

SPECIAL ISSUE


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NAIROBI CITY COUNTY ASSEMBLY
OFFICE OF THE CLERK
TABLES & JOURNALS
BILLS FIRST READING

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KENYA GAZETTE SUPPLEMENT

NAIROBI CITY COUNTY BILLS, 2019

NAIROBI, 27th June, 2019

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**THE NAIROBI CITY COUNTY COMMUNITY
HEALTH SERVICES BILL, 2019**

A Bill for

AN ACT of the County Assembly of Nairobi to give effect to the provisions of Article 43(1) (a) of the Constitution of Kenya and to provide for the establishment and delineation of Community Health Units within the county for effective and efficient delivery of community based health services and for connected purposes.

ENACTED by the Nairobi City County Assembly as follows—

PART 1—PRELIMINARY

1. This Act may be cited as the Nairobi City County Community Health Services Act, 2019. Short title and commencement.

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

“appointment” includes an acting appointment, reappointment, promotion and re-designation;

“authorised officer” means a health officer within the department of health appointed by the County Public Service Board.

“basic health-care” means the minimum degree of health care considered to be necessary to maintain adequate health and protection from disease;

“client” any household member receiving health services from community health services personnel.

“County” means Nairobi City County;

“common ailments” includes, diarrhoea, pneumonia and malaria;

“community” means the area for which a community health unit has been established pursuant to this Act;

“Community Health Unit” means the frontline community health service delivery structure located within the county health system comprising of a thousand (1000) households;

“Community Health committee” means a community health committee established pursuant to this Act; to play the overall governance and leadership role within the Community Unit.

“Community Health Services personnel” includes the County community health services coordinator (CCHSC), the sub County community health services coordinator (SC-CSC), the Community Health Officer (CHO) Community Health Assistant (CHA)/ Community Health Committee (CHC) and the Community Health Volunteers (CHVs).

“Community Health Unit Annual work plan” means a cost plan with set indicators and targets that are aligned to the County health mission and vision, to guide the implementation, monitoring and evaluation of community-based health activities.

“Community Health annual work plan” means the priorities for delivery of community based health services for the succeeding year.

“development partners” means and includes Non-Governmental Organizations, civil society groups, donors and any other well-wishers;

“Health services” include services provided through hospitals and other health-care institutions, public-health services, addiction services, emergency health services, mental-health services, home-care services, long-term care and such other health services as the executive committee member may from time to time prescribe.

“Community-based health services” means health-care services that can be provided to people in their communities and includes health education, health promotion, disease prevention, mental-health services, emergency health services, addiction services, public-health services, home care, long-term care, rehabilitation services, palliative- care services and treatment for illness and injury in relation to primary care;

“Community Health Volunteer” means a person selected by the community, based on set criteria defined by this Act and has undertaken relevant basic training as per training curriculum to offer health services at the community level and has continuously been appraised by the Community Health Assistant /Community Health Officer;

“Chief Officer” means a county chief officer responsible for county health services appointed under section 45 of the County Governments Act, 2012

“Executive Committee Member” means the County Executive Committee Member responsible for matters relating to health;

“grant” includes donations, gifts from lawful sources

“grant recipients” means the community health unit in receipt of donor funds or funds from any lawful source.

“health care professional” means a 'physician or other qualified health care professional' who is qualified by education, training, licensure/regulation who performs a professional service within his/her scope of practice and independently reports that professional service;

“household” is the smallest entity of service delivery in a community health unit;

“out of pocket expenses” are incidental expenses incurred in course of duty but shall not include any loss of remuneration;

“performance target” means a minimum monthly achievement of 80% according to county community performance appraisal tool to be achieved by the Community Health Volunteer.

“stipend” means a monthly pre-determined amount of money paid to Community Health Volunteers having satisfactorily met the minimum set performance targets

3. The objects of this Act are to—

Objects of the Act

- (a) provide for delineation and establishment of community health units within the County so as to provide for effective delivery of community health services.
- (b) create the necessary institutional and coordination framework to encourage and facilitate voluntary provision of community health care services;
- (c) provide sustainable essential health services for the community and with full participation by the community;

- (d) protect the health and safety of all community health volunteers and community health services personnel in the county.

PART II—COMMUNITY HEALTH SERVICES

4. (1) Each person residing within the jurisdiction of the County has a right to access basic health care services to be provided by the County Government.

Basic Health Care
Services

(2) Establishment of a strong community health service provides a basis for the county health system's implementation of a number of the objects and principles of devolution under Article 174 of the Constitution which include—

- (a) giving the people the powers of self-governance and enhancing the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- (b) recognizing the right of communities to manage their own affairs and to further their development;
- (c) protecting and promoting the rights and interests of minorities and marginalized communities;
- (d) promoting social and economic development and the provision of proximate, easily accessible services; and
- (e) ensuring equitable sharing of local resources

5. The following principles shall guide the implementation of this Act—

Principles of
Community
Health Services.

- (a) health services shall be available, accessible, acceptable, affordable and of good quality and standards;
- (b) health rights of an individual shall be upheld, observed, promoted and protected; and
- (c) provision of community health care services shall focus on strengthening health systems to improve health outcomes.

PART III—ESTABLISHMENT OF COMMUNITY HEALTH UNITS AND COMMUNITY HEALTH SERVICES PERSONNEL

6. (1) There is established a Community Health Unit which shall comprise of not more than one thousand households with ten community health volunteers under the supervision of a minimum of two Community Health Assistants or officers.

Establishment of community health units

(2) The community health unit under sub section (1) shall be established by the Community Health Services Personnel

7. (1) The Executive Committee Member in consultation with the County Community Health Services Advisory Committee established pursuant to this Act, shall alter the boundaries of a community health unit if need arises.

Alteration of areas

(2) The Executive Committee Member may, by regulations annex the whole or any part of a community health unit to another community health unit.

8. There shall be ten Community Health Volunteers in a Community Health Unit to be selected in a public meeting convened by the Chief and the Ward Administrator and overseen by the Community Health Committee established pursuant to this Act.

Community Health Volunteers

9. (1) A person shall be eligible for selection as a community health volunteer if the person: -

Qualifications for selection

- (a) is a citizen of Kenya;
- (b) has been a resident of the respective community health unit for a continuous period of not less than one year prior to the selection date;
- (c) is not disqualified for appointment to office by the provisions of this Act or any other law;
- (d) is above the age of 18, responsible and is a respected member of the community;
- (e) is passionate about volunteer services to the community;
- (f) is literate and fluent in English or Kiswahili languages or able to communicate with the local community.

10. The Executive Committee Member shall make necessary arrangements for the training and certification of Community Health Volunteers using an approved curriculum.

Training of
community health
volunteers

11. (1) A Community Health Volunteer shall perform the following obligations—

Obligations of
community health
volunteers

- (a) exercise diligent care of their Clients and their own health and safety;
- (b) ensure that their conduct does not adversely affect the health and safety of others;
- (c) comply with any reasonable instructions that are issued to them by their community health assistant or community health officer;
- (d) ensure compliance with all the health policies and regulations relating to the performance of their duties.

(2) A Community Health Volunteer who fails to perform their obligations under this Act shall be subjected to disciplinary action which may lead to dismissal

12. A community health volunteer shall be responsible to the Community Health Assistant and Community Health Officer and shall have the following responsibilities—

Functions of
community health
volunteers

- (a) enrolling households towards achieving universal health coverage;
- (b) educating the community on how to improve their health and prevent illness by adopting good health practices;
- (c) manage common ailments and minor injuries with the supervision and guidance of the community health assistant or officer;
- (d) tending the community health volunteer kit with supplies provided by the County Government;
- (e) educate clients on the benefits of consistent compliance and adherence to treatment;
- (f) tracing defaulters to ensure compliance with health interventions including immunization, tuberculosis treatment, malaria control, antiretroviral, malnutrition, antenatal care among others;

- (g) tracing and referral of health-related cases to the nearest health facilities;
- (h) conducting home visits to determine the health situation and dialogue with household members to undertake the necessary action for health improvement;
- (i) promoting appropriate home care for the sick with the support of the health partners;
- (j) responding to questions on health and providing advice;
- (k) being a model of good health behaviour;
- (l) mobilizing community members to adopt health promotion practices;
- (m) organizing, mobilizing and leading community health activities;
- (n) maintaining household registers and keeping records of community health related events;
- (o) reporting to the community health assistants or officers on the activities they have been involved in and any specific health problem they have encountered that needs to be brought to the attention of higher levels;
- (p) willing to visit all allocated community households at least once in every quarter with preference to households with children under five years and pregnant women;
- (q) conducting community disease surveillance and response; and
- (r) participate in quarterly community dialogues days and monthly action days.

13. (1) A community health volunteer may enter any household with the consent of the home owner. Entry to Households

(2) A community health volunteer shall notify the owner of the household immediately upon arrival and shall present appropriate identification.

(3) A community health volunteer denied consent /entry or whose visit to a household is terminated before accomplishing the visitation purpose, will guide an

authorized officer to the household to help fulfil the purpose.

14. (1) The Executive Committee Member shall, with the consent of the Executive Committee Member for finance, provide a stipend inclusive of National Health Insurance Cover to every community health volunteer subject to attainment of 80% performance target to be conducted by the Community Health Assistant.

Remuneration of
community health
volunteers

(2) The Executive Committee Member may review the stipend provided under sub section (1) as need arises.

15. (1) A community health volunteer perform the duties of the office for a period of time as shall be determined by the Community Health Committee taking into consideration the views of the community members within a community health unit.

Terms of service

(2) A community health volunteer shall be released from employment on the following grounds—

- (a) inefficiency or if in breach of the terms of his/her selection;
- (b) upon relocation to a different community
- (c) upon conviction of a criminal offence
- (d) resigns from office in writing to the chairperson of the Community Health committee
- (e) upon death or if unable to discharge his or her duties due to physical or mental impairment.

(3) A vacancy arising in the community health unit shall be filled within a period of 30 days in accordance with the provisions of Section 8.

16. The Community health services personnel shall have the following responsibilities—

Functions of the
community health
services personnel

- (a) co-ordinating the enrolment of households towards achieving universal health coverage;
- (b) mentorship and support supervision to the Community Health Volunteers;
- (c) coordination of community dialogues and action days;
- (d) sensitizing communities for uptake of quality health services;

- (e) coordinating community health activities for the workforce and the committees;
- (f) establishing community health units;
- (g) monitoring, evaluating, preparing and disseminating community health reports;
- (h) ensuring monthly community health data is submitted for uploading on the Kenya health information system on time;
- (i) facilitating planning activities at community level;
- (j) advocating and mobilizing resources for community health activities;
- (k) facilitating training and developing community health volunteers and members of community health committees.
- (l) performance appraisal for community health volunteers
- (m) maintaining of community health volunteers kit
- (n) any other duties as assigned by the Executive Committee Member.

17. (1) A community health volunteer who—

Offences

- (a) falsifies records;
- (b) solicits money for services offered; or
- (c) impersonates a health care professional

(2) commits an offence and is liable to a fine not exceeding one hundred thousand Kenya shilling or to imprisonment to a term not exceeding six months or to both and the said offender shall be permanently discontinued from service as a community health volunteer.

18. (1) There is established, a community health committee which shall be in charge of more than one community health unit, within the same community comprised of the following—

Establishment of the Community Health committee

- (a) seven to thirteen members democratically elected by the community members under the supervision of the Chief and the Ward Administrator representing the youth, persons with disability and other marginalized groups in the community

- (b) the community health assistants or community health officers who shall act as the technical adviser and secretary to the committee;
 - (c) the chairperson who shall be elected from amongst the members of the committee;
 - (d) a representative selected from the community health volunteers and shall be the treasurer;
- (2) The committee shall not have more than two thirds of one gender represented.
- (3) The term of membership in a community health committee shall be three years' renewable once for a maximum of two terms unless the community specifically decides otherwise
- (4) The community health committee shall conduct at least two public forums in the community health unit in each year for the purpose of providing information on the operations and activities of the community health committee and seeking input from the public.

19. A community health committee shall be responsible for—

Functions of the
Community
Health committee

- (a) fostering community development that encourages the public to actively participate in health planning and service delivery;
- (b) constructing a community health profile that identifies the deficiencies and strengths of the community with respect to factors that affect health, including income and social status, social support networks, education, employment, physical environments, inherited factors, personal health practices and coping skills, child development and health services in the community;
- (c) preparing and maintaining an inventory of community-based health services delivered in the community;
- (d) assessing community health needs and community-based health services in relation to those needs;
- (e) providing such other advice and assistance that the community health assistants' requests;

(f) managing, or assisting in the management of, community health grants on behalf of the executive committee member, or with the approval of the executive committee member;

(g) performing such other functions as the executive committee member may authorize pursuant to this Act;

(h) develop a community health work Plan for each fiscal year.

20. (1) The Executive Committee member shall establish the County Community Health services technical advisory committee

The community Health Services technical advisory committee

(2) The Community Health services technical advisory committee shall be composed of fifteen members as follows—

(a) one member who shall be a representative of the community colleges, universities, and educational institutions that may provide community health services training;

(b) one members shall be representatives from development partners;

(c) ten members shall be representatives appointed as follows; seven from county health services and one from social services – one community health volunteers and one member of the public;

(d) *ex-officio* members from any county government department shall be incorporated as need arises;

(3) The Executive Committee Member shall appoint a chairperson from amongst the members of the Committee;

(4) Members of the Committee shall serve without compensation, but may be reimbursed for reasonable expenses incurred as a result of their duties as members of the Committee from funds appropriated by the Executive Committee Member for that purpose;

(5) The Executive Committee Member shall provide administrative and staff support to the Committee.

21. (1) The County Community Health Services technical advisory committee shall be responsible to the Executive Committee member and shall have the following responsibilities—

Functions of the county community health services advisory committee

- (a) to ensure a coordinated, efficient, effective and consultative approach in delivery of community health services.
- (b) to achieve the objectives set out under subsection (1), the technical advisory committee shall —
 - (i) adopt and formulate policies relating to the management of Community Health services;
 - (ii) monitor, evaluate and review implementation of Community Health Work Plans;
 - (iii) mobilize resources for purposes of efficient management of Community Health services;
 - (iv) advise the Executive Committee Member on matters of general policy; and
 - (v) perform any other functions assigned to it under this Act.

PART IV— FINANCIAL PROVISIONS

22. (1) The funds for financing the implementation of this Act shall consist of—

Funds

- (a) such monies as shall be appropriated by the County Assembly in each financial year;
- (b) such grants or transfers as may be received from any lawful source;
- (c) grants and donations received from development partners; or
- (d) such other monies received from national government as conditional or non-conditional grants, for services rendered to clients in accordance with the established system;

PART V— MISCELLANEOUS PROVISIONS

22. The Executive Committee Member may make regulations for the better carrying out of the provisions of this Act.

Regulations

Savings and
Transition

23. (1) A person who immediately before the coming into force of this Act was a Community health Volunteer or community health committee member shall continue to act as such until the expiry of the duration for which the person is engaged.

(2) A person who served as a Community Health Volunteer or community health committee member before the coming into force of this Act and whose contract or service expires under this Act may be re-selected in accordance with the provisions of this Act.

BLISS M. MBONO,
Member of the County Assembly

MEMORANDUM OF OBJECTS AND REASONS

Article 43(1) (a) of the Constitution of Kenya 2010 entitles every person to the highest attainable standard of health, which include the right to health care services, including reproductive health care.

The principle object of the Bill is to provide for the establishment and delineation of Community Health Units within the County for effective, efficient and sustainable delivery of community-based health services and establish the necessary institutional and regulatory mechanisms to ensure functionality of community units in empowering households in health and for connected purposes.

The Bill further purposes to give effect to the provisions of Article 43(1) (a) of the Constitution.

PART I contains the preliminary matters including the definition of terms used in the Bill.

PART II provides for community health services by expanding the meaning thereof and providing for Basic Health Care for all county residents and the principles of Community Health Service Delivery.

PART III provides for the establishment of Community health units and community health services personnel. This part also makes provision of community health volunteers together with their functions, qualifications and tenure of office. Remuneration of the Volunteers which the Executive Committee member will determine in consultation with the Executive Committee member for Finance. It further provides for the establishment of the Community Health Committees and its role is governance and leadership of community health units.

PART IV makes provision for Funds that will finance the activities of Community health services. It provides for an annual allocation by the County as well as funds from donors and other development partners. It also provides for management and accounting of the funds by the donor recipients.

PART V provides for the miscellaneous matters including provisions on the powers of the CEC Member to make Regulations for the better carrying out of the provisions of the Bill as well as a provision on Savings and Transition.

The enactment of this Bill shall occasion expenditure of public funds to be provided for through the estimates.

Dated the 17th June, 2019.

PIUS M. MBONO,
Member of the County Assembly.

