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**TAITA TAVETA COUNTY BILLS, 2019**

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**NAIROBI, 15th November, 2019**

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NAIROBI, KENYA

**THE TAITA TAVETA COUNTY HEALTH SERVICES  
(AMENDMENT) BILL, 2019**

**A Bill for**

**AN ACT of the County Assembly of Taita Taveta to amend the Taita Taveta County Health Services Act, 2019 and provide a framework for the establishment of systems for the Delivery and Administration of health services within Taita Taveta County, and for connected purposes.**

**ENACTED** by the County Assembly of Taita Taveta as follows—

**Short title**

1. This Act may be cited as the Taita Taveta County Health Services (Amendment) Act, 2019 and shall come into operation upon assent.

**Amendment of Section 1**

2. Section 1 of the Taita Taveta County Health Services, 2016 herein referred to as the “Principal Act” is amended by including 2019 and the date when this Act is being amended.

**Amendment of Section 2 on Interpretation**

3. Section 2 of the Principal Act on interpretation is amended by adding the following new terms and meaning—

“Infant” Means an individual who has not attained the age of 1 year.

“Child” Means an individual who has not attained the age of eighteen years. (Individual from age 1 to 18 years)

“Blood product” means a blood product derived from or produced from blood

“County Executive Member” Means the County Executive Committee Member responsible for health care.

“Disease” refers to a physical or mental condition that causes dysfunction, pain, distress or discomfort to persons afflicted and or affected.

“Emergency treatment” Refers to necessary immediate health care that must be administered to prevent death or worsening of a medical situation.

“Health care professional” Includes any person who has received professional training from an approved training institution and has attained required qualifications to provide services in the health care sector, as per his or her designated profession and is registered with the relevant regulatory board.

“Health Care Services” means health promotion, prevention, diagnostic, curative and rehabilitation services delivered in the health care system at the county.

“Health Care workers” means employees, including both health care professionals and those who do not themselves contribute directly to the provision of health care but offer support or semi-skilled services within the health care system at the county

“Health facility” means the whole or part of public or private institution, building or place, whether for profit or not, that is operated or designed to provide outpatient or inpatient management

“Health system” means thematic facet approach process that delivers quality healthcare services at the county that include; infrastructure, human resource for health, commodity and supply.

“Hospital” Means a place where medical care is provided from

“Level 1 Hospital” means a clinic offering treatments

“Level 2 Hospital” means a dispensary offering basic treatments

“Level 3 Hospital” means a dispensary offering basic treatments, observation and deliver treatments

“Level 4 Hospital” means where all health facilities, treatments and Observation are delivered

HBC (Hospital Management Committee) is amended to read as HMB (Hospital Management Board) appointed by the County Executive Member responsible for Health Services.

“Hospital Management Team” means a committee made up of all the heads of departments in the hospital, whose chairperson and secretary are the Medical Superintendent and Health Administrative Officer respectively.

“Licensing” means the issue of a license by regulatory bodies concerned and or issued before certain premises come into operation upon meeting set standards.

“Public health facilities” Means health facilities that are owned, operated and funded by National and county government

“Referral”-Act of sending someone or something to a person or place where what is required can be obtained

“Hospital management board” Means management board appointed by County Executive responsible for health with their function being advisory

“User Charges” User fees Means Charges collected by hospitals and other entities under the cost sharing programme.

“Waiver” Means a Means relief from payment based on financial hardship at a particular point in time and it is not automatic

“Access” in relation to health services, means availability, proximity and or affordability

“Authorized officer” means a person who is appointed as an authorized officer under this act. “Quality “Is the standard of something as measured against other things of similar kind

“Quality assurance” The maintenance of desired level of quality in a service or product

“Quality of Standards” Is ISO quality management and is a global standard for quality management system

“County Chief Officer “means the county chief Officer in the County Executive Department responsible for health appointed by the Governor. “Reproductive Health” A state of complete physical, mental and social wellbeing in all matters relating to reproductive system.

“Infectious disease” Means any disease (not including any venereal disease except gonorrheal, Ophthalmic which can be communicated directly or indirectly by any person suffering there from to any other person.

“Norms” Means ways of behaving that are considered normal in a particular society.

“Standards” A level of quality or achievement, especially a level that is thought to be acceptable.

“Emergency treatment” Means the necessary immediate healthcare that must be administered to prevent death or worsening of medical situation

“Vulnerable groups” Means any group or sector of society that is at higher risk of being subjected to discriminatory practices, violence, natural or environmental disasters, or economic hardship than other groups within the state;

“Disclosure” Means the act of making something known or the fact that is made known.

“Unsafe water” means— Amended to;

(a) Unwholesome water that is unfit for human consumption.

(b) Water suspected to be bacteriologically or chemically contaminated and likely to cause a risk of infection or ill-health when consumed or used for human related purposes.

## **Amendment of Section 2 on the Object of the Act**

**4.** Section 2 of Principal Act on the Object of the Act is amended to read as follows—

- (a) to establish a county health services framework to facilitate the provision of health services in the County in accordance with the Constitution;
- (b) to create a framework and mechanism for improvement, promotion and provision of a high standard of health services in the County;
- (c) to establish a County health care framework that encompasses both the public and private sector
- (d) to set out the duties and responsibilities for different players in the County Health Services delivery system;
- (e) to decentralize, promote, ensure provision of effective, efficient, proximate, easily accessible and cost-effective health services delivery in the County

**Amendment of Section 3**

**5.** Section 3 of the Principal Act is amended and alphabetically arranged to read as follows—

The objects of this Bill are tenable to a realization of the rights to quality health as underpinned in the Constitution of Kenya 2010 and to provide equality in respect of health services across the County and to achieve the following objectives—

- (a) Establishing county health system which encompasses public and private providers of health services at the County Levels and facilitates in progressive and equitable manner the highest attainable standard of health services;
- (b) To set out the rights and duties of the various organs within the County Health System;
- (c) To protect, respect, promote and fulfill the rights of all persons living in Taita Taveta to the progressive realization of their right to the highest attainable Standard of health, including reproductive care health -care and the right to emergency medical treatment;
- (d) To guarantee the people of Taita Taveta an environment that is not harmful to their health and provide an enabling Environment for the realization of rights to reasonable standards of Sanitation and to clean and healthy Environment.
- (e) To protect, respect, promote and fulfill the rights of children to basic nutrition and health care services contemplated In Articles

43(1) (c) and 53(I)(c) of the Constitution; And

- (f) To protect, respect, promote and fulfill the rights of vulnerable groups as defined in Article 21 of the Constitution in all matters regarding health.

**Amendment of Section 4 on responsibility**

6. Section 4 of the Principal Act is amended to read —

4 (1) The County Government shall have the primary duty and responsibility for the provision, promotion, and protection of health, and health care services in the County that are of quality, safe, accessible, affordable and proximate.

(2) In discharging its responsibility under subsection (1), the County Government shall take progressive measures for the realization by the people of their constitutional right to the highest obtainable standards of health.

(3) For the purpose of subsection (2), the County Government shall —

- (a) develop policies, enact laws and implement measures necessary to ensure the promotion, improvement, investment in and maintenance of health services in the County;
- (b) Ensure effective and efficient provision of health services at affordable cost for the people of the County;
- (c) Encourage and promote private sector participation and investment in the provision of health services and care through—
  - (i) Affording the creation of a conducive legal and institutional frameworks for the private sector to establish and operate facilities and provide health services in the County;
  - (ii) Collaborate and establish partnerships with the private sector to provide comprehensive health services in the County;
- (d) Promote, protect and improve public health in the County and control the risks to public health;
- (e) Co-operate and collaborate with national and international health organizations and agencies to curtail and prevent transnational disease spread and infections.
- (f) Ensuring equitable investment in health service delivery in the County.

**Amendment of Section 5 in various parts**

7. Section 5 of the Principal Act is amended in various parts to

read as follows—

5. (1) every person has a right to the highest attainable standard of preventive, promotive, curative and rehabilitative health services in the County.

- (a) To access quality treatment and services rendered by a professional of high standing, institution meeting the criteria set out in the Act.
- (b) Enjoy respect, decency, dignity and respect to their right to privacy in accordance to the constitution and this Act.
- (c) In accordance with the Constitution, every person in the County has a right to emergency medical treatment and no health service provider of first contact shall deny emergency treatment to any person.
- (2) Emergency medical treatment shall include—
  - (a) Pre-hospital care for stabilizing the health status of an individual; and
  - (b) Arranging for transfer of the individual in cases where the health provider of first contact does not have facilities or capability to stabilize the health status of the individual.
- (3) Patient shall have duty to—
  - (a) All health care shall adhere to the rules and regulation governing health service provided by the relevant authorities.
  - (b) Respect the medical advice and treatment process provided by the standard operation procedures.
  - (c) Provide the health care practitioner with honest and accurate information.
  - (d) Respect the health provider.
  - (e) Seek medical treatment promptly
- (4) The County Executive Member in charge of health shall—
  - (a) Decentralized health services to the decentralized units in the County to facilitate provision of proximate and easily available efficient and effective health services;
  - (b) Collaborate with other county Government and National Government departments and Agencies, the communities, civil societies and development partners in the provision of health services; and
  - (c) Mobilize financial and other resources for the provision of

quality and effective health services.

(5) It shall be the duty of every user of the County Health Service and Care System to—

- (a) Adhere to the guidelines, rules and regulations of a health establishment at which the health care service is being provided;
- (b) Adhere to the medical advice and treatment provided by the health establishment or provider;
- (c) Cooperate with and give to the health service provider full and accurate information relating to his or her health status; and
- (d) Respect and treat health care service providers with dignity.
- (6) Measures to aim at improvement to health services

- (a) The measures undertaken under section 4 of this Act shall aim at providing health services and care that address the prevention, the promotion, treatment and rehabilitation services for the people of the County.
- (b) The Executive Member shall cooperate and collaborate with national and international disease control and management agencies to establish centers to prevent, detect, monitor, control and manage the spread and transmission of trans- boundary diseases and infections.

(6) (i) The County Government shall, in consultation and collaboration with other County and National Agencies and Institutions, devise, initiate and implement strategies and programs to prevent and counter influences that adversely affect health that include—

- (a) The burden of communicable and non- communicable diseases;
- (b) Poor maternal and child healthcare;
- (c) Water Sanitation and Hygiene (WASH)
- (d) Malnutrition;
- (e) Communicable diseases;
- (f) Lack of access to e-health; and
- (g) Other medical/surgical conditions.

(7) (i) In promoting e-health, the County Government shall ensure that any national law relating to e-health services and e-medicine are adhered to and complied with.

(ii) Any person or health service provider who engages in the provision of e-health services in contravention of the national law or regulation with regard thereto commits an offence and, in addition to any

other penalty provided by such law, may have his/her or its license to operate in the County revoked upon conviction.

(8) (i) To ensure access to safe blood transfusion and other product services in the County, the County Government shall continue to collaborate and ensuring adequate supply of safe blood and maintain a functional and continuously stocked blood and blood products bank in the County and may, for that purpose—

- (a) Collaborate or cooperate with any blood transfusion service agency in the provision of that service in the County; or
- (b) License the Kenya national Blood Transfusion Centre or Service to offer and provide blood transfusion services in the County.

(ii) Any person or agency providing blood transfusion services in the County shall adhere to and comply with existing national law and standards regarding the provision of such services and shall only withdraw from a living human person and use tissue, blood, blood products or other genetic material for prescribed medical or dental purposes.

(iii) No person may use for any other purpose, a body tissue, blood, blood product or other genetic material withdrawn from a living person for the purpose of subsection (2) without the consent of the Executive Member and in accordance with the national laws in respect thereof. Health research in the County

(9) (i) In accordance with national law in that regard and subject thereto, the County Government may enter into an agreement or other collaborative arrangement with the national or other research agency or person to—

- (a) To establish a research agenda and regularly review and priorities the support research in a particular health or medical field, study or experiment;
- (b) Establish a research or training institution in the field of health.

(ii) Notwithstanding any other law to the contrary, no research activity in the area of health shall be undertaken in the County without the prior notice to and consent of the Executive Member.

(iii) The County Executive Member shall ensure that the findings of any research conducted under this section shall be owned by the county published, shared and used both locally and internationally.

(iv) The County Executive member shall create a local/regional ethical committee to oversee/approve all researches conducted in the County.

#### **Amendment of Section 6**

**8. Section 6 of the Principal Act is amended to read as follows**

6 (1) The County Health Services and Care System shall include—

- (a) The County Department responsible for health services;
- (b) All the levels of healthcare service delivery;
- (c) Other Health workers shall rehabilitation services both in the public and private sectors, traditional and alternative medicine;
- (d) Disaster Preparedness and response committee; and
- (e) Other health care providers engaged in health promotion, prevention, diagnostic and rehabilitation health services.

(2) The County Health Service delivery system and every person working therein shall work in a manner that respects and complies with the objects and principles of devolution and shall progressively seek the realization of the objectives.

(3) The County Health service delivery system shall aim at facilitating the establishment and maintenance of a comprehensive, inclusive and participatory approach to harness health service delivery at all levels by engaging all actors.

(4) Every person and institution within the County Health System shall—

- (a) Co-operate inter-se and with the national and international organizations and institutions on issues pertaining to health in the County;
- (b) Work to guarantee the people of the County an environment that is healthy and conducive to the enjoyment of the right to the highest standard of health;
- (c) Co-operate and collaborate with other stake- holders to create awareness, promote and improve public health in the County;
- (d) Progressively, endeavor to realize the objectives and purposes of this Act; and
- (d) Ensure effective and efficient performance by the County of its functions under Part 2 of the Constitution.

(5) The County Executive Committee Member shall be responsible for—

- (a) The development, review and implementation of policy on health in the County;
- (b) The promotion, protection and improvement of the health and well-being of the people;

- (c) The implementation of both the County and national policy on health services and care and ensure compliance therewith, this Act and relevant national laws;
  - (d) Promotion of collaboration with the national and international institutions and other interested parties in prioritization of health issues and investment in the health sector in the County;
  - (e) Decentralization and coordination of health services and appointment of authorized officers to perform the functions and for effective and efficient delivery of services exercised under this Act;
  - (e) Set out the duties and responsibilities of different players in the
  - (f) County Health Services and Care System;
  - (g) Provision of appropriate infrastructure, equipment's and human resource for health in public health facilities, equipment, and human resource;
  - (h) put in place measures to guarantee healthy and hygienic environment and sanitary living conditions;
  - (i) Ensuring that proximate health services are available and accessible to the public;
  - (j) Ensuring that the right to the highest standard of health services in the County by County Government is promoted observed and respected
  - (k) Providing and ensuring availability of adequate financing for the performance by the County of its functions in the health sector under the Constitution.
- (6) without prejudice to section 12, the County Executive Member shall ensure that public health facilities and establishments in the County—
- (a) Are established at decentralized levels and units so as to provide proximate, accessible and cost effective health services;
  - (b) Have proper and adequate infrastructure suitable for the provision of quality health services and care at the decentralized units;
  - (c) Are sufficiently and adequately equipped with facilities and equipment (including ambulances)
  - (d) To provide requisite health services and care;
  - (e) Have pharmacies with all important and essential medicines, vaccines, diagnostics and other medical goods;

- (f) Are staffed with adequate, qualified, competent and skilled human resource necessary for efficient and effective health services delivery;
- (g) Have human resource for health development programmes;
- (h) Have modern health information systems capable of delivering e-health services.

(7) For the purposes of subsection (6), and in order to ensure access to essential medicines and pharmaceutical services in the County, the County Executive Member shall, in collaboration with the boards, cause to be established in every health facility a pharmacy that shall be continuously stocked with all important and essential medicines, subject to availability of resources.

(8) To ensure availability of essential and important medicines in all public health facilities in the County, the procurement and storage of medicines, vaccines, diagnostics and other medical goods for the public health facilities in the County shall be the responsibility of the County Executive Member.

(9) Upon such other terms and conditions as may be agreed, the County may, either alone or in conjunction with another county or counties or bodies, procure the supply of such medicines, vaccines, diagnostics and or other medical goods through the Kenya Medical Supplies Agency, Mission for Essential Drugs and Supplies or such other source as may be decided.

- (a) The procurement of pharmaceutical and non-pharmaceutical equipment's shall be done in a transparent and accountable manner in accordance with the law on procurement subsisting and applying in County.
- (b) Pharmaceutical and non-pharmaceutical product shall be Primary responsibility for procurement and storage of essential medicines.
- (c) Guidelines in procurement, distribution and storage of essential medicines shall be dispensed in the County in accordance with this Act, the national regulations and guidelines and the conditions of the license issued by the Executive Member under this section.
- (d) No person may procure, import into, distribute or dispense in the
- (e) County any medicine or pharmaceutical product that is not approved and authorized by the Pharmacy and Poisons Board in accordance with the law in force.
- (f) Every person intending to or conducting any business in the

County to store, distribute, dispense or sell any medicine or pharmaceutical product shall first apply for and obtain a license in accordance with regulations made by the Executive Member and passed by the County Assembly.

- (g) The County Government shall, in consultation with the relevant national institutions and agencies, provide guidelines for the procurement, distribution, storage and management of essential medicines at all public County health facilities.

(10) without prejudice to any other roles and responsibilities stated under this Act, the County Executive Member shall—

- (a) In consultation with the County Public Service Board and the national regulatory authority or authorities responsible for regulation in the medical and related professions-
  - (i) Continuously conduct medical, human resource analysis, mapping and rationalization;
  - (ii) Project training needs in the County health sector;
  - (iii) Plan and implement health human resource development strategy.
- (b) Recommend recruitment and retention of competent staff in the health sector;
- (c) In consultation with the national regulatory authority or authorities responsible for regulation in the medical and related professions, advise the County government on development and implementation, in the health sector, of additional roles and responsibilities of the County Executive Member as follows—
  - (i) Human resource manuals;
  - (ii) Staffing norms and standards;
  - (iii) Codes of regulations for health workers;
  - (iv) Recruitment, deployment and redeployment policies and guidelines;
  - (v) Schemes of service;
  - (vi) Performance management;
  - (vii) Disciplinary measures and appeals with regard to professional Code of Conduct.

(11) Health service and care personnel in the County shall—

- (d) Conscientiously and to the best of their knowledge and professional ability, provide health services and or care to every

person entrusted to their care or seeking their service and support;

- (e) Provide emergency medical treatment;
  - (f) Be entitled to safe working conditions and environment;
  - (g) Not be unfairly discriminated against on any account;
  - (h) Have a right to refuse to treat a patient or health user who is physically or verbally abusive or who sexually harasses a health service provider or care personnel unless in an emergency situation where no alternative is available;
  - (g) Adhere to public ethics and code of conduct for civil servants
- (12) Health care service and care personnel in the County shall inform a user of the County Health Care System in the manner that he or she understands, that user's health status and—
- (a) Available diagnostic procedures and treatment options and costs thereof;
  - (b) The benefits, risks, costs and consequences that could be associated with each option; and
  - (c) The user's right to decline any treatment or procedure. Responsibilities and rights of Health service and care personnel

(13) It shall be the duty of every user of the County Health Service and Care System to—

- (a) Adhere to the guidelines, rules and regulations of a health establishment at which the health care service is being provided;
- (b) Adhere to the medical advice and treatment provided by the health establishment or provider;
- (c) Cooperate with and give to the health service provider full and accurate information relating to his or her health status; and
- (d) Respect and treat health care service providers with dignity.

#### **Establishment of health facilities**

(14) there shall be—

- (a) At least one county referral hospital
- (b) At least one sub county hospital in each sub county
- (c) At least one health center in each ward
- (d) Such number of dispensaries and community health units in each ward as may be necessary

**Establishment and Composition of the Hospital Management Board**

(15) (i) there is established the Hospital Management board which will work as the link between the Hospital and the community itself.

(ii) The board referred to in part (i) above shall comprise of—

- (a) A chairperson appointed by the member of the county executive committee in charge of health on the recommendation of the County Executive member responsible for health
- (b) The area officer in charge of county health services for level five or level four hospitals who shall be the secretary;
- (c) Three persons appointed by the County Executive Committee Member in charge of health who shall be residents of the area of jurisdiction from the following categories—
  - (i) Accounting officer responsible for matters relating to health
  - (ii) One person nominated by women groups
  - (iii) One person nominated by a person with disabilities organization within the county
  - (iv) One person nominated by professional organization within the county or Sub County.

(iii) The vice chairperson shall be elected by the appointed members during their first meeting

(iv) A person shall not be nominated and appointed to the board by the County Executive Committee Member in charge of health under part (ii) unless the person;

- a) Is a citizen of Kenya?
- b) holds a degree from a university recognized in Kenya;
- c) Meets the requirements of chapter six of the constitution; and
- d) Has at least five years' experience in matters relating to the provision of public services.

**Functions of the Hospital Management Board**

(16) The Hospital Management Board shall be responsible for—

- (a) Providing oversight to the hospital management team to improve the health status of the community;
- (b) Providing necessary checks and balances for the use of all resources available to the hospital;
- (c) Making decisions that will improve the hospital, ensure

continuity while keeping in line with county government policies;

- (d) Projecting the expected annual user fees income, and any other expected income;
- (e) Overseeing the prudent utilization and reporting of all resources under their responsibility;
- (f) Preparing work plans and budgets
- (g) Providing oversight to the hospital management team to improve the health status of the community;
- (h) Providing necessary checks and balances for the use of all resources available to the hospital;
- (i) Making decisions that will improve the hospital, ensure continuity while keeping in line with county government policies;
- (j) Projecting the expected annual user fees income, and any other expected income;
- (k) Overseeing the prudent utilization and reporting of all resources under their responsibility;
- (l) Preparing work plans and budgets
- (m) Providing oversight to the hospital management team to improve the health status of the community;
- (n) Providing necessary checks and balances for the use of all resources available to the hospital;
- (o) Making decisions that will improve the hospital, ensure continuity while keeping in line with county government policies;
- (p) Projecting the expected annual user fees income, and any other expected income;
- (q) Overseeing the prudent utilization and reporting of all resources under their responsibility;
- (r) Preparing work plans and budgets
- (s) Providing oversight to the hospital management team to improve the health status of the community;
- (t) Providing necessary checks and balances for the use of all resources available to the hospital;
- (u) Making decisions that will improve the hospital, ensure continuity while keeping in line with county government

- policies;
- (v) Projecting the expected annual user fees income, and any other expected income;
- (w) Overseeing the prudent utilization and reporting of all resources under their responsibility;
- (x) Preparing work plans and budgets

**Establishment and Composition of Health Facility Committee**

(17) There is established the Health Facility Committee which shall comprise of—

- (a) Chief of the area who shall be an ex officio member
- (b) Representative of ward administration shall be an Ex-officio member
- (c) The officer in charge of the health facility who shall be the secretary
- (d) The following persons who shall be residents of the
- (e) Health facility catchment area, elected by the community and appointed by the Governor;
  - (i) One person who shall have knowledge and experience in finance and administration matters who shall be with the chairperson
  - (ii) One person to represent the women's groups
  - (iii) One person to represent the youth's groups
  - (iv) One person to represent recognized community based organizations
  - (v) One person to represent persons with disabilities
  - (vi) One person to represent interest groups (vulnerable and marginalized communities, minorities) of whom one shall be a woman

(18) The functions of the health facility committee shall be—

- (a) Oversee the general operations and management of
- (b) Represent, articulate and communicate community interests on matters pertaining to health services at the facility
- (c) Oversee the administration of the funds allocated to the facility
- (d) Approve prepared health facility work plans and budget based on estimated expenditures

- (e) Provide oversight on basic books of accounts and records of accounts of the income, expenditure, assets and liabilities of the facility according to the existing laws and regulations
- (f) Approve and facilitate timely submission of periodic financial and performance reports to the county director of health and sub-county health management team
- (g) Keep a record of all deliberations
- (h) Facilitate feedback process to the community, pertaining to the operations and management of the health facility
- (i) Ensure safe and good working environment that motivates staff for health service delivery in the health.

#### **Establishment and Composition of Health Management Boards**

(19) The County Executive Member shall cause to be established in every health facility or establishment in the County, a board called the Hospital Management Board comprising and consisting of—

- i. The medical head of the health facility as the secretary; one person, qualified and experienced in matters of health or public administration, nominated by the Executive Member in consultation with the Association of Health Professionals in the County to represent health professionals;
- ii. Seven persons, qualified and experienced in matters of health or public administration nominated by the Executive Member in consultation with the local community to represent the local leadership within which the health facility is situate; and
- iii. One person to represent development partners engaged and working in the health sector in the County.
- iv. The chairperson who shall be elected from amongst the seven nominated members.

(20) (i) Members of a board established under subsection (19) shall be appointed by the Executive and shall be immediately responsible to the Chief Officer.

(ii) In making appointments under subsection (1), the Executive Member shall ensure gender balance and representation of youth, persons with disability and minorities and marginalized groups.

#### **Function of Health Service Board**

(21) A board established under subsection (19) shall be responsible for, at the health facility or establishment—

- (a) Provision of oversight in the management of affairs of the health facility or establishment;
- (b) Implementation of County health policy and ensure maintenance of quality and standards;
- (c) Ensuring due compliance with the provisions of this Act, other laws and regulations and the standards set in the health sector;
- (d) Superintending and ensuring adherence by the health facility, its workers and others to the policies and guidelines provided;
- (e) Liaising and cooperating with the community, other County and national agencies on issues of health services and care delivery. Partnerships by Boards.

**Amendment of section 6 part II county health structure and care management systems**

8. Section 6 part II on county health structure and care management systems is amended to read as follows—

- (a) On such terms and conditions as may be agreed and subject to any relevant law, a board established under this Part may, with the consent of the Executive Member, enter into a partnership with any person for the purpose of establishing and enhancing health services delivery at a health service facility or establishment.
- (b) The Executive Member shall make rules and regulations to govern and guide partnerships established pursuant to sub-section (1)

**Amendment of Section 17**

9. Section 17 of the Principal Act is amended at Part VI—Procurement and Supply of Medical Commodities and Equipment by deleting County and replacing therefor the word Sub-County and by adding a new sub section 3 and 4

(2) There shall be a procurement officer to facilitate processes of purchase at Sub-County level.

(3) All procurement process and purchase will be conducted at the County level through County Executive approval

(4) Any person or persons contravening the above section shall be liable to conviction with penalty of not exceeding Kenya Shilling Five hundred thousand (500,000) or imprisonment not exceeding 2 years or both.

**Amendment of Section 23**

10. Section 23 of the Principal Act is amended to read as follows

**Health research in the County**

23. (1) In accordance with national law in that regard and subject thereto, the County Government may enter into an agreement or other collaborative arrangement with the national or other research agency or person to—

- (a) Support research in a particular health or medical field,
- (b) Study or experiment;
- (c) Establish a research or training institution in the field of health.

(2) Notwithstanding any other law to the contrary, no research activity in the area of health shall be undertaken in the County without the prior notice to and consent of the Executive Member.

(3) The County Executive Member shall ensure that the findings of any research conducted under this section shall be published, shared and used in the County.

(4) The County Executive member shall create a local/regional ethical committee to oversee/approve all researches conducted in the County

(5) Postmortem examination of a deceased person may be conducted if—

- (a) The person when alive gave consent thereto;
- (b) The spouse, partner, next of kin, parent, guardian, brother or sister to the deceased in the specific order mentioned, gave consent and positively identify the body thereto; or
- (c) Such an examination is necessary for determining the cause of death and addressing medical legal issues.

(6) Postmortem examination maybe conducted in level 4 or above county health facility with mortuary services, licensed funeral homes or Parlors, private, hospitals faith based hospitals,

(7) Medical expert qualified to conduct postmortem shall be;

- (a) Pathologist
- (b) Registered Medical Officer (c) Specialist Medical Officer

(8) Any person or persons contravening the above section shall be liable to conviction with penalty of fine not exceeding KSh. 500,000 or imprisonment not exceeding 2 years or both.

**Amendment of Section 29**

**11.** Section 29 of the Principal Act is amended to read as follows

29. (4) Reasons for each exemption or waiver shall be recorded in relevant committee minutes for both inpatients and outpatients.

The Waiver Committee shall comprise of;

- (a) Medical Superintendent–Chairperson
- (b) Medical Social Worker–Secretary
- (c) Health Administrative officer–Member
- (d) Representative of the department referring the waiver
- (e) The Nurse Manager

**Amendment of Section 34**

**12.** Section 34 of the Principal Act on Health Services Fund is amended to read as follows—

75% of funds shall be spent in the respective hospital and the 25% shall be utilized in supporting county primary health care services.

**Amendment of Section 39**

**Establishment of Health Facility Improvement Fund**

**13.** Part 12 has been amended and section 39(1) added

39 (1) In accordance with national law in that regard and subject thereto, the County Government may enter into an agreement or other collaborative arrangement with the national or other research agency or person to—

- (a) Support research in a health or medical field, study or experiment;
- (b) Establish a research or training institution in the field of health.

**Health Research in the County**

**14.** Section 42 of the principal Act is amended to read as follows;

42 Where a person is convicted of an offence under this Act for which no penalty is expressly provided, the person shall be liable to a fine not exceeding three million shillings or to imprisonment for a term not exceeding two years, or both

## **MEMORANDUM OF OBJECTS AND REASONS**

The main purpose of this Bill is to amend the Taita Taveta County Health Services Act, 2016 so as to provide a framework for the establishment of systems for the Delivery and Administration of Health Services within Taita Taveta County, and other purposes connected thereto.

The bill has been prepared pursuant to Section 2 of Part 2 to the Fourth Schedule of the Constitution.

The legislation proposes to establish the Health Management team including the Hospital Management Board to spearhead the smooth running and provision of quality health services within the County.

The legislation also proposes to establish a working mechanism for disease management, prevention and control and a framework for Health Sector Financing.

Dated the 27th September, 2019

FRANK JUMAPILI MMARE,  
*Chairperson, Health Committee.*

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