
THE KISUMU COUNTY HEALTH BILL, 2019
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THE KISUMU COUNTY HEALTH BILL, 2019

A Bill for

AN ACT of the County Assembly of Kisumu to provide for regulation of health care service in the county, to provide for establishment of a health services fund, to provide for human resources and training, to provide for research in health and to promote attainment of health care service delivery and for connected and incidental purposes

ENACTED by the County Assembly of Kisumu as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Kisumu County Health Act, 2019.

Interpretation

2. In this Act, unless the context otherwise requires—

“Administrator” means a person designated to administer the fund;

“city” means the city of Kisumu as defined under the Urban Areas and Cities Act, 2012 and shall comprise of all the wards within the city;

“City Health Facilities” refers to all health facilities of up to level four within the city;

“County Health System” means the system established under section 19(1) of the Health Act , 2017;

“County Health Facility” means a facility designated as such by the Health Act;

“Disability” includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities;

“Family Planning” means the conscious effort by a person to plan for and attain the person’s desired number of children and to regulate the spacing and timing of the births of the children with or without the use of contraceptive commodities;

“Fund” means the health fund established under part VI of this Act;

“Healthcare Provider” means any person or institution that has been authorised to deliver health care services;

“Healthcare Professional” has the meaning assigned to it in section 2 of the Health Act, 2017; and

“Primary Healthcare” means essential healthcare that is based on scientifically sound and socially accepted methods and technology which make universal health care accessible to all individuals.

Objects and purposes of Act

3. The objects and purpose of this Act are to—

- (a) Provide a framework for service delivery of health care in Kisumu county;
- (b) Establish a county health system that holistic health care services, Provides for County ambulance services, county health facilities, community health services and pharmacies;
- (c) Establish a fund to ring fence finances designated for healthcare service delivery to attain universal health coverage;
- (d) Provide for human resources, training and research for health; and
- (e) Ensure access to quality and comprehensive health care for residents of the county.

PART II—COUNTY HEALTH SYSTEM

County Health System

4. (1) There shall be established with respect to every County health System—

- (a) a county executive department responsible for health, which shall be in line with the health policy guidelines for setting up county health system and shall in all matters, be answerable to the Governor and the County Assembly subject to the provisions of the Constitution and of any applicable written law.
- (b) There shall be established the office of the County Director of health who shall be a technical advisor on all matters of health in the County The County Director of health shall be recruited through a competitive process in conformity with the rules and regulations set from time to time by the County Public Service Board.
- (c) A person appointed as a County Director of health shall be a medical practitioner registered by the Medical Practitioners and Dentists Board; be at least a holder of a Masters degree in public health, medicine or any other health related discipline; and have at least five years' experience in management of health services.

(2) The County Director of health shall be—

- (a) the technical advisor on all matters relating to health within the County; be the technical advisor to the County Health Executive Committee member and the Governor;
- (b) supervise all health services within the County;
- (c) promote the public health and the prevention, limitation or suppression of infectious, communicable or preventable diseases within the County;
- (d) prepare and publish reports and statistical of other information relative to the public health within the County;
- (e) report periodically to the Director-General for health on all public health occurrences including disease outbreaks, disasters and any other health matters; and
- (f) perform any other duties as may be assigned by the appointing authority and any other written Law.

Functions of county department for health

5. The county government in furtherance to the functions assigned to it by the Constitution and any written law shall be responsible for—

- (a) developing county health laws, policies and administrative procedures;
- (b) coordination and implementation of county health sector activities including development of county health strategies, partner coordination, data management, research and training;
- (c) developing guidelines to facilitate equitable access to county health services by the vulnerable and marginalised groups;
- (d) maintaining an electronic county health database which provides among others for administration of health information, collection and use of information and health service delivery through electronic platforms; and
- (e) Managing and equipping health facilities to support delivery of service and other related services.

PART III—COUNTY HEALTH FACILITIES

County health facilities

6. The national and county governments shall ensure Public Health Facilities. The progressively equitable distribution throughout the country of such publicly owned health institutions, including hospitals, health centers, pharmacies, clinics and laboratories, as are deemed necessary for the promotive, preventive and rehabilitative health services.

Duties of County Government

7. The county government in furtherance of the Duties of county government functions assigned to it under the Fourth Schedule of the Constitution shall be responsible for—

- (a) implementing the national health policy and standards as laid down by national government Ministry responsible for health;
- (b) service delivery, including the maintenance, financing and further development of those health services and institutions that have been devolved to it;
- (c) coordination of health activities in order to ensure complementary inputs, avoid duplication and provide for cross-referral, where necessary to and from institutions in other counties;
- (d) Facilitating registration, licensing and accreditation of providers and health facilities respectively according to standards set nationally by the national government department responsible for health and relevant regulatory bodies;
- (e) designation of county referral hospitals according to criteria agreed upon by the intergovernmental health coordinating mechanism;
- (f) developing and implementing, in consultation with the Salaries and Remuneration Commission, such policies as may be necessary to guarantee the staffing of the public health service in marginal areas including taking into account the use of equalization fund;
- (g) procuring and managing health supplies;
- (h) maintaining standards of environmental health and sanitation as laid down in applicable law;
- (i) providing access and practical support for monitoring standards compliance undertaken within the county by the national government department responsible for health, the Authority and professional regulatory bodies established under any written law;
- (j) providing access and practical support for technical assistance, monitoring and evaluation, research for health by the national and county government department responsible for health;

- (k) developing supplementary sources of income for the provision of services, in so far as these are compatible with the applicable law;
- (l) making due provision and develop criteria to compensate health care facilities for debts arising

Referral mechanisms

8. The county government shall develop referral system for the patients within the county.

Cemeteries, funeral parlours and crematoria

9. (1) The Department responsible for health in the county government shall develop guidelines for —

- (a) designation of cemeteries; and
- (b) registration, licensing and inspections of funeral parlours and crematoria

Categorisation of county facilities

10. (1) The county department for health shall in line with the policies and any written law categorise health facilities in the county into the levels of care.

(2) The county department can upgrade or downgrade any health facility in the county.

PART IV—ACCESS TO HEALTH CARE SERVICES

Primary health care

11. The county department responsible for health shall ensure equitable access to comprehensive health services to include among others—

- (a) primary health care for all the residence of the county;
- (b) emergency treatment; and
- (c) Sexual & Reproductive health service

Access to maternal and new-born health care

13. The county shall provide access to maternal and new-born health care services and information including nutrition support from pre-conception to post-delivery care by ensuring the availability of —

- (a) standard care and referral system;
- (b) essential supplies and equipment;

- (c) HIV prevention, detection and treatment services;
- (d) contraception and family planning services;
- (e) nutrition services and education; and
- (f) other related services.

Measures to address special needs for adolescents and persons with disability

14. The county department responsible for health shall provide supportive infrastructure, equipment, educational material and other services targeting adolescents and persons with disability including —

- (a) health personnel trained to communicate with adolescents;
- (b) trained health personnel able to communicate with persons with disabilities through either sign, tactile languages and Braille in health facilities; and
- (c) On a regular basis support learning, training and continuous medical education according to the relevance and advances in art and science of medical profession.

Referral System

15. (1) The county department shall establish a Referral system that shall—

- (a) set the standards for ambulance service;
- (b) develop guidelines on the specifications of ambulances in the county; and
- (c) Purchase or lease ambulances or enter into contracts to lease ambulance services.

(2) The county department shall ensure availability and accessibility of high quality, cost effective referral systems including ambulance services.

PART V—PUBLIC HEALTH

Control of undertakings that sell food

16. (1) The county department responsible for health shall licence and regulate all undertakings that sell, distribute or supply food.

(2) The county department responsible for health shall set standards, develop and enforce guidelines on food handling.

Refuse removal, dump and solid waste disposal

17. The county department responsible for health shall devise measures including but not limited to advisory and collaborative roles on refuse removal, refuse dump and solid waste disposal and response to biohazard safety.

PART VI—HEALTH FINANCING

Access to finance

18. (1) The county department for health shall ensure equitable access to health finances to attain universal health coverage and establish a Health Fund designated for health services.

County health fund

19. (1) The County Executive Committee member for Finance shall, with the approval of the County Executive Committee and county assembly, establish the Health Fund.

(2) The County Executive Committee member for finance in pursuance to the Public Finance Management Act 2012 shall designate the accounting officer as the administrator of the Health Fund.

(3) The administrator shall ensure that the earnings of, or accrual to the fund are retained, ring-fenced and fully earmarked for health activities only.

(4) The administrator shall ensure that money held in the fund including accruals referred to in subsection (3) is spent only for the purposes for which the fund is established.

Fund Administrator

20. The administrator for the health fund shall —

- (a) prepare accounts for the fund for each financial year;
- (b) not later than three months after the end of each financial year, submit financial statements relating to those accounts to the Auditor General; and
- (c) Present financial statements to the County Assembly.

Capitalisation of the fund

21. The Fund shall consist of —

- (a) monies allocated and appropriated to the Fund from the County Revenue Fund, from time to time, by the County Assembly;
- (b) any grants, gifts, donations, loans or other endowments given to the Fund;

- (c) monies received as user charges;
- (d) income generated from the proceeds of services rendered;
- (e) monies that may accrue to the Fund in the course of the exercise or performance of the functions of the health department; and
- (f) Monies from any other lawful source accruing to the Fund.

Fund expenditure

22. (1) There shall be paid from the fund —

- (a) money for medical supplies and equipping of health facilities in the county;
- (b) money to support capacity building in the management of health facilities; and
- (c) Money to improve the quality of health care services in the health facilities.
- (d) Operations and maintenance for the facility
- (e) Any other activity incidental and connected to effective and efficient healthcare service delivery

Bank Account

23. (1) The administrator shall open a bank account of the Health Fund in commercial bank with the approval of the Executive Committee Member for Finance.

Financial year

24. The financial year of the Fund shall be the period of twelve months beginning on the first day of July and ending on the thirtieth day of June in the following year.

Estimates of income and expenditure

25. (1) At least three months before the commencement of each financial year, the administrator shall cause to be prepared estimates of the revenue and expenditure of the Fund for that year.

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Fund for the relevant financial year.

(3) The financial estimates referred to under sub-section (1) and (2) shall—

- (a) differentiate between recurrent and disbursement expenditure; and

- (b) Itemize every activity that the administrator intends to undertake in respect of the Fund in the coming financial year under a separate vote head.

(4) The annual estimates shall be approved by the administrator before the commencement of the financial year to which they relate and shall be submitted to the Executive Committee Member for finance for tabling in the County Assembly for its approval.

(5) No expenditure shall be incurred by the administrator except in accordance with the annual estimates approved under subsection (4).

(6) Upon the approval of the estimates by the County Assembly, all monies appropriated for purposes of the Fund shall be paid into the relevant accounts established under section 22.

Accounts and audit

26. (1) The administrator shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

(2) Within a period of three months after the end of each financial year, the administrator shall submit to the Auditor-General the accounts prepared under subsection (1) in respect of that year together with a statement of—

- (a) the income and expenditure of all health facilities during that year;
- (b) the income and expenditure of the Fund; and
- (c) the assets and liabilities of the fund on the last day of that financial year.

(3) The annual accounts referred to under this section shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 299 of the Constitution and the Public Audit Act.

PART VII—HUMAN RESOURCES, TRAINING, RESEARCH AND DATA MANAGEMENT

Human resources

27. (1) The county department responsible for health shall ensure that the health facilities are adequately staffed and service provision at all levels of care is delivered by health professionals.

(2) The county department responsible for health will ensure the county has adequate and skilled human resources to provide high health care services.

Training of health care professionals

28. (1) The county department responsible for health shall undertake training for the health personnel for furtherance of their professional careers as well as filling skills gaps in provision of health services

(2) The county department responsible for health shall undertake training needs assessment and training inventory for the purposes of filling the skills gaps in healthcare and health services.

(3) The county department for health shall put in place guidelines and systems on continuous training and development of health professionals.

Research and data management

29. (1) The county department responsible for health shall ensure accurate and updated data relating to among others vaccinations, health details of residents, and other health systems data

(2) The county department responsible for health shall invest, in developing research for health, including but not limited to clinical trials and operational research and in improving and digitizing the health management information systems.

(3) The county department responsible for health shall set up monitoring and evaluation systems that track health indicators and related targets including those aimed at indigents and vulnerable groups.

Regulations

30. The county department for responsible for health may make regulations generally for the better carrying out of the provisions of this Act.

PART VIII—COMMUNITY HEALTH SERVICES**Community Health Services**

31. The Department of Health and Sanitation of the Kisumu County Government shall establish Community Health Services as guided by the National Ministry of Health Community Strategy and regulations of this Act.

Community Health Volunteers

32. The Community Health Services shall be executed by the Community Health Volunteers (CHVs) from their respective villages who shall be competitively recruited and deployed according to the regulations of this Act.

Community Health Units

33. There shall be established Community Health Units in respect to the villages from which the Community Health Volunteers shall operate according to the regulations of this Act.

Remuneration of CHVs

34. The Community Health Volunteers (CHVs) shall be remunerated from the Funds of the County Government of Kisumu. The rates of their remuneration shall be in accordance to the regulations of this Act.

PART IX – REGULATIONS

Health Regulations

35. This Act shall be executed through regulations developed by the Department of Health and Sanitation and shall come to effect on the effective date therefrom.

MEMORANDUM AND OBJECTIVES OF REASON

The purpose of the herein above mentioned Bill is to ensure access to quality and comprehensive health care for residents of Kisumu County by providing an essential health care based on scientifically sound and socially accepted methods and technology that shall make universal health care accessible to all.

The County executive department responsible for health shall carry out the following—

- (a) Facilitate registration, licensing and accreditation of county health facilities.
- (b) Designate county health facilities according to the level of service and capacity attainment.
- (c) Develop infrastructure for any facility including but not limited to buildings, provisions for water, electricity and other basic amenities.

The Bill advances to make a proposal that the county executive department responsible for health, shall be in charge of all matters in the county on service delivery of health.

Dated the 15th October, 2019.

VINCENT JAGONGO.
Chairperson, Health Committee.