

SPECIAL ISSUE

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***TURKANA COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2015

NAIROBI, 12th January, 2016

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ADMINISTRATION ACT, 2015**

No. 12 of 2015

Date of Assent: 30th December, 2015

Date of Commencement: See Section 2

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2015

Turkana County Health Services Administration

No. 12

THE TURKANA COUNTY HEALTH SERVICES ADMINISTRATION ACT, 2015

**AN ACT of the County Assembly of Turkana to
establish Turkana County Health Services
Administration Board and Committees and setting
out its functions, appointment procedures and
connected purposes**

ENACTED by the County Assembly of Turkana, as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Turkana County Health Services Administration Act, 2015. Short Title.

2. This Act shall come into operation not later than fourteen days from the date of its enactment. Commencement.

3. This Act applies within Turkana County. Application.

4. In this Act, unless the context otherwise requires— Interpretation.

“Committee” is the respective Hospital Management Committee established under Section 10 of this Act;

“Community Based Development Organization” is a non-governmental body registered under any law or regulation and operating in Turkana County;

“County” is the Turkana County Government;

“County Commissioner” is a commissioner duly appointed by the President of Kenya;

Sub-County administrator is an officer in-charge of a Sub-County.

“County Executive Committee Officer” is the Executive Committee member in charge of Health and duly appointed by the Governor.

“County resident” means a person who ordinarily resides in Turkana County for the last 5 years or votes in a polling station within Turkana County.

“*Ex officio* members” mean a person who is not a committee member in accordance with Section 12 of the Act and include the County Executive Committee Officer;

“Faith Based Organizations” mean any grouping that collates on the basis of religion and include Christian or Muslim groups;

“Fund” means the fund established under Section 5 of this Act;

“General Public importance” means issues that concern a good number of the public and deserves urgent committees’ attention;

“Medical Superintendent” is a duly appointed medical officer designated as a Superintendent;

“Parliament” means the national legislature and includes the National Assembly and the Senate;

“Sub-County Hospital” is a health facility designated in the rank below the County Hospital;

“user charges” means cost-sharing charges

“Women Group” is an organized collection of female persons for a common purpose.

“Committee” an organ comprising individuals to manage health facilities at sub county and ward levels.

“Board” a body of appointed members to oversee activities of health facilities at County level.

“Person with disability” means any person who has a physical or mental impairment that substantially limits one or more major life activities.

“Clinical Officer” means a medical professional in East Africa and parts of Southern Africa who is trained and licensed to perform general or specialized medical duties such as diagnosis and treatment of disease and injury, ordering and interpreting medical tests, performing routine medical and surgical procedures.

“Youth” means a person aged between eighteen and thirty five years.

“Nursing Officer in- Charge” means a nurse in charge of a health Centre or a dispensary.

PART II— ESTABLISHMENT AND ADMINISTRATION OF COUNTY HEALTH SERVICE FUNDS

5. There is established the County Hospitals Health Establishment.
Sector Service Fund which consists of—

(a) grants or donations;

- (b) monetary appropriations by the National Parliament;
- (c) monetary appropriations by the Turkana County Assembly;
- (d) monies received as user charges;
- (e) income generated from the proceeds of the services; and
- (f) any other revenue that a hospital receives.

6. The Fund shall be administered by the management board/committees of respective Health Facilities as established in Section 9 and in accordance with Section 16 of the Act.

Administration of the Fund.

7. The expenditure incurred by a medical facility on the services shall be on basis of the annual allocation or grants and authority to incur expenditure.

Expenditure.

8. The Committee shall foster co-operation with the management of National Hospitals and hospitals of other County Government in respect of best hospital management practices.

Co-operation.

9. The County Government shall cause to be done an audit of the books of accounts of the Fund in each respective Health Facility twice a year.

Audit Reports.

PART III—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE BOARD

10. (1) There is established the Turkana County Referral Hospital Board

Establishment of the Board.

(2) The Board is a body corporate with perpetual succession and a common seal and can in its corporate name—

- (a) sue and be sued; and
- (b) do or perform all acts in the discharge of its functions.

11. (1) Subject to sub-section 2, membership of the board shall consist of a chairperson and six other members appointed according to the provisions of this Act .

(2) The Committee membership shall not be more than seven members and the Committee shall consist of—

- (a) a chairperson not being a public officer, appointed by County Executive Member of Health Services and Sanitation, with the approval of the County Assembly.
- (b) a secretary who—
 - (i) shall be the County Executive Officer (CEO) Lodwar County and Referral Hospital who shall be the secretary of the board;
 - (ii) shall be responsible for the management of day-to-day activities of the board;
- (c) the County Director of Medical Services.
- (d) one representative with knowledge and experience on health matters from faith based organization and mission hospitals appointed by County Executive Member of Health Services and Sanitation.
- (e) a person from Non-governmental organizations (NGO's) /Civil Society with knowledge and experience in health related matters and working in the County, appointed by County Executive Committee Member of Health Services and Sanitation.
- (f) two representatives from public with knowledge and experience in Health matters in the county, appointed by the CECM Health Services and Sanitation of whom one shall be a person with disability and a woman.

12. (1) A person is qualified for appointment as chairperson and member if that person—

Qualifications for appointment of chairperson and members

- (a) is a Kenyan citizen and a resident in the County.
- (b) possesses skills and knowledge on health matters and holds at least a degree or its equivalent in any relevant field and working experience of not less than ten years.
- (c) has knowledge and experience of at least five years in management of public affairs and
- (d) meets the leadership and integrity requirements set out under chapter six of the constitution.

- (e) a member of the board should have a minimum qualification of a diploma or its equivalent in any relevant field and has work experience of not less than five years.

PART IV— ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE COMMITTEE

13. There is there is established a 7 member Sub-county hospital committee which shall perform and discharge its functions per the Act. Establishment of the Committee.

14. Subject to sub section 1, membership of the committee shall consist of— Membership of the Committee.

- (a) a Chairperson not being public officer, appointed by CECM Health Services and Sanitation, with approval of County Assembly;
- (b) the Sub-county Hospital administrator who shall be the secretary of the committee;
- (c) the Sub-county Medical Officer of Health;
- (d) the Sub-county administrator;
- (e) one representative with knowledge and experience on health matters from Faith Based Organization and mission hospitals, appointed by CECM Health Services and Sanitation;
- (f) one representative from Nongovernmental organizations (NGO's) and Civil Society with knowledge and experience in health related issues in the County appointed by CECM Health Services and Sanitation;
- (g) one representative from public with skills and knowledge in health matters in the county appointed by the CECM Health Services and Sanitation of whom shall be a a Chairperson and Secretary nominated by the Committee from among themselves and appointed by the County Executive Officer.

15. A person is qualified for appointment as chairperson and members if that person— Qualifications for appointment of chairperson and members.

- (a) is a Kenyan citizen and resides in the County.

- (b) possesses skills and knowledge on health matters and holds at least a degree in any relevant field or its equivalent and working experience of not less than five years.
- (c) has knowledge and experience of at least five years in management of public affairs
- (d) meets the leadership and integrity requirements set out under chapter six of the constitution.
- (e) a member must satisfy any educational, moral and ethical requirements.

PART V—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE COUNTY HEALTH AND DISPENSARIES COMMITTEE

16. There is established a 7 member county health and dispensaries committee which shall perform and discharge its functions per the Act. Establishment of the Committee.

- (a) a Chairperson not being a public officer, appointed by the CECM Health Services and Sanitation with the approval of the County Assembly.
- (b) nursing Officer in charge/Clinical Officer in charge of the facility who shall be the secretary to the committee.
- (c) one representative with knowledge and experience on health matters from Non-governmental organizations/ faith based organization and mission hospitals appointed by CECM Health Services and Sanitation.
- (d) three persons from the community with knowledge and experience in health issues in the county appointed by the CECM Health Services and Sanitation of whom one shall be a person with disability, a woman and youth.
- (e) village administrator within whose jurisdiction the specific health facility is located.

17. A person is qualified for appointment as chairperson and members if that person— Qualifications for appointment of chairperson and members.

- (a) is a Kenyan citizen and a resident in the County;
- (b) possess skills and knowledge on health matters and holds a minimum of diploma in any relevant

field and working experience of not less than five years;

- (c) other members must satisfy any educational, moral and ethical requirements.

18. (1) A member of the Committee, apart from the ex-officio, shall hold office for a period of three years and shall be eligible for re-appointment for one further term. Terms of Office.

(2) A member shall not hold office for more than two terms except the secretary.

(3) The terms of service and benefits accruing to the members shall be set out by the County Executive Committee Member.

19. The County Executive Committee Member appoints a chairperson and members of the Committee with approval of the County Assembly Appointment Procedure.

20. A committee member shall cease to hold office if the member is— Termination of Office

- (a) unable to perform functions of office arising from mental or physical incapacity;
- (b) convicted of an offence under any law of Kenya and sentenced to serve a term of three months' imprisonment or more;
- (c) non-compliance with Chapter Six of the Constitution of Kenya;
- (d) incompetence; or
- (e) gross misconduct or misbehaviour.

21. A vacancy in the Committee shall be filled in accordance with Sections 12, 13 and 15 of this Act. Vacancy.

22. The functions of the Committee are to— Functions of the Committee.

- (a) supervise and control the administration of the funds allocated to the County, Sub-county hospital, Health Centre and dispensary;
- (b) open and operate a bank account to be approved by the County Executive Officer for the time being responsible for finance;

- (c) prepare work plans based on estimated expenditures;
- (d) cause to be kept basic books of accounts and records of accounts for the income, expenditure, assets and liabilities of the County, Sub-county hospital, Health Centres and Dispensaries as prescribed by the officer administering the fund;
- (e) prepare and submit to the County Government certificate of periodic financial statement;
- (f) prepare performance reports as prescribed; and
- (g) cause to be kept a permanent record of all its deliberations.

23. (1) The Committee shall meet four times in a year Meetings.
at a venue selected by the Chairperson.

(2) The Committee Secretary shall formulate and send out the Agenda of the meeting in consultation with the Chairperson.

(3) The Committee shall maintain all records of its deliberations.

(4) Notwithstanding Section 18 (1), the Committee shall meet at any other time there is an urgent matter of general public importance.

(5) The quorum for the meeting of the Committee shall be five of all the members including the secretary.

(6) The Committee shall formulate rules and procedures for conducting its own functions subject to the approval of the County Executive Officer.

PART IV—MISCELLANEOUS PROVISIONS

24. Where there is a conflict between this Act and any Repeals.
other County Legislation with respect to Hospital Management, this Act shall prevail.

25. The County Executive Officer may make Regulations.
regulations for the benefits and allowances of the Committee members, procedures for conduct of Committees' meetings and other incidental matters and approved by the County Assembly.

26. (1) Failing to render proper accounts for the Fund Offences.
is an offence.

(2) Willful contravention of any section of this Act is
an offence.

(3) A person found guilty of the offences in Section 26
(1) and (2) is liable to 3 years imprisonment or a fine of not
more than 500,000 Kenyan shillings or both.

PART VII—SCHEDULES

The Committee shall submit to the County Government the full list of the Hospital Management Team in the format set out below —

FORMAT FOR SUBMISSION OF HOSPITAL MANAGEMENT COMMITTEES

COUNTY: _____

HOSPITAL	PROPOSED NAMES	POSITION

COMPILED BY: _____

SIGN: _____

CHECKED BY: _____

SIGN: _____

APPROVED BY: _____

SIGN: _____

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