Delete and substitute therefor the following new section–

7

Composition  
of the Board.

7. (1) The Board shall consist of–

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;
- (d) the Attorney-General or a representative; appointed in writing;
- (e) the Director General for health or a representative appointed in writing;
- (f) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with knowledge and expertise in management of whom–

- (i) two shall be representatives nominated by universities and colleges offering training in health records and information technology, health informatics and digital health;
- (ii) two shall be from the health records and information management profession of good standing nominated from the Association for Medical Records Officers;

- (iii) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field; and
- (g) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(2) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

#### **Justification**

The amendment seeks to ensure that the Board is comprised of members having the relevant knowledge and expertise in health records and information management.

77. in the proposed amendments to the **Clinical Officers (Training, Registration and Licensing) Act, No. 20 of 2017**—

- a. by deleting the proposed amendment to section 2;

#### **Justification**

The amendment seeks to retain the Kenya Clinical Officers Association as defined in the Act, since the Association nominates a member to the Council.

- b. by deleting the proposed amendment to section 4 and inserting the following new amendment—

s. Delete and substitute therefor the following new section—

4

Composition of the Council.

4. (1) The Council shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
- (c) the Principal Secretary in the Ministry for the time being

responsible for matters relating to finance, or a representative appointed in writing;

- (d) the Attorney-General or his or a representative appointed in writing;
- (e) the Director General for health or a representative appointed in writing;
- (f) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
  - (i) two shall be clinical officers nominated by the Kenya Clinical Officers Association;
  - (ii) one shall be a clinical medicine educator actively involved in the training of clinical officers nominated by recognized universities in Kenya which have the power to grant a qualification which is registerable;
  - (iii) one shall be a person with a professional background in with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field;
- (e) the Chief Executive Officer of the Kenya Medical Training College or a representative appointed in writing; and
- (f) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsections (1)(a) and (e) of this section, shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

(5) A person appointed as a member of the Council under subsection (1)(a) and (f) may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Council

- without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding twenty thousand shillings; or
  - (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

### **Justification**

The amendment seeks to ensure that the Board is comprised of members having the relevant knowledge and expertise in clinical medicine.

- c. in the proposed amendment to the First Schedule, by deleting the words “two-thirds” and substituting therefor the word “five”.

### **Justification**

The amendment seeks to set the quorum for the conduct of meetings of the Council at five members, since the Council will be comprised of nine members.

78. in the proposed amendments to the **Health Act, No. 21 of 2017**—

- a. by deleting the proposed amendment to section 30(1)(e);

### **Justification**

The deletion of the proposed amendment will retain the Director General for health in the membership of the Kenya Health Human Resource Advisory Council.

This is necessary since the Director General for health is the technical advisor to the Government on all matters relating to health within the health sector.

- b. in the proposed amendment to section 33(2), by deleting the word “Authority” and substituting therefor the word “Council”.

### **Justification**

The amendment is necessary for purposes of making correct reference to the Kenya Health Human Resource Advisory Council which is not an Authority.

- c. in the proposed amendments to section 46(1)—
  - (i) by deleting the proposed new paragraph (a) and substituting therefor the following new paragraph—

“(a) a chairperson appointed by the Cabinet Secretary who shall be a health professional with ten years’ experience and who meets the requirements of Chapter Six of the Constitution and has knowledge and experience in matters related to human resource management;”

### **Justification**

The amendment seeks to retain the qualifications of the chairperson of the Kenya Health Professions Oversight Authority.

(ii) by deleting paragraph (d) of the proposed new section 46(1) and inserting the following new paragraph—

“(d) one representative nominated by the Council of County Governors;”

(iii) by deleting the proposed new subsection (1A) and inserting the following new subsections—

“(1A) The persons appointed under subsections (1)(e), (f) and (g) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(1B) The nominations under subsection (1)(e), (f) and (g) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.”

### **Justification**

The amendment seeks to remove the Attorney-General from the membership of the Kenya Health Professions Oversight Authority, and instead retain a representative nominated by the Council of County Governors. This is necessary owing to the fact that health is a concurrent function between the national and county governments.

The amendment also seeks to provide for the manner of nomination of representatives to the Authority by the various institutions.

### **NEW CLAUSE**

79. **THAT** the Bill be amended by inserting the following new clause immediately after clause 2—

Transition. 3. (1) In this section, “Board” includes any Council proposed to be reconstituted under this Act.

(2) At the commencement of this Act, any person who, immediately before the commencement of this Act was a member or staff of any of the Boards proposed to be reconstituted under this Act shall be deemed to be a member or staff of the reconstituted Board for the unexpired period of his or her term of service.

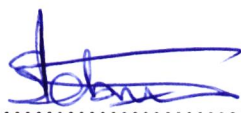
(3) At the commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in any of the Boards shall by virtue of this sub-section, vest in the new Board under this Act.

(4) At the commencement of this Act, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such date were vested in, imposed on or enforceable against any Board shall, by virtue of this sub-section, be deemed to be vested in, imposed on or enforceable against the respective new Board.

(5) Any reference in any written law or in any document or instrument to any of the Boards shall on and after the appointed day, be construed to be a reference to the respective new Board.

**Justification**

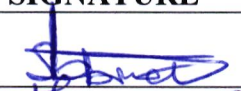



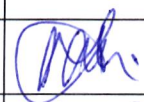
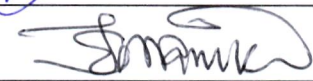
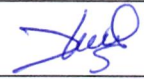
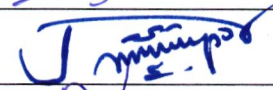

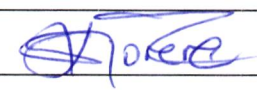
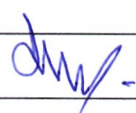
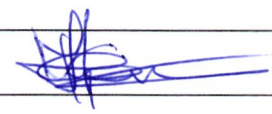
The amendment seeks to ensure the introduction of transitional provisions to ensure the seamless transition from the former Boards and Councils to the new Boards and Councils as reconstituted in the Bill.

SIGNED.......... DATE..... 28<sup>TH</sup>, SEP, 2021.....  
**THE HON. SABINA CHEGE, MP**  
**CHAIRPERSON,**  
**DEPARTMENTAL COMMITTEE ON HEALTH**



THE NATIONAL ASSEMBLY  
DEPARTMENTAL COMMITTEE ON HEALTH  
ATTENDANCE SCHEDULE

ADOPTION SCHEDULE FOR THE CONSIDERATION OF THE REPORT ON THE HEALTH LAWS  
(AMENDMENT), NATIONAL ASSEMBLY BILL No. 2 of 2021

	NAME	SIGNATURE
1.	Hon. Sabina Chege, MP – <b>Chairperson</b>	
2.	The Hon. Joshua Kutuny, MP – <b>Vice-Chairperson</b>	
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	
9.	The Hon. Joyce Akai Emanikor, MP	
10.	Hon. Prof. Mohamud Sheikh Mohamed, MP	
11.	Hon. Martin Peters Owino, MP	
12.	Hon. Kipsengeret Koros, MP	
13.	Hon. Tongoyo Gabriel Koshal, MP	
14.	The Hon. Sarah Paulata Korere, MP	
15.	The Hon. Dr. Gideon Ochanda, MP	
16.	The Hon. Beatrice Adagala, MP	
17.	The Hon. Said Hiribae, MP	
18.	The Hon. (Capt.) Ruweida Mohammed, MP	
19.	The Hon. James Githua Kamau Wamacukuru, MP	

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...the title deed to the land, which was in her name. A Good Samaritan paid her hospital bill.  
Ms Ndonga told the court that Obochi had two previous wives who ran away, leaving behind four children.  
She was taking care of all the

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

...meted on her by her late husband who is described as irresponsible and violent.  
"Secondly, she'll be remembered as a person who killed her husband in the process of defending her own life" the judge said.  
skiplagat@ke.nationmedia.com

## REPUBLIC OF KENYA



### THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT (FIFTH SESSION)

#### INVITATION FOR PUBLIC PARTICIPATION & SUBMISSION OF MEMORANDA

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

- In the Matter of consideration by the National Assembly: -**
- 1. The Health Laws (Amendment) Bill, (National Assembly Bill No. 2 of 2021)**
  - 2. The Community Health Workers Bill, (National Assembly Bill No. 30 of 2020)**

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

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

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

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

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

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

**MICHAEL R. SIALAI, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

**MINUTES OF THE FORTY-FOURTH (44<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD VIA ZOOM ON TUESDAY 10<sup>TH</sup> AUGUST, 2021 AT 9.00 AM**

**PRESENT**

1. **The Hon. Sabina Chege, MP** - Chairperson
2. The Hon. Dr James Nyikal, MP
3. The Hon. Joyce Akai Emanikor, MP
4. The Hon. Prof Mohamud Sheikh Mohamed, MP
5. The Hon. Martin Peters Owino, MP
6. The Hon. Sarah Paulata Korere, MP
7. The Hon. Dr Gideon Ochanda, MP
8. The Hon. Beatrice Adagala, MP
9. The Hon. (Capt) Ruweida Mohammed, MP
10. The Hon. Said Hiribae, MP

**ABSENT WITH APOLOGY**

1. **The Hon. Joshua Kutuny, MP – Vice-Chairperson**
2. The Hon. Dr Eseli Simiyu, MP
3. The Hon. Muriuki Njagagua, 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. Tongoyo Gabriel Koshal, MP
8. The Hon. Kipsengeret Koros, MP
9. The Hon James Githua Kamau Wamacukuru, MP

**IN ATTENDANCE**

**NATIONAL ASSEMBLY SECRETARIAT**

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

**MIN. NO.NA/DC.H/2021/145: PRELIMINARIES**

The Chairperson called the meeting to order at 9.21 am.

**MIN.NO.NA/DC.H/2021/146: CONSIDERATION OF THE HEALTH LAWS (AMENDMENT) BILL, 2021**

The Committee considered the draft report and proposed amendments to the schedule of the Health Laws (Amendment) Bill, 2021.

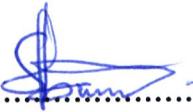
*(Details of the specific clauses and amendments are contained in the report on the consideration of the Health Laws (Amendment) Bill, 2021).*

**MIN. NO.NA/DC.H/2021/147: ADJOURNMENT**

There being no other business to deliberate on, the meeting was adjourned at 11:39 am.

**HON. SABINA CHEGE, MP**

**(CHAIRPERSON)**

Sign.......... Date.....27/5/2021.....

**MINUTES OF THE FORTY- FIFTH (45<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD VIA ZOOM ON TUESDAY 17<sup>TH</sup> AUGUST, 2021 AT 10.00 AM**

**PRESENT**

1. **The Hon. Sabina Chege, MP** - **Chairperson**
2. **The Hon. Joshua Kutuny, MP** – **Vice-Chairperson**
3. The Hon. Dr Mohamed Dahir Duale, MP
4. The Hon. Dr James Nyikal, MP
5. The Hon. Muriuki Njagagua, MP
6. The Hon. Joyce Akai Emanikor, MP
7. The Hon. Prof Mohamud Sheikh Mohamed, MP
8. The Hon. Martin Peters Owino, MP
9. The Hon. Kipsengeret Koros, MP
10. The Hon. Sarah Paulata Korere, MP
11. The Hon. Said Hiribae, MP

**ABSENT WITH APOLOGY**

1. The Hon. Dr Eseli Simiyu, MP
2. The Hon. Dr James Kipkosgei Murgor, MP
3. The Hon. Alfred Agoi Masadia, MP
4. The Hon. Dr Gideon Ochanda, MP
5. The Hon. Beatrice Adagala, MP
6. The Hon. (Capt) Ruweida Mohammed, MP
7. The Hon. Tongoyo Gabriel Koshal, MP
8. The Hon James Githua Kamau Wamacukuru, MP

**IN ATTENDANCE**

**NATIONAL ASSEMBLY SECRETARIAT**

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

**MIN. NO.NA/DC.H/2021/148: PRELIMINARIES**

The Chairperson called the meeting to order at 10.08 am.

**MIN.NO.NA/DC.H/2021/149: CONSIDERATION OF THE DRAFT REPORT OF THE HEALTH LAWS (AMENDMENT BILL), 2021**

The Committee considered the draft report and proposed amendments to the schedule of the Health Laws Amendment Bill, 2021.


*(Details of the specific clauses and amendments are contained in the report on the consideration of the Health Laws (Amendment) Bill, 2021).*

**MIN. NO.NA/DC.H/2021/150: ADJOURNMENT**

There being no other business to deliberate on, the meeting was adjourned at 11:39 am.

**HON. SABINA CHEGE, MP**

**(CHAIRPERSON)**

Sign.......... Date.....27/9/2021.....

**MINUTES OF THE FORTY- SIXTH (46<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD VIA ZOOM ON WEDNESDAY 18<sup>TH</sup> AUGUST, 2021 AT 10.00 AM**

**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. Muriuki Njagagua, MP
5. The Hon. Prof Mohamud Sheikh Mohamed, MP
6. The Hon. Martin Peters Owino, MP
7. The Hon. (Capt) Ruweida Mohammed, MP
8. The Hon James Githua Kamau Wamacukuru, MP

**ABSENT WITH APOLOGY**

1. The Hon. Dr Eseli Simiyu, MP
2. The Hon. Dr James Kipkosgei Murgor, MP
3. The Hon. Dr Mohamed Dahir Duale, MP
4. The Hon. Joyce Akai Emanikor, MP
5. The Hon. Alfred Agoi Masadia, MP
6. The Hon. Dr Gideon Ochanda, MP
7. The Hon. Beatrice Adagala, MP
8. The Hon. Tongoyo Gabriel Koshal, MP
9. The Hon. Kipsengeret Koros, MP
10. The Hon. Sarah Paulata Korere, MP
11. The Hon. Said Hiribae, MP

**IN ATTENDANCE**

**NATIONAL ASSEMBLY SECRETARIAT**

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

**MIN. NO.NA/DC.H/2021/148: PRELIMINARIES**

The Chairperson called the meeting to order at 10.10 am.

**MIN.NO.NA/DC.H/2021/149: CONSIDERATION OF THE HEALTH LAWS (AMENDMENT) BILL, 2021**

The Committee considered the draft report and proposed amendments to the schedule of the Health Laws Amendment Bill, 2021.


*(Details of the specific clauses and amendments are contained in the report on the consideration of the Health Laws (Amendment) Bill, 2021).*

**MIN. NO.NA/DC.H/2021/150: ADJOURNMENT**

There being no other business to deliberate on, the meeting was adjourned at 11:39 am.

**HON. SABINA CHEGE, MP**

**(CHAIRPERSON)**

Sign.......... Date.....27/9/2021.....

**MINUTES OF THE FORTY-NINTH (49<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD VIA ZOOM ON TUESDAY 31<sup>ST</sup> AUGUST, 2021 AT 10.00 AM**

**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. Prof Mohamud Sheikh Mohamed, MP
5. The Hon. Martin Peters Owino, MP
6. The Hon. Kipsengeret Koros, MP
7. The Hon. Sarah Paulata Korere, MP
8. The Hon. Dr Gideon Ochanda, MP
9. The Hon. Beatrice Adagala, MP

**ABSENT WITH APOLOGY**

1. The Hon. Dr Eseli Simiyu, MP
2. The Hon. Dr James Kipkosgei Murgor, MP
3. The Hon. Dr Mohamed Dahir Duale, MP
4. The Hon. Muriuki Njagagua, MP
5. The Hon. Joyce Akai Emanikor, MP
6. The Hon. Alfred Agoi Masadia, MP
7. The Hon. Tongoyo Gabriel Koshal, MP
8. The Hon. Said Hiribae, MP
9. The Hon. (Capt) Ruweida Mohammed, MP
10. The Hon James Githua Kamau Wamacukuru, MP

**IN ATTENDANCE**

**NATIONAL ASSEMBLY SECRETARIAT**

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

**MIN. NO.NA/DC.H/2021/157: PRELIMINARIES**

The Chairperson called the meeting to order at 10.12 am.

**MIN.NO.NA/DC.H/2021/158: ADOPTION OF THE HEALTH LAWS (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 2 of 2021)**

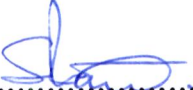
The Committee adopted the report of the Health Laws (Amendment) Bill, (National Assembly Bill No. 2 of 2021) after being proposed by the **Hon. Sabina Chege, MP** and Seconded by the **Hon. Joshua Kutuny, MP.** *(The Committee's proposed amendments are detailed in Part V of the report).*

**MIN. NO.NA/DC.H/2021/159: ADJOURNMENT**

There being no other business to deliberate on, the meeting was adjourned at 11:43 am.

**HON. SABINA CHEGE, MP**

**(CHAIRPERSON)**

Sign.  ..... Date. 27/9/2021 .....

**MINUTES OF THE TWENTY-FIFTH (25<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD VIRTUALLY (ZOOM) ON TUESDAY 15<sup>TH</sup> JUNE, 2021 AT 9.30 AM**

**PRESENT**

1. **The Hon. Joshua Kutuny, MP – Vice-Chairperson**
2. The Hon. Dr Eseli Simiyu, MP
3. The Hon. Dr James Nyikal, MP
4. The Hon. Muriuki Njagagua, MP
5. The Hon. Martin Peters Owino, MP
6. The Hon. Tongoyo Gabriel Koshal, MP
7. The Hon. Beatrice Adagala, MP

**ABSENT WITH APOLOGY**

1. **The Hon. Sabina Chege, MP - Chairperson**
2. The Hon. Dr James Kipkosgei Murgor, MP
3. The Hon. Dr Mohamed Dahir Duale, MP
4. The Hon. Alfred Agoi Masadia, MP
5. The Hon. Dr Gideon Ochanda, MP
6. The Hon. Joyce Akai Emanikor, MP
7. The Hon. Prof Mohamud Sheikh Mohamed, MP
8. The Hon. Kipsengeret Koros, MP
9. The Hon. (Capt) Ruweida Mohammed, MP
10. The Hon. Said Hiribae, MP
11. The Hon James Githua Kamau Wamacukuru, MP
12. The Hon. Sarah Paulata Korere, MP

**IN ATTENDANCE**

**NATIONAL ASSEMBLY SECRETARIAT**

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

**MIN. NO.NA/DC.H/2021/92: PRELIMINARIES**

The Vice-Chairperson called the meeting to order at 9.47 am.

**MIN.NO.NA/DC.H/2021/93: CLAUSE BY CLAUSE CONSIDERATION OF THE HEALTH LAWS (AMENDMENT BILL), 2021**

After lengthy deliberations, the Committee proposed amendments to the schedule of the Health Laws Amendment Bill, 2021 to be considered by the House in the Committee stage:


*(Details of the specific clauses and amendments are contained in the report on the consideration of the Health Laws (Amendment) Bill, 2021).*

**MIN. NO.NA/DC.H/2021/94: ADJOURNMENT**

There being no other business to deliberate on, the meeting was adjourned at 12:51 pm. The next meeting will be held on notice.

**HON. SABINA CHEGE, MP**

**(CHAIRPERSON)**

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

**MINUTES OF THE SIXTH (6) SITTING OF THE DEPARTMENTAL COMMITTEE  
ON HEALTH HELD VIRTUALLY ON THURSDAY 22<sup>ND</sup> APRIL, 2021 AT 2.00 PM**

**PRESENT**

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

**ABSENT WITH APOLOGY**

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

**IN ATTENDANCE**

**NATIONAL ASSEMBLY SECRETARIAT**

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

**STAKEHOLDERS**

1. **Ms. Susan Mochache** - Principal Secretary, Ministry of Health
2. **Dr. Fred Siyoi** - Chief Executive Officer, Pharmacy & Poisons Board
3. Kenya Medical Practitioners & Dentists Union (KMPDU)
4. National Association of Nurses
5. Kenya Union of Clinical Officers
6. Kenya Pharmaceutical Association
7. Kenya Medical Association
8. Association of Kenya Medical Laboratory Assessors
9. Oral Health Association of Kenya
10. Kenya Clinical Officers Association
11. Public Health Officer and Technicians Council
12. Kenya Obstetrics and Gynaecological Society
13. Kenya Association of Private Hospitals

15. Kenya Dental Association
16. Pharmaceutical Society of Kenya
17. Kenya Nutritionists and Dieticians Institute
18. Pharmaceutical Society of Kenya
19. Association of Kenya Medical Laboratory Scientific Officers
20. Kenya National Union of Nurses (KNUN)
21. Nursing Council of Kenya
22. Environmental Public Health Association of Kenya (EPHAK)
23. Kenya Progressive Nurses Association

**MIN. NO.NA/DC.H/2021/21: PRELIMINARIES**

The Chairperson called the meeting to order at 2.13 pm.

**MIN. NO. NA/DC.H/2021/22: ADOPTION OF AGENDA**

The Committee adopted the agenda after being proposed by Hon. Martin Peters Owino, MP and seconded by Hon. Muriuki Njagagua, MP.

**MIN.NO.NA/DC.H/2021/23: BRIEFING BY THE LEGAL COUNSEL ON THE HEALTH LAWS (AMENDMENT) BILL, 2021**

The meeting was informed that the Committee had received memoranda from many critical stakeholders and also individuals. Thereafter, the Legal Counsel took the Committee through the Bill and explained the import of each proposed amendment.

**MIN.NO.NA/DC.H/2021/23: STAKEHOLDER ENGAGEMENT ON THE HEALTH LAWS (AMENDMENT) BILL, 2021**

The stakeholders proposed amendments to various clauses of the Bill.


*(Details of the specific clauses and amendments are contained in the report on the consideration of the Health Laws (Amendment) Bill, 2021).*

**MIN. NO.NA/DC.H/2021/24: ADJOURNMENT/DATE OF NEXT MEETING**

There being no other business to deliberate on, the meeting was adjourned at 5:34 pm. The next meeting will be held on notice.

**HON. SABINA CHEGE, MP**

**(CHAIRPERSON)**

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

**(Chairperson)**