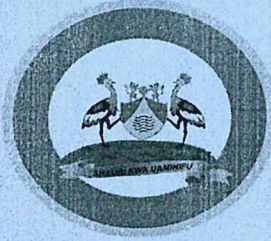


NCCA/TJ/NTC/2023(14)

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY
(SECOND SESSION)

6th July 2023

PAPERS LAID



Subject: Adoption of report

Pursuant to Standing Order 196, I beg to lay the following paper on the Table of this Assembly, today Thursday 6th July, 2023

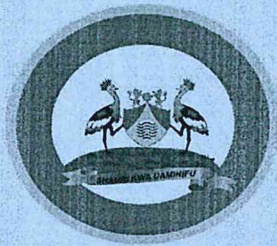
- THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE PETITION BY KENYA MEDICAL PHARMACISTS AND DENTISTS UNION (KMPDU) ON MEDICAL HEALTH INSURANCE FOR ITS MEMBERS IN NAIROBI CITY COUNTY GOVERNMENT, laid on the Table of the Assembly today, Thursday 6th July, 2023.

(Chairperson, Sectoral Committee on Labour and Social Welfare)

*Paper laid
on 6th July 2023
W. K. SCA*

NCCA/TJ/NTC/2023(14)

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY
(SECOND SESSION)

6th July 2023

NOTICE OF MOTION

Subject: Adoption of report

Hon. Speaker, I beg to give notice of the following motion:-

- **THAT**, this Assembly Adopts **THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE PETITION BY KENYA MEDICAL PHARMACISTS AND DENTISTS UNION (KMPDU) ON MEDICAL HEALTH INSURANCE FOR ITS MEMBERS IN NAIROBI CITY COUNTY GOVERNMENT**, laid on the Table of the Assembly today, Thursday 6th July, 2023.

(Chairperson, Sectoral Committee on Labour and Social Welfare)

NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY – SECOND SESSION

REPORT OF THE SECTORAL
COMMITTEE ON LABOUR AND SOCIAL SERVICES

ON

THE PETITION BY KENYA MEDICAL PHARMACISTS AND DENTISTS UNION (KMPDU)
ON MEDICAL HEALTH INSURANCE FOR ITS MEMBERS IN NAIROBI CITY COUNTY
GOVERNMENT

CLERKS CHAMBERS
NAIROBI CITY COUNTY ASSEMBLY
CITY HALL BUILDINGS
NAIROBI

JULY 2023

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ANNEX II: Copy of the Petition

ANNEX III: Submissions by the Petitioners

1.0 PREFACE

1.1. Establishment and Mandate of the Committee

01. The Sectoral Committee on Labour and Social Welfare is established pursuant to Standing Order 209, and its mandate amongst others, as outlined under Standing Order 209 (6) is to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

02. The Committee exercises its oversight role on the work and administration of the Public Service Management Sector; the County Public Service Board and the Youth Affairs, Social Services sub-Sector and Gender & Inclusivity sub-Sector.

03. In accordance with the Third Schedule of the Standing Orders, the Sectoral Committee on Labour and Social Welfare is mandated to investigate, inquire into and report on all matters related to, labour, trade union relations, manpower or human resource planning; County Public Service; gender, social welfare and youth.

1.2. Committee Membership

04. The Committee comprises the following Members: -

- 1. Hon. Allan Maina Githuku, MCA Chairperson
- 2. Hon. Catherine Okoth, MCA

3. Hon. Jane Muasya, MCA
4. Hon. Nancy Mwaura, MCA
5. Hon. Oscar Lore, MCA
6. Hon. Anthony Kimemia, MCA
7. Hon. Joyce Muthoni, MCA
8. Hon. Kennedy Oyugi, MCA
9. Hon. Absalom Onyango, MCA
10. Hon. Peter Mwangi, MCA
11. Hon. Benter Juma, MCA
12. Hon. Simon Maina, MCA
13. Hon. Paul Wachira, MCA
14. Hon. Paul Mathu, MCA
15. Hon. Joyce Lugonzo, MCA
16. Hon. Cicilia Wairimu, MCA
17. Hon. Jane Musangi, MCA
18. Hon. Farhiya Daudi, MCA
19. Hon. Evans Nyangicha, MCA
20. Hon. Agnes Njeri, MCA
21. Hon. Abbas Khalif, MCA
22. Hon. Patrick Karani, MCA

2.0 EXECUTIVE SUMMARY

2.1 Presentation and Committal of the Petition

Hon. Speaker,

05. Pursuant to Standing Order No. 219, the Hon. Speaker on Thursday 16th March 2023 reported to the Assembly a Petition on behalf of Kenya Medical Pharmacist and Dentists Union (KMPDU) regarding comprehensive insurance for all her employees (Medical practitioners, Pharmacists and Dentists), and their dependents. The petitioners who are residents of Nairobi City County and officials of the Kenya Medical Pharmacist and Dentist Union (KMPDU) made prayers that the County Assembly intervenes to ensure that the Nairobi City County Executive put in place mechanisms to ensure that the NHIF contract for the comprehensive medical insurance for KPMDDU members is renewed.

Hon. Speaker,

06. The Petitioners' prayers were based on the fact that the contract for provision of comprehensive medical insurance for its members between the Nairobi City County Government and NHIF lapsed in July 2022 and had not been renewed in the financial year 2022-2023. The Committee noted that it is the duty of the employer to provide comprehensive medical insurance for all her employees (medical practitioners, pharmacists and dentists), and their dependents. This is in accordance to Article VI (A) of the collective Bargaining Agreement (CBA) which was agreed upon by Nairobi City County Government and the KMPDU.

07. Pursuant to Standing Order 221, the Petition was committed to the Sectoral Committee on Labour and Social Welfare to inquire into the issues raised and report to the Assembly.

Hon. Speaker,

08. The Committee observed that this was a straight forward matter and therefore resolved to consider the petition on its own merit by comparing the facts presented by the petitioners against the relevant provisions of the law as regards provisions of medical insurance to employees of the Nairobi City County Government.

Hon. Speaker,

09. The Committee further noted that Health Services was one of the functions that had been transferred to the Nairobi Metropolitan Services (NMS) and upon the expiry of deed of transfer contract in November 2022, the County Government employees seconded to Nairobi Metropolitan Services (NMS) did not have a medical insurance cover and that the

contract for provision of comprehensive medical insurance for Kenya Medical Pharmacist and Dentist Union (KMPDU) members between the Nairobi City County Government and NHIF lapsed in July 2022 and had not been renewed for the Fy 2022-2023, and the lack of comprehensive medical insurance had exposed Kenya Medical Pharmacist and Dentist Union (KMPDU) members to catastrophic out of pocket medical expenditures, emotional turmoil and pecuniary embarrassment. It was reported that some members got detained in hospitals for being unable to clear huge medical bills incurred.

Hon. Speaker,

10. The Committee having reviewed the petition, facts presented therein and the law, concluded that, it had no objection to the prayer made by the petitioners. Article 43 (1) of the Constitution of Kenya, 2010 provides that every person has a right to health care services. The Committee therefore, recommends that the County Executive considers providing medical insurance cover that is favorable to the Kenya Medical Pharmacist and Dentist Union members and their dependents.

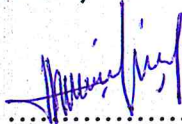
2.2 Acknowledgement

Hon. Speaker,

11. I wish to sincerely thank Members of the Committee for their hard work and dedication while inquiring into this matter. The Committee also wishes to sincerely thank the Offices of the Speaker, the Clerk of the County Assembly and the secretariat for their support.
12. It is my honor and pleasure on behalf of the Committee to present this Report of the Sectoral Committee on Labour and Social Welfare on the Petition by Kenya Medical Pharmacist and Dentist Union (KMPDU) on medical health insurance for their members in Nairobi City County Government.

Thank You.

SIGNED



Hon. Allan Maina Gathuku, MCA
(CHAIRPERSON)

DATE

06/07/2023

3.0 CONSIDERATION OF THE PETITION

3.1 Introduction

01. Pursuant to Standing Order No. 219, the Hon. Speaker on Thursday 16th March 2023 reported to this Assembly a Petition on behalf of Kenya Medical Pharmacist and Dentists Union (KMPDU) regarding comprehensive health Insurance for all their members in the County (medical practitioners, pharmacists and dentists), together with their dependents. The petitioners who are citizens of Kenya, residents of Nairobi City County and officials of the Kenya Medical Pharmacist and Dentist Union (KMPDU) and particularly members of the Nairobi branch prayed that the Nairobi City County Assembly intervenes to ensure that the Nairobi City County Executive put in place mechanisms to ensure that the NHIF contract for the comprehensive medical insurance for KPMDDU members and their dependents was renewed.
02. Pursuant to Standing Order 221, the Petition was committed to the Sectoral Committee on Labour and Social Welfare to inquire into the issues raised and report to the Assembly.
03. The Committee held three meetings with the Public Service Management Sector and with the Kenya Medical Pharmacist and Dentists Union (KMPDU).
04. In their prayers, it was reported that there was an attempt by the Nairobi City County Executive to transfer the comprehensive medical insurance from NHIF to a cover offered by private insurers which is in violation of Article 10 of the Constitution of Kenya on national values and principles of governance as it is being done without the requisite public participation, and in a manner devoid of any transparency and accountability.
05. In the Petition, the Petitioners, Kenya Medical Pharmacists and Dentists Union (KMPDU) averred that the County Assembly should: -
- i) Cause the County Executive to put in place mechanisms to ensure that the NHIF contract for comprehensive medical insurance for its members is renewed and activated;
 - ii) Cause the County Executive to ensure that NHIF statutory deductions for all employees and any matching contributions from the Nairobi City County Government are paid to the NHIF by ninth (9) of every month as required under Section 15 of the NHIF Act;
 - iii) Cause the County Executive to reimburse all medical costs incurred by its members from July 2022 to date with applicable interest;
 - iv) Investigate the attempt by the County Executive to transfer the comprehensive medical insurance for their members from NHIF to a private insurer without public participation and involvement of the intended beneficiaries;

- v) Investigate whether the deed of transfer of functions from the Nairobi City County Government to the National Government signed on 25th February 2020 has been terminated and all the functions and relevant instruments transferred back to Nairobi City County Government;
- vi) Pass a resolution that with the implied transfer of functions and obligations from the defunct Nairobi Metropolitan Services (NMS), the Nairobi City County Government be made the immediate executor and successor of all existing county staff human resource management functions and obligations;
- vii) Make any laws that are necessary for or incidental to the effective execution of prayers 1-6 above as provided under Article 185(2) of the Constitution of Kenya; and
- viii) Make any other order that it may deem fit in the circumstances of this petition.

4.0 COMMITTEE FINDINGS AND OBSERVATIONS

This report contains the Committee's findings, observations on the aforementioned Petition:

The Chief Officer for Public Service Management stated as follows:

- i) That the Petition came at a time when the deed of transfer of functions from the Nairobi City County Government to the National Government signed on 25th February 2020 had been terminated in November 2022 and all the functions and relevant instruments transferred back to Nairobi City County Government;
- ii) That the Sector had already absorbed the seconded staff from the Nairobi Metropolitan Services (NMS) in the current medical insurance cover from First Assurance Company. However, the County Executive was yet to reimburse all medical costs incurred by the officers from July 2022 although it was observed that reimbursement of medical expenses incurred would be done for officers who had submitted supporting documents since there was Kshs. 50m allocated for ex-gratia in the Supplementary Budget for FY 2022-23;
- iii) The County Executive has in the past delayed submitting statutory deductions, NHIF being one of them. This usually has had an impact on employees because they end up not being attended to in health facilities as a result of delays in payment;
- iv) That the petitioners, Kenya Medical Pharmacist and Dentist Union did an in-depth analysis of the NHIF Comprehensive Insurance and current medical health insurance provider, (First Assurance Company) which revealed that NHIF Comprehensive insurance was a better option in terms of benefits comparison. They indicated that NHIF Comprehensive Cover provided to the staff during the Nairobi Metropolitan Services (NMS) period had better services compared to those offered by the private medical insurance companies since the package was well negotiated. It was favorable for the staff and all the bills paid for everything that had been negotiated for in the contract;
- v) That KMPDU preferred NHIF Comprehensive Cover because it can be accessed in any hospital in the Country since it is a National Scheme unlike the Private Medical Insurance Company that limits the hospitals to one should visit to seek health services from and most of them are in the towns;
- vi) The County does not have a Policy that provides guidelines and regulations on the medical insurance services offered to County employees;

- vii) The Chief Officer for Public Service Management stated that the County Executive did not support NHIF Comprehensive Cover because from the past experience it did not support Group Personal Accident (GPA), its servers were down most of the time, pre-authorization took time, it capitated the low cadre employees, has no services for ex-gratia, staff got poor maternity, optical and dental services. NHIF's Comprehensive cover is beneficial to the upper cadres only. The lower cadres who are the majority in the County cannot access the services in most hospitals;
- viii) The reason the staff seconded to NMS did not have a medical cover for a certain duration after the expiry of NHIF cover in July 2022 is because NMS did not forward any money to NHIF for the staff transferred to Nairobi County yet the same had been budgeted for; and
- ix) There is a Quality Assurance Committee in the Nairobi County that deals with all grievances and that if KMPDU members have any grievances on the current medical insurance provider, (First Assurance), they should forward the grievances to the Committee for review and action.

5.0 COMMITTEE RECOMMENDATIONS

In view of the above findings and observations, the Committee makes the following recommendations;

1. The Nairobi City County Government should ensure there is a representative from Kenya Medical Pharmacist and Dentists Union (KMPDU) in the Procurement evaluation Committee to confirm that the Terms of Reference provided for in the Medical Insurance cover are adhered to according to the laid parameters;
2. That, the Sector should benchmark with other Counties that use the NHIF Comprehensive cover and make a comparison of the services offered by the private medical insurance companies, in consideration of financial implications and SRC guidelines;
3. Nairobi City County Government should ensure that NHIF statutory deductions for all employees and any matching contributions from the Nairobi City County Government are paid to the NHIF by ninth (9) of every month as required under Section 15 of the NHIF Act;
4. The Public Service Management Sector should ensure that the staff who incurred medical expenses and have forwarded their claims be reimbursed;
5. The Public Service Management Sector should ensure that terms and references provided for in the medical insurance cover are favorable to all the County employees regardless of their cadres and come up with a policy document that will be referred to for any clarifications while procuring a medical insurance cover; and
6. Kenya Medical Pharmacist and Dentist Union (KMPDU) to work harmoniously with the Sector to ensure their members, and residents of Nairobi City County Government access quality health services.

MINUTES OF THE 19TH SITTING OF NAIROBI CITY COUNTY ASSEMBLY'S SECTORAL COMMITTEE ON LABOUR AND SOCIAL SERVICES HELD ON THURSDAY, 6TH JULY, 2023 IN COMMITTEE ROOM 8 AT 12.00 P.M.

PRESENT:

- | | |
|-------------------------------|-------------|
| 1. Hon. Allan Maina, MCA | Chairperson |
| 2. Hon. Joyce Kamau, MCA | |
| 3. Hon. Catherine Apiyo, MCA | |
| 4. Hon. Jane Muasya, MCA | |
| 5. Hon. Nancy Mwaura, MCA | |
| 6. Hon. Oscar Lore, MCA | |
| 7. Hon. Anthony Kimemia, MCA | |
| 8. Hon. Kennedy Odhiambo, MCA | |
| 9. Hon. Absalom Odhiambo, MCA | |
| 10. Hon. Joyce Lugonzo, MCA | |
| 11. Hon. Abass Khalif, MCA | |
| 12. Hon. Benter Obiero, MCA | |
| 13. Hon. Paul Mathu, MCA | |
| 14. Hon. Jane Musangi, MCA | |
| 15. Hon. Evans Nyangicha, MCA | |
| 16. Hon. Peter Maina, MCA | |
| 17. Hon. Paul Wachira, MCA | |
| 18. Hon. Simon Maina, MCA | |
| 19. Hon. Cicilia Njathi, MCA | |
| 20. Hon. Agnes Njeri, MCA | |
| 21. Hon. Farhiya Aden, MCA | |
| 22. Hon. Patrick Karani, MCA | |

SECRETARIAT – COUNTY ASSEMBLY

1. Ms. Mercy Riunga – Senior Clerk Assistant

MIN 58/JULY/2023– PRAYERS

The meeting was called to order at 12.25 a.m and begun with a word of prayer from Hon. Paul Wachira. The Chairperson then took Members through the agenda which was adopted as proposed by Hon. Evans Nyangicha and seconded by Hon. Oscar Lore as follows:-

AGENDA

1. Prayers
2. Adoption of the Agenda
3. Adoption of the report of the petition by Kenya Medical Pharmacists and Dentists Union (KMPDU) on Medical Health Insurance for its Members in Nairobi City County.
4. Any other business
5. Adjournment

MIN. 59/JULY /2023– ADOPTION OF THE REPORT OF THE PETITION BY KENYA MEDICAL PHARMACISTS AND DENTISTS UNION (KMPDU).

The report's resolution was unanimously adopted by the Committee Members and adopted as proposed by Hon. Kennedy Oyugi and seconded by Hon. Benter Obiero as follows.

1. The Nairobi City County Government should ensure there is a representative from Kenya Medical Pharmacist and Dentists Union (KMPDU) in the Procurement evaluation Committee to confirm that the Terms of Reference provided for in the Medical Insurance cover are adhered to according to the laid parameters;
2. That, the Sector should benchmark with other Counties that use the NHIF Comprehensive cover and make a comparison of the services offered by the private medical insurance companies, in consideration of financial implications and SRC guidelines;
3. Nairobi City County Government should ensure that NHIF statutory deductions for all employees and any matching contributions from the Nairobi City County Government are paid to the NHIF by ninth (9) of every month as required under Section 15 of the NHIF Act;
4. The Public Service Management Sector should ensure that the staff who incurred medical expenses and have forwarded their claims be reimbursed;
5. The Public Service Management Sector should ensure that terms and references provided for in the medical insurance cover are favorable to all the County employees regardless of their cadres and come up with a policy document that will be referred to for any clarifications while procuring a medical insurance cover; and
6. Kenya Medical Pharmacist and Dentist Union (KMPDU) to work harmoniously with the Sector to ensure their members, and residents of Nairobi City County Government access quality health services.

MIN. 60/JULY /2023- ANY OTHER BUSINESS AND ADJOURNMENT

There being no any other business to consider, the meeting was adjourned at 1.30pm.

CONFIRMED AS TRUE RECORDS OF PROCEEDINGS

CHAIRPERSON.....

(HON. ALLAN MAINA, MCA)

DATE.....06/07/2023.....

MINUTES OF THE 18TH SITTING OF NAIROBI CITY COUNTY ASSEMBLY'S SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON WEDNESDAY 17TH MAY 2023 AT 11.0 PM. AT COMMITTEE ROOM 12

PRESENT:

1. Hon. Oscar Lore, MCA
2. Hon. Evans Nyangicha, MCA
3. Hon. Agnes Njeri, MCA
4. Hon. Paul Mathu, MCA
5. Hon. Joyce Kamau, MCA
6. Hon. Peter Maina, MCA
7. Hon. Farhiya Daud, MCA
8. Hon. Paul Wachira, MCA
9. Hon. Abass Khalif, MCA
10. Hon. Joyce Lugonzo, MCA
11. Hon. Benter Obiero, MCA
12. Hon. Catherine Okoth, MCA
13. Hon. Simon Maina, MCA
14. Hon. Cicilia Njathi, MCA
15. Hon. Nancy Mwaura, MCA
16. Hon. Kennedy Oyugi, MCA

ABSENT

1. Hon. Anthony Kimemia, MCA
2. Hon. Absalom Odhiambo, MCA
3. Hon. Allan Maina, MCA
4. Hon. Jane Musangi, MCA
5. Hon. Jane Muasya, MCA

IN ATTENDANCE

1. Dr. Deogracious Maero - Chairman KPMDU
2. Dr. Malindi Chao - Secretary KPMDU

SECRETARIAT – COUNTY ASSEMBLY

1. Ms. Mercy Riunga – Senior Clerk Assistant

The Chairperson called the meeting to order at 11.15 a.m and begun with a word of prayer. He took Members through the agenda which was adopted as proposed by Hon. Agnes Njeri and seconded by Hon. Paul wachira as follows:-

AGENDA

1. Preliminaries (Prayers & adoption of the agenda)
2. Meeting with Kenya Medical Practioners, Pharmacist and Dentist Board to deliberate on the petition regarding comprehensive medical cover insurance for employees of the City County Government
3. Any other business
4. Adjournment

MIN. 76/L&SW/MAY/2023: MEETING WITH KENYA MEDICAL PRACTIONERS, PHARMACIST AND DENTIST BOARD TO DELIBERATE ON THE PETITION

The petitioners drew attention of the Committee to the following;

THAT under part 2 of the fourth schedule of the Constitution of Kenya, county health services including the human resource for health component is a devolved function.

THAT Standing order 213 of the Nairobi City County Assembly standing orders provides that a member of the public can request the County Assembly to consider any matter within its authority.

THAT under Article VI (A) of the collective bargaining agreement (CBA) signed between the Nairobi City County Government and KMPDU; it is the duty of the employer to provide comprehensive medical insurance for all her employees (medical practitioners, pharmacists and dentists), their spouses and children.

THAT the contract for provision of comprehensive medical insurance for our members between the Nairobi City County Government and NHIF lapsed in July 2022 and has not been renewed in this financial year.

THAT the lack of comprehensive medical insurance has exposed our members to catastrophic out of pocket medical expenditure, emotional turmoil and pecuniary embarrassment as our members cannot afford services that they offer selflessly and wholeheartedly to the people of Nairobi.

THAT some of our members have been detained in hospital for being unable to clear huge medical bills they incurred.

THAT there is an attempt by the Nairobi City county executive to transfer the comprehensive medical insurance for our members from NHIF to an inferior cover offered by private insurers which is unconstitutional and in violation of Article 10 of the Constitution

public participation, and in a manner devoid of any transparency and accountability.

THAT to the best of our knowledge, the deed of transfer of functions from the Nairobi City County Government to the National Government signed on 25th February 2020 is yet to be terminated and this is hampering the delivery of county health services by the Nairobi City County Government including the payment for comprehensive medical insurance for our members.

THAT where the deed of transfer of functions has not been completed and where parties involved have moved on and the new county administration has taken over all human resource management functions of county employees then there is an irrefutable presumption and an express and implied transfer of functions and obligations from the former Nairobi Metropolitan Services to the Nairobi City County government.

THAT efforts have been made to have this matter addressed by the County Executive but they have failed to give a satisfactory response.

THAT issues in respect of which this petition is made are not pending before any court of law, constitutional or legal body.

They prayed that the County assembly;

1. Cause the county executive to put in place mechanisms to ensure that the NHIF contract for comprehensive medical insurance for our members is renewed and activated **immediately**.
2. Cause the County Executive to ensure that NHIF statutory deductions for all employees and any matching contributions from the Nairobi City County Government are paid to the NHIF by ninth of every month as required under Section 15 of the NHIF Act.
3. Cause the county executive to reimburse all medical costs incurred by our members from July 2022 to date with interest at rates that the Assembly may deem fit and reasonable.
4. Investigate the attempt by the County Executive to transfer the comprehensive medical insurance for our members from NHIF to a private insurer without public participation and involvement of the intended beneficiaries.
5. Investigate whether the deed of transfer of functions from the Nairobi City County Government to the National Government signed on 25th February 2020 has been terminated and the all the functions and relevant instruments transferred back to Nairobi City County Government.
6. Pass a resolution that with the implied transfer of functions and obligations from the defunct Nairobi Metropolitan Services, the Nairobi City County government be made the immediate executor and successor of all existing county staff human resource management functions and obligations.
7. Make any laws that are necessary for or incidental to the effective execution of prayers 1-6 above as provided under Article 185(2) of the Constitution of Kenya.
8. Make any other order that it may deem fit in the circumstances of this petition.

After deliberations on the submissions it was resolved that there was need to have a joint meeting with the County Executive Committee Member for Boroughs, administration and Personnel and the Kenya Medical Practitioners, Pharmacists and Dentist Union (KMPDU) to deliberate on several issues that affect the welfare of the County staff especially on the medical cover, and for the Executive to respond to the KMPDU prayers.

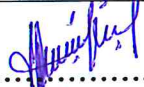
MIN. 77/L&SW/MAY/2023: ANY OTHER BUSINESS

Members agreed that KMPDU be invited to present their prayers in regards to the medical insurance for the county employees

MIN. 78/L&SW/APR/2023: ADJOURNMENT

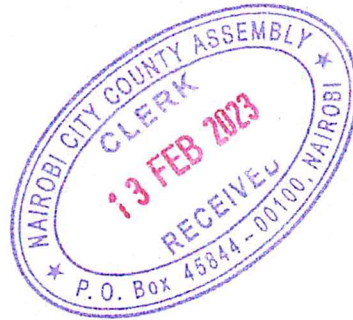
There being no any other business to consider, Chairman adjourned the meeting at 12:00pm. The next meeting was scheduled to be held on Tuesday 30th May 2023 at Committee room 12 at 11:00am.

CONFIRMED AS TRUE RECORDS OF PROCEEDING

CHAIRPERSON.....

DATE.....06/07/2023.....

Kimbi



13th February 2023

**TO THE CLERK
NAIROBI CITY COUNTY ASSEMBLY,
P.O BOX 45844-00100
NAIROBI.
Email: clerk@nairobiassembly.go.ke**

We, the undersigned, Citizens of the Republic of Kenya, residents of Nairobi City County and officials of the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU) Nairobi branch;

Draw the attention of the County Assembly to the following;

THAT under part 2 of the fourth schedule of the Constitution of Kenya, county health services including the human resource for health component is a devolved function.

THAT Standing order 213 of the Nairobi City County Assembly standing orders provides that a member of the public can request the County Assembly to consider any matter within its authority.

THAT under Article VI (A) of the collective bargaining agreement (CBA) signed between the Nairobi City County Government and KMPDU; it is the duty of the employer to provide comprehensive medical insurance for all her employees (medical practitioners, pharmacists and dentists), their spouses and children.

THAT the contract for provision of comprehensive medical insurance for our members between the Nairobi City County Government and NHIF lapsed in July 2022 and has not been renewed in this financial year.

PETITION TO THE NAIROBI CITY COUNTY ASSEMBLY CONCERNING THE COMPREHENSIVE MEDICAL INSURANCE FOR EMPLOYEES OF THE NAIROBI CITY COUNTY GOVERNMENT

THAT the lack of comprehensive medical insurance has exposed our members to catastrophic out of pocket medical expenditure, emotional turmoil and pecuniary embarrassment as our members cannot afford services that they offer selflessly and wholeheartedly to the people of Nairobi.

THAT some of our members have been detained in hospital for being unable to clear huge medical bills they incurred.

THAT there is an attempt by the Nairobi City county executive to transfer the comprehensive medical insurance for our members from NHIF to an inferior cover offered by private insurers which is unconstitutional and in violation of Article 10 of the Constitution of Kenya on national values and principles of governance as it is being done without any public participation, and in a manner devoid of any transparency and accountability.

THAT to the best of our knowledge, the deed of transfer of functions from the Nairobi City County Government to the National Government signed on 25th February 2020 is yet to be terminated and this is hampering the delivery of county health services by the Nairobi City County Government including the payment for comprehensive medical insurance for our members.

THAT where the deed of transfer of functions has not been completed and where parties involved have moved on and the new county administration has taken over all human resource management functions of county employees then there is an irrefutable presumption and an express and implied transfer of functions and obligations from the former Nairobi Metropolitan Services to the Nairobi City County government.


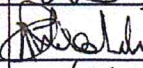

THAT efforts have been made to have this matter addressed by the County Executive but they have failed to give a satisfactory response.

THAT issues in respect of which this petition is made are not pending before any court of law, constitutional or legal body.

WHEREFORE your humble petitioners pray that the County assembly;

1. Cause the county executive to put in place mechanisms to ensure that the NHIF contract for comprehensive medical insurance for our members is renewed and activated **immediately**.
2. Cause the County Executive to ensure that NHIF statutory deductions for all employees and any matching contributions from the Nairobi City County Government are paid to the NHIF by ninth of every month as required under Section 15 of the NHIF Act.
3. Cause the county executive to reimburse all medical costs incurred by our members from July 2022 to date with interest at rates that the Assembly may deem fit and reasonable.
4. Investigate the attempt by the County Executive to transfer the comprehensive medical insurance for our members from NHIF to a private insurer without public participation and involvement of the intended beneficiaries.
5. Investigate whether the deed of transfer of functions from the Nairobi City County Government to the National Government signed on 25th February 2020 has been terminated and the all the functions and relevant instruments transferred back to Nairobi City County Government.
6. Pass a resolution that with the implied transfer of functions and obligations from the defunct Nairobi Metropolitan Services, the Nairobi City County government be made the immediate executor and successor of all existing county staff human resource management functions and obligations.
7. Make any laws that are necessary for or incidental to the effective execution of prayers 1-6 above as provided under Article 185(2) of the Constitution of Kenya.
8. Make any other order that it may deem fit in the circumstances of this petition.

And your PETITIONERS will ever Pray.

Name	Address	ID No.	Signature
Dr. Deogracious Maero	P.O Box 157-00202, Nairobi	23887193	
Dr. Malindi Chao	P.O Box 157-00202, Nairobi	22603541	
Dr. Wendy Kimbui	P.O Box 157-00202, Nairobi	26075911	

Good evening Doc,

On Tuesday I couldn't be issued with a cough syrup and vitamin C prescribed by the doctor for my daughter, I had to buy them from a chemist(they are not covered by FA)



29th March 2023

To: Director, Human Resource
Nairobi City County Government
NAIROBI.

Dear Director,

RE: MEDICAL BILL REIMBURSEMENT

The above subject matter refers.

I Dr. KIPTOO ALLAN of P/no. 2019006718 was admitted at The MP SHAH Hospital on the 20th March 2023 vide admission number: 10514162. This was following an attack by unknown people while heading to work.

In the recently lack of extension by NHIF to continue offering comprehensive medical cover to the NCCG doctors and the commitment by NCCG undertaking to cover any medical bill incurred by doctors pending conclusion of negotiations between NHIF and Nairobi City County Government, I hereby request for a reimbursement of Ksh.54,264 (receipts attached) and ambulance fee of Ksh.5000.

Attached herein find my bank details for ease of processing.

Name: KIPTOO ALLAN

Bank: CFC STANBIC BANK

Account No: 0100006994673

Thank you.

Dr. KIPTOO ALLAN
P/NO: 2019006718



NAIROBI CITY COUNTY
COUNTY EXECUTIVE MEMBER
HEALTH SERVICES

RECEIVED ON: 29.3.23

REG NO:

FORWARDED TO:

Copy:

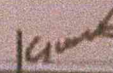
1. CECM Health,
Nairobi City County Government

2. HEALTH SECTOR ADMIN/HR
Nairobi City County Government.

3. The Branch Secretary,
Kenya Medical Practitioners Pharmacists and Dentists' Union.

CAO - HEALTH SERVICES

Nairobi City County Government

Received:  Date 29/3/23

29th March 2023

To: Director, Human Resource
Nairobi City County Government
NAIROBI.

NAIROBI CITY COUNTY COUNTY EXECUTIVE MEMBER HEALTH SERVICES
RECEIVED ON: 29.3.23
REG NO:
FORWARDED TO:

Dear Director,

RE: WORKMAN'S COMPENSATION

The above subject matter refers.

Please accept this letter as written notice that on 20th March 2023 at 7:45pm while heading to work, I was attacked by a group of unknown rowdy people. In the instant, I sustained a head injury, psychological trauma and my car was extensively damaged.

This warranted me to seek shelter at a nearby police station from where I informed my head of department and the medical superintendent who organized for emergency medical evacuation and treatment at the Mama Lucy Kibaki Hospital before being transferred for specialized services at a tertiary facility. It is my understanding that I suffered the following injuries: right temporal injury following trauma, generalized soft tissue injuries/bruises and psychological trauma. My car was also extensively damaged and is at the Southend Garage awaiting repairs.

I was subsequently discharged on 21st March 2023 from the MP SHAH Hospital having been admitted for 1 day with a follow up appointment due on 3rd April 2023.

The above incident thus necessitated me to file a workers' compensation claim. Thanks for your assistance. If you need any information from me or wish to speak with me regarding the incident and the injuries contact me at your convenience. I look forward to working with you through this time.

Attached are supporting documents for evidence purposes.

Attached herein find my bank details for ease of processing.

Name: KIPTOO ALLAN

Bank: CFC STANBIC BANK

Account No: 0100006994673

Thank you.

Dr. KIPTOO ALLAN

P/NO: 2019006718

TEL: 0725596006

CAO - HEALTH SERVICES
Nairobi City County Government
Received: <i>[Signature]</i> Date: 29/03/23



MEDINA HOSPITAL LTD

Po Box126-70100
GARISSA TOWN
0720719177
medinahospital0@gmail.com

Syhos

INTERIM BILLS

NAME:	HAYAT YUSSUF JIBREI	ADMISSION NO.	6569
PAYER	HAYAT YUSSUF JIBREI	ADMISSION DATE	23.Mar.2023
SCHEME		DISCHARGE DATE	23.Mar.2023
INVOICE NO.	MHL.332507	NO. OF DAYS	0
MEMBERSHIP No.		WARD	GENERAL PAEDIATRIC WARD
		BED	4

DATE	DESCRIPTION	DOCTOR	QTY	PRICE	TOTAL	PAYABLE BY	
						PATIENT	CORPORATE
23.Mar.2023							
23.03.2023	CONSULTATION BY MO	DR LEILA	1	800.00	800.00	800.00	0.00
23.03.2023	Vital Signs	DR LEILA	1	0.00	0.00	0.00	0.00
23.03.2023	HAEMOGRAM+MPS	DR LEILA	1	1,050.00	1,050.00	1,050.00	0.00
23.03.2023	CRP	DR LEILA	1	1,500.00	1,500.00	1,500.00	0.00
23.03.2023	RANDOM BLOOD SUGAR	DR LEILA	1	300.00	300.00	300.00	0.00
23.03.2023	UREA/ Na. K. Cl CREATININE	DR LEILA	1	2,400.00	2,400.00	2,400.00	0.00
23.03.2023	Soluset fluid infusion set		1	200.00	200.00	200.00	0.00
23.03.2023	Perfalgan 10mg/ml IV 100ml		1	400.00	400.00	400.00	0.00
23.03.2023	Ondansetron iv 8mg/4mls[ondavel]		1	280.00	280.00	280.00	0.00
23.03.2023	Hartmann's soln		1	150.00	150.00	150.00	0.00
23.03.2023	DNS INFUSION 500ml(sodium chloride0.		1	150.00	150.00	150.00	0.00
23.03.2023	Mpesa : HAYAT YUSSUF JIBREL		1	7,230.00	(7,230.00)	(7,230.00)	0.00
23.03.2023	Esomeprazole 40mg iv(NEXPRO)		1	450.00	450.00	450.00	0.00
23.03.2023	ROTA-ADENO VIRUS IN STOOL	DR LEILA	1	2,400.00	2,400.00	2,400.00	0.00
23.03.2023	Perfalgan 10mg/ml IV 100ml		3	400.00	1,200.00	1,200.00	0.00
23.03.2023	Ondansetron iv 8mg/4mls[ondavel]		3	280.00	840.00	840.00	0.00
23.03.2023	Esomeprazole 40mg iv(NEXPRO)		1	450.00	450.00	450.00	0.00
23.03.2023	Normal saline 500ml		1	150.00	150.00	150.00	0.00
23.03.2023	Hartmann's soln		1	150.00	150.00	150.00	0.00
23.03.2023	DNS INFUSION 500ml(sodium chloride0.		1	150.00	150.00	150.00	0.00
23.03.2023	WARD VISIT BY PAEDIATRICIAN	DR HAWA	1	3,500.00	3,500.00	3,500.00	0.00
23.03.2023	General Paediatric Ward		1	2,500.00	2,500.00	2,500.00	0.00
23.03.2023	Nursing Care @ Ward/Room		1	1,000.00	1,000.00	1,000.00	0.00
23.03.2023	Zincat-OD(elemental zinc) syr.		1	150.00	150.00	150.00	0.00
23.03.2023	Floranorm sachets		1	10.00	10.00	10.00	0.00
23.03.2023	O.R.S		1	680.00	680.00	680.00	0.00
23.03.2023	Ondansetron oral susp 30mls[emitino]		7	215.00	1,505.00	1,505.00	0.00
23.03.2023	Esomeprazole 10mg sachet[nexium sachet		5	130.00	650.00	650.00	0.00
23.03.2023	Floranorm sachets		1	150.00	(150.00)	(150.00)	0.00
23.03.2023	DNS INFUSION 500ml(sodium chloride0.		1	150.00	(150.00)	(150.00)	0.00
23.03.2023	Hartmann's soln*Return*		1	150.00	(150.00)	(150.00)	0.00
23.03.2023	Normal saline 500ml*Return*		2	280.00	(560.00)	(560.00)	0.00
23.03.2023	Ondansetron iv 8mg/4mls[ondavel]*Return		3	400.00	(1,200.00)	(1,200.00)	0.00
23.03.2023	Perfalgan 10mg/ml IV 100ml*Return*		7	215.00	(1,505.00)	(1,505.00)	0.00
23.03.2023	Esomeprazole 10mg sachet[nexium sachet		5	130.00	(650.00)	(650.00)	0.00
23.03.2023	Floranorm sachets*Return*		1	680.00	(680.00)	(680.00)	0.00
23.03.2023	Ondansetron oral susp 30mls[emitino]*Ret						
					10,870.00	10,870.00	0.00

It is an estimated Bill

Page 1 of 2

Printed on: 23 - Mar - 2023 At: 11:07:42 AM

PAYABLE BY			
TY	PRICE	TOTAL	PATIENT CORPORATE
	10,870.00	10,870.00	0.00
TOTAL:			
	18,100.00		10,870.00
Total Bills:			
Less Payments:			
Less NHIF:			
Gain/Loss:			
Less Undertaking:			
Net Payable:			
10,870.00			
This is an official computer generated document does not require signature or stamp.			



KENYA MEDICAL PRACTITIONERS
PHARMACISTS AND DENTISTS' UNION

KMPDU NAIROBI BRANCH
COMPARISON PARAMETERS BETWEEN NHIF CIVIL SERVANTS COMPREHENSIVE MEDICAL COVER AND FIRST ASSURANCE
MEDICAL INSURANCE POLICY

PREAMBLE

Following the meeting held between KMPDU Nairobi branch and the Nairobi City County(NCC) on 17th February 2023, KMPDU Nairobi branch leadership was tasked to compare the current insurance offered to its members as part of the defunct NMS group (NHIF civil servants comprehensive medical scheme) versus the current medical scheme (First assurance) for NCC employees.

KMPDU Nairobi branch did an in depth analysis of the two medical insurances. The branch representatives read through the First assurance(FA) policy document and revealed numerous anomalies and inferior or lesser provisions offered by the aforementioned provider.

Below is the summary broken down into the following areas:

- Section 1: Job group comparison medical cover for NHIF comprehensive civil servants cover and First Assurance.
- Section 2: Benefits comparison
- Section 3: Other areas of concern/ query regarding the FA policy document

SECTION 1 : JOB GROUP COMPARISON

NHIF PACKAGE

JOB GROUP	OUTPATIENT	INPATIENT	MATERNITY (WITHIN IN-PATIENT LIMIT)	DENTAL	OPTICAL
A - H	70,000	700,000	100,000	50,000	40,000
J - K	70, 000	700,000	150,000	50,000	40,000

L	100,000	1,000,000	150,000	50,000	40,000
M - N	200,000	1,500,000	150,000	50,000	40,000
P	225,000	1,750,000	150,000	50,000	40,000
Q - T	350,000	2,500,000	200,000	50,000	40,000

FA PACKAGE

JOB GROUP	OUTPATIENT	INPATIENT	MATERNITY	DENTAL	OPTICAL
A - F	100,000	1,000,000	75,000	35,000	30,000
G - K	150,000	1,500,000	75,000	35,000	30,000
L - Q	200,000	2,000,000	75,000	35,000	30,000
R - T	250,000	2,500,000	100,000	35,000	30,000

*JGs of focus highlighted

SECTION 2 : BENEFITS COMPARISON

No	BENEFIT	NHIF	FA
1.	REGISTRATION REQUIREMENTS	Principal member, spouse and five declared children of up to 21 years of age; up to 25 years if in full time school	Principal member, spouse and declared children of up to 21 years of age; up to 26 years if in full time school

3.	OUT-PATIENT COVER	<p>Consultation, Laboratory investigations, Drugs administration & dispensing, Dental health care services, Radiological examinations, Nursing and midwifery services, Maternal Child Health/Family Planning, Minor surgical procedures, Optical care, Rehabilitation services, Annual medical check-up, Referral for Specialized Services, Ambulance services, Day care services such as Manual Vacuum Aspiration (MVA), surgery and other medical services deemed fit by the clinician e.g. cases whereby a clinician may use the local anaesthesia to numb a particular part of the body which may include minor surgery like incision drainage and suturing of wounds</p>	<p>Consultation with a general practitioner, consultation with a specialist upon referral by a general practitioner; Laboratory investigations and X-rays; Outpatient procedures e.g. dressings; Prescribed laboratory tests/investigations; Prescription Drugs/medicines; Approved x-rays, ultrasound and CT & MRI Scans; Management of chronic ailments: HIV/AIDS, diabetes, asthma; Specialized counselling services; Minor surgical services; Physiotherapy services; Occupational therapy; Routine immunization (KEPT) and baby friendly vaccines; Routine antenatal check -up; Internal prosthesis</p>	
4.	DENTAL CARE	<p>Consultation, extractions, scaling, orthodontics, root canal, crowns, dentures, cost of filling, X-rays and extractions including surgical together with anaesthetics operating theatre fees, hospital and cost</p>	<p>Dental services; DENTURES, CROWNS AND SCALING ARE EXCLUDED</p>	
5.	OPTICAL	<p>Cost of eye glasses and eye testing; One pair of frames per member per membership year;</p>	<p>Basic optical care [Consultation & Lenses and frame]. One pair of frames per benefit year;</p>	
6.	ORGAN DONOR	<p>Pre-test costs for the kidney donor identification up to a maximum of two (The potential donors shall be a paid up registered member/be enrolled); IMMUNOSUPPRESSANT DRUGS POST TRANSPLANT COVERED</p>	<p>EXCLUSION (clause 13.22.11); IMMUNOSUPPRESSANT DRUGS EXCLUDED (clause 13.4)</p>	

7.	ANNUAL MEDICAL CHECKUP	For Member and Spouse once a year and to include i. Body mass index, Full Haemogram, Cholesterol, Blood sugar, Liver function test, Urinalysis, PSA(Prostate Specific Antigen for Men above 40), Prostate ultrasound; Pap smear; Breast ultrasound and mammogram; ECG; Kidney function test; Lipid profile; chest x-ray	INCLUDED WITH LIMITS
8.	VACCINATIONS	KEPI vaccines, Rota virus vaccine, Anti - rabies, Anti -Snake venom and yellow fever vaccine 7	ADULT VACCINES AND TRAVEL VACCINES EXCLUDED (clause 13.11, 13.11.1)
9.	IN-PATIENT	All medical and surgical conditions which need admission and where the management will be of therapeutic value including COVID	All medical and surgical conditions which need admission and where the management will be of therapeutic value;
10.	MATERNITY AND REPRODUCTIVE HEALTH	Consultation and treatment for both mother and child, Child birth including caesarian section deliveries and Family planning services. 7	EXCLUDES FAMILY PLANNING SERVICES (clause 13.15); EXCLUDES EXPENSES RELATING TO PREMATURITY, CONGENITAL MALFORMATIONS AND GENETIC DISORDERS (clause 13.22.9, 13.22.13)

11.	FERTILITY TREATMENT	IVF covered 7	EXCLUSION (clause 13.15)
12.	EMERGENCY TREATMENT	Access to services in any NHIF declared health facility. The facility should communicate to the nearest NHIF office for purposes of approval through e-claim 7	Pre - authorization must be sort from FA within twenty four (24) hours from date of admission.

- *Clause 4.10* The Company reserves the right at any time to exclude or impose a waiting period, the duration of which shall be decided upon by the Company regarding the cover for a Pre-Existing Condition, a Chronic Disease, Pregnancy and Childbirth and illness or ailment of the Member and/or Member's registered Dependant exclude or impose a waiting period [no timeline given]
- *Clause 5.2* Clarify on premiums to be levied on a joining dependent [does the employee or employer pay the levy]
- *Clause 7.4* The Policy shall terminate on the death of the member if there is no dependant. The continuation of insurance in respect to the Dependants shall be subject to or otherwise full premiums been paid at the time of death of a principal member. [if premiums lapse does this go into effect even if they are paid later in arrears]
- *Clause 11.4* The liability of the Company may extend in special consideration following a lodge of an appeal to the ex-gratia Committee for undertaking of the insured risk or under excess. The appeal shall be granted Fully, Partially or rejected depending on the circumstances guided by the Group Ex-gratia policy. [contradicts section in the policy]
- *Clause 13.1* : Treatment of sickness or injury sustained by a Member or a Dependant and for which any other party may be liable (refer to clause 12.22.12), unless otherwise provided for by this Master Policy and the Group Ex-gratia policy. [clarity to be given. Clause 12.22.12 not in the document provided]
- *Clause 13.2* Expenses incurred by a Member or Dependant in the case of or arising out of wilful self-inflicted injury, attempted suicide or suicide (whether sane or insane), Members own criminal Act, Injury or sickness caused by alcohol or drug abuse diligence, intoxication, or injury sustained whilst in a state of insanity. [Mental illness is classified as a treatable diagnosis and should not be exclude]
- *Clause 13.3* Expenses arising out of Psychiatric illness and/or insanity expenses shall be limited to specified percentage (%) of the limit.
- *Clause 13.5* : Patent foods or baby food inclusive of Formula Milk & Clothes, and similar aids, sunscreens, shampoos and/or treatment relating to Acne [acne treatment, sunscreen for dermatological conditions, formula covered under nhif]
- *Clause 13.7* : Medical costs related to or incurred in a research environment [definition of a research environment ?hospitals ?]
- *Clause 13.8* Cosmetic treatment, procedures or plastic surgery whether or not for psychological purposes, including but not limited to gastroplasty, bat ears, blephoroplasty, breast augmentations, dermabrasions, liposuction, part and/or full nasal reconstructions, lipectomies, face lifts and revision of scars. [These are not always for cosmesis or for psychological purposes; many of these are for functional purposes]
- *Clause 13.9* Costs arising out of Treatment for injuries of voluntary participation in riots, demonstrations, unrest and civil or other war ("declared or undeclared"). [How will the voluntary participation be verified?]
- *Clause 13.10* With respect to the risks and consequences of war and terrorism, all consequences of active Participation of the Insured (and/or his/her covered dependants) in operations of war and terrorism are explicitly excluded from coverage except where applicable, to the extent only of adopting or taking such action or steps as were reasonably necessary for the protection of himself, his family or their property. [Yet mentioned as a sublimit under inpatient benefit in the current cover]
- *Clause 13.12* Travel expenses other than emergency ambulance costs [Does this also refer to travel costs fro overseas treatment?]
- *Clause 13.13* Holidays for recuperative purposes, cost related to Private nursing or residential stay in a private hospitals or Health Hydros other than as provided for in the benefits [Does the underlined refer to home care nursing which is included as a benefit under the inpatient cover?]

- *Clause 13.22.2* Costs relating to sexually transmitted/Venereal diseases including opportunistic diseases or other than payment of treatment in accordance with the benefit schedule **[Does this include HIV?]**
- *Clause 13.22.8* All costs for the boarding of the mother in maternity cases once discharged, and boarding in any other cases unless otherwise agreed/approved by the company costs related to, diaper, basins & other personal items not payable **[Mentioned as an exclusion in the policy document and as a benefit in the cover summary. Which is it? Boarding charges for guardians with children under 12 not commented on]**
- *Clause 13.22.9* All costs arising out of Pregnancy, childbirth, maternity benefits, abortion, miscarriage, ante-or-postnatal care, caesarean operation
- except for a first caesarean operation which must be certified by an independent medical examiner as being of vital necessity to the health of the mother and/or child (expenses for the baby are excluded). Expenses resulting from an existing pregnancy that was not disclosed at the inception of this insurance **[Does this mean that all female staff who have had previous caesarean sections will not enjoy the maternity benefit?]**
- *Clause 14.8* A statement setting out particulars of the circumstances in which the injury was sustained shall support Claims for treatment of injuries. It is a requirement of this Master Policy that that a Member and the staff representative of an Employer and the Contracted Preferred Service Provider certify such a Claim
- *Clause 16.2* The Member may request an Option change only after a benefit year
- *Clause 17.1.2* The Member who joins the Medical Plan during the course of a benefit year will have Benefits and Annual Limits pro-rated on a monthly basis from the date of joining

CONCLUSION

From the foregoing information stated above, the Branch leadership of KMPDU together with her membership wishes to honourably reject the First Assurance Policy unless it is reviewed to match and or surpass the available current cover offered by NHIF. Furthermore, we view NHIF as a state organ that has been offering a superior medical scheme to our members.

Thank you.

Dr. Malindi Chao.
Secretary, KMPDU Nairobi Branch

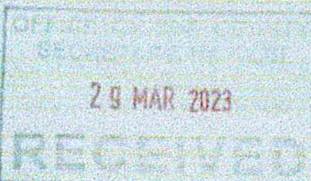
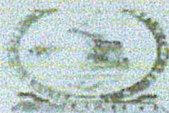
Dr. Deogracious Maero,
Chairman, KMPDU Nairobi Branch

Dr. Wendy Kimbui
Treasurer, KMPDU Nairobi Branch



KENYA HEALTH PROFESSIONALS SOCIETY

(KHPS)



NAIROBI CITY COUNTY
COUNTY EXECUTIVE MEMBER
HEALTH SERVICES
RECEIVED ON: 29/3/23
REG NO: _____
FORWARDED TO: _____

To: H.E. Sakaja Arthur Johnson, CBS,
Governor,
Nairobi City County Government.

29th March 2023

Dear Governor,

RE: SUSPENSION OF COMPREHENSIVE MEDICAL COVER

Reference is made to the NHIF Ref: No. HF/C/989 VOLIX / (115) dated the 13th February 2023.

Despite our countless efforts to have this Insurance Cover issue resolved, no tangible solution has been found.

We hereby notify your office that beginning tomorrow we have advised our members to commence a go slow at their work stations across all facilities. This is to reduce our members exposure to risks now that they don't have a comprehensive medical cover.

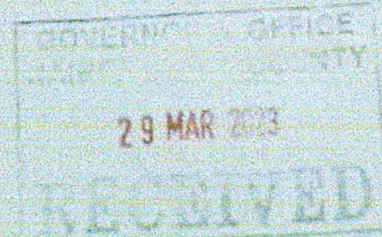
In addition, we will be picketing every Tuesday and Friday with effect from this Friday the 31st March 2023 at City Hall until this issue is resolved.

To our displeasure our exposed health care providers continue to incur huge medical expenses and emotional turmoil. It is repugnant that health care providers of Nairobi City County offer health services to the citizens of Nairobi, yet they cannot access the same services.

We demand that if any officer or their dependants fall sick, the County shall be liable for all the expenses incurred.

As health care providers we demand a comprehensive medical cover with immediate effect.


Yours in solidarity




DR. MALINDI CHAG
BRANCH SECRETARY
KMPDU
0724551664

 29/3/2023

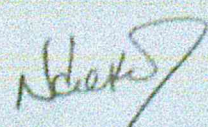
DENNIS ODUOR
BRANCH SECRETARY KNUMLO
0721690352

 29/3/2023

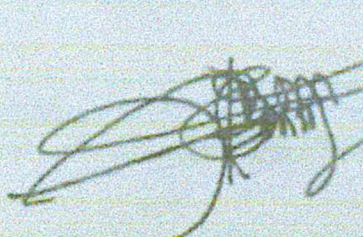
ZABLON MUTUMIRA
BRANCH SECRETARY KUCO
0722259378

 29/03/2023


BOAZ ONCHARI
BRANCH SECRETARY KNUN
0726 386728

For  29/03/2023

BROWN ASHIRA
BRANCH SECRETARY KHPS
0724593204

 29/3/23

TOM CHRISTOPHER
KNUPT SECRETARY GENERAL
0722869715

 29/3/23

Copy :

1. Deputy Governor, Nairobi City County Government
2. The County Secretary, Nairobi City County Government.
3. The CECM Health, Nairobi City County Government.
4. The CECM Public Service Management
5. All Medical Superintendents
6. All Sub County MOHs

KENYA MEDICAL PRACTITIONERS' PHARMACISTS AND DENTISTS' UNION

National Chairman
Dr. Abi Mwachi
Secretary General
Dr. Davji Bhimji Atallah
National Treasurer
Dr. Mercy Nabwire



BLUE VIOLETS PLAZA
5TH FLOOR - SUITE - 506
KINDARUJA LANE
P.O. BOX 157 - 00102 KMH, NAIROBI
Telephone: 020 2166212
Email: nec@kmpdu.org
website: www.kmpdu.org

All correspondences should be addressed to the Secretary General.

OUR REF: KMPDU/LT/62/23

GOVERNOR'S OFFICE
NAIROBI CITY COUNTY

28th March, 2023

To: H.E Hon. Johnson Sakaja, CBS,
Governor
Nairobi City County Government.

29 MAR 2023
RECEIVED

Dear Governor,

RE: GROSS LABOUR MALPRACTICE: REFUSAL TO PROVIDE COMPREHENSIVE MEDICAL INSURANCE COVER PURSUANT TO CBA ARTICLE VI A

Reference is made to the numerous desperate yet diplomatic attempts to have an amicable settlements to this labour dispute; some of which are:

- a) Our letter REF: KMPDU/NRB/LT/18/22 dated 31st October, 2022
- b) Our letter REF: KMPDU/NRB/LT19/22 dated 22nd November, 2022
- c) Our letter REF: KMPDU/NRB/LT04/23 dated 25th January, 2023
- d) Our letter REF: KMPDU/NRB/LT17/23 dated 10th February, 23
- e) Our letter REF: KMPDU/NRB/LT21/23 dated 16th March, 23
- f) NHIF Letter REF: HF/HR/HSP/5/2/X1/(88) dated 25th January, 2023
- g) NHIF Letter REF: HF/C/989 VOL.IX/(115) dated 13th February 2023
- h) SDPS Letter REF: MPSP.DPSM.2/7/2A VOL. XLX/(60) dated 23rd January, 2023
- i) SDPS Letter REF: MPSP.DPSM.2/7/2A VOL. XLX/(73) dated 13TH January, 2023

In the aforementioned correspondences, It is noted that you have remained non-committed to comply with a registered CBA (Article VI (A), which provides for all our members engaged by your Government to enjoy comprehensive medical cover. To the contrary, you have deliberately and blatantly declined to pay NHIF premiums to enable the provision of the said

Championing for Doctors' Rights

Deputy Chairman
Dr. Kahura Mundia

Deputy Secretary General
Dr. Miskellah Dennis

Deputy Treasurer
Dr. Anbar Ganatra

KENYA MEDICAL PRACTITIONERS PHARMACISTS AND DENTISTS' UNION

NAIROBI BRANCH

Branch Secretary
Dr. Malindi Chao
Branch Chairman
Dr. Deogracious Maero
Branch Treasurer
Dr. Wendy Kimbui



BLUE VIOLETS PLAZA
KINDARUMA LANE
5TH FLOOR - SUITE-506
P. O. BOX 157 - 00202 KNH, NAIROBI
Telephone: 0710226034
Email: nairobi@kmpdu.org,
kmpdu2011@gmail.com
Website: www.kmpdu.org

All correspondences should be addressed to the Branch Secretary

Our Ref: KMPDU/NRB/LT/21/23

✓ To: H.E. Sakaja Arthur Johnson, CBS,
Governor,
Nairobi City County Government.

GOVERNOR'S OFFICE 16th March, 2023
NAIROBI CITY COUNTY

16 MAR 2023

RECEIVED

Dear Governor,

RE: COMPREHENSIVE NHIF CIVIL SERVANTS MEDICAL SCHEME

The above subject matter refers.

We make reference to the letter from the Principal Secretary, Ministry of Public Service, Gender and Affirmative Action State Department for Public Service Ref: MPSP.DPSM.2/7/2A VOL XLX/(73) dated the 13th February 2023 to The Chief Executive Officer, National Health Insurance Fund.

The purpose of this letter is to inform your office that the cover lapsed on 12th March 2023 following no communication on any further extension. This puts our members in a precarious situation leading to out-of-pocket expenditure towards medical related expenses.

Kindly treat this matter with the utmost urgency it deserves.

Yours faithfully,

Dr. Malindi Chao.
Secretary, KMPDU Nairobi Branch
Kenya Medical Practitioners Pharmacists and Dentists' Union

- Cc:
1. The County Secretary, Nairobi City County Government.
 2. The CECM Health, Nairobi City County Government.
 3. The Chief Officer Health, Nairobi City County Government.
 4. The Director Human Resource, Nairobi City County Government.

Championing Doctors' Rights



REPUBLIC OF KENYA
MINISTRY OF PUBLIC SERVICE, GENDER AND AFFIRMATIVE ACTION
STATE DEPARTMENT FOR PUBLIC SERVICE
Office of the Principal Secretary

www.psyg.go.ke
Telephone: Nairobi 227411
Fax: 2243620
When Replying please quote

P.O. BOX 30050-00100
NAIROBI
KENYA

Ref. No: MPSG.DPSM.2/7/2A VOL.XLX/(73)

13th February, 2023

Dr. Peter Kamunyo
Chief Executive Officer
National Health Insurance Fund
NAIROBI

Dear *CEO,*

**SUSPENSION OF SERVICES TO NAIROBI METROPOLITAN SERVICES STAFF
FOR NON-PAYMENT OF PREMIUMS**

Reference is made to your letter Ref. No. HF/HQ/HSP/5/2/XI/86 dated 19th January 2023 on the above subject.

In the letter under reference, NHIF had indicated the intention to suspend the services of the staff of the former Nairobi Metropolitan Services (NMS) who are covered under the Comprehensive Medical Insurance Scheme for Civil Servants with effect from 23rd January 2023. The suspension was due to non-payment of the outstanding premium for the Financial Years 2021/2022 and 2022/2023.

The State Department for Public Service vide their letter Ref. No. MPSG.DPSM.2/7/2A Vol.XLX/(60) dated 23rd January, 2023 (Copy attached) forwarded the demand notice to the Nairobi City County Government to make arrangements to clear the outstanding premium of **Kenya Shillings 1,249,957,779.00**. The County Government has indicated that they are in the process of securing funding under the supplementary budget to clear the outstanding premium.

The purpose of this letter therefore, is to request NHIF to allow the staff of the former NMS to continue accessing benefits under the Comprehensive Medical Scheme for Civil Servants for a period of one (1) month with effect from the date of this letter as the County Government secures funding to pay the premium.

Yours

Sincerely,
Amos N. Gathecha
Amos N. Gathecha, EBS, ndc (K)
PRINCIPAL SECRETARY

HF/C/989 VOL. IX/(115)

13th February 2023

Mr. Amos N. Gathecha, EBS, ndc(K)
Principal Secretary
Ministry of Public Service, Gender and Affirmative Action
State Department for Public Service
P.O. Box 30050 - 00100
NAIROBI

Dear *PS.*

**RE: SUSPENSION OF SERVICES TO NAIROBI METROPOLITAN SERVICES STAFF FOR
NON-PAYMENT OF PREMIUMS**

Reference is made to your letter Ref: MPSG.DPSM.2/7/2A VOL. XLX/(73) dated 13th February 2023, whose contents we acknowledge.

We wish to confirm that the services to the staff of the former Nairobi Metropolitan Services (NMS) under the Comprehensive Medical Scheme for Civil Servants have been reinstated and will remain available for a period of one (1) month from 13th February 2023.

The reinstatement period will allow the County Government of Nairobi ample time to secure funding and remit the outstanding premium amount of Kshs.1,249,957,779.00 to NHIF facilitated through the Ministry of Public Service, Gender, Youth Senior Citizens affairs and Special Programmes, State Department for Public Service.

Yours

Sincerely,


Dr. Peter Kamunyo
CHIEF EXECUTIVE OFFICER

Copy to: Dr. Jairus Musumba, PhD
Ag. County Secretary & Head of County Public Service
P.O Box 30075-00100
NAIROBI

Branch Secretary
Dr. Malindi Chao
Branch Chairman
Dr. Deogracious Maero
Branch Treasurer
Dr. Wendy Kimbui



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All correspondences should be addressed to the Branch Secretary

Our Ref: KMPDU/NRB/LT/17/23

10th February 2023

✓ To: **H.E. Sakaja Arthur Johnson, CBS,**
Governor,
Nairobi City County Government.



Dear Governor,

RE: COMPREHENSIVE NHIF MEDICAL COVER

Reference is made to our letters Ref. Nos: KMPDU/NRB/LT/04/23 dated 23rd January 2023, KMPDU/NRB/LT/19/22 dated the 22nd Nov 2022, KMPDU/NRB/18/22 dated 31st October, 2022 (copies attached)

Further reference is made to your letter NCCG/CFO/AA/008/23 dated 2nd February 2023 to Chief Executive Officer, NHIF and NHIF letter to the County Secretary Ref. No: HF/HQ/HSP/5/2/XI/ (88) dated 25th January 2023. We wish to report with displeasure that our members continue to suffer catastrophic expenditure due to out of pocket payments to receive services despite monthly deductions towards NHIF County remittance. **Currently we have a member detained in hospital due to huge medical bills.**

We hereby notify your office that we have advised our members to immediately commence a go slow.

In addition, from Monday the 13th February 2023, we shall picket daily at City Hall until this issue is resolved.

Yours faithfully,

Dr. Malindi Chao.
Secretary, KMPDU Nairobi Branch
Kenya Medical Practitioners Pharmacists and Dentists' Union

- Cc:
1. The County Secretary, Nairobi City County Government.
 2. The CECM Health, Nairobi City County Government.
 3. The Chief Officer Health, Nairobi City County Government.
 4. All Medical Superintendents.
 5. Dr. Davji Atellah, Secretary General KMPDU.

Championing Doctors' Rights

HF/HQ/HSP/5/2/XI/ (88)

25th January 2023

Dr. Jairus Musumba, PhD
Ag. County Secretary & Head of County Public Service
County Government of Nairobi
P.O Box 30075-00100
NAIROBI

Dear

A. Musumba,

**RE: COMPREHENSIVE INSURANCE FOR STAFF UNDER THE DEFUNCT NAIROBI
METROPOLITAN SERVICE BY THE NHIF**

Reference is made to your letter ref. NCC/CS/JM/61, dated. 24th January 2023 on the above subject matter.

Nairobi Metropolitan Services (NMS) were included in the Comprehensive Medical Scheme for civil servants following an arrangement entered into between NMS and the State Department for Public Service.

We advise that you make a firm commitment/payment plan on this long outstanding debt through the Principal Secretary Ministry of Public Service, Gender and Affirmative Action. In the meantime, the cover will be reinstated as you finalise the formalities of transfer of funds to the Ministry of Public Service. The latter should be received on or before 4th February 2023.

This letter is copied herein to the Ministry of Public Service, Gender and Affirmative Action for follow up and to meet the contractual obligations.

Yours

Sincerely,

(Signature)

Dr. Peter Kamunyo
CHIEF EXECUTIVE OFFICER

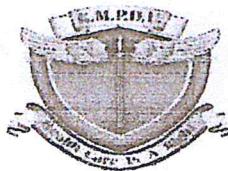
Copy to: Mr. Amos Gathecha, EBS, 'ndc'(K)
Principal Secretary
Ministry of Public Service, Gender and Affirmative Action
State Department for Public Service
P.O. Box 30050 - 00100
NAIROBI



Copy to: Eng. Peter.K. Tum, CBS
Principal Secretary
Ministry of Health
State Department of Medical Services
NAIROBI

Eng. M.S.M Kamau, CBS, HSC
Chairman
NHIF Board of Management
NAIROBI

Branch Secretary
Dr. Malindi Chao
Branch Chairman
Dr. Deogracious Maero
Branch Treasurer
Dr. Wendy Kimbui



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All correspondences should be addressed to the Branch Secretary

Our Ref: KMPDU/NRB/LT/04/23

25th Jan 2023

✓ To: H.E. Sakaja Arthur Johnson, CBS,
Governor,
Nairobi City County Government.

Dear Governor,

RE: SUSPENSION OF COMPREHENSIVE NHIF COVER

Reference is made to the circular Ref. No: MPSC.DPSM.2/7/2A VOL.XLX/(60) dated 23rd January 2023 from the office of the principal secretary, ministry of public service, gender and affirmative action state department for public service.

We hereby notify your office that beginning tomorrow we have advised our members to commence a go slow at their workstations across all facilities. This is to reduce exposure to risk of our members noting that they have no active comprehensive medical cover.

In addition, from Monday we shall picket daily at City Hall until this issue is resolved.

To our displeasure our exposed members continue to incur huge medical expenses and emotional turmoil. It is repugnant that doctors of Nairobi City County offer health services to the citizens of Nairobi, yet they cannot access the same services.

As doctors with experience and in-depth knowledge of the medical insurance industry in Kenya we can confidently pronounce that the NHIF civil servants' scheme is the most superior cover in the market. As such WE will strongly object any attempt to auction the health of our members to private insurers.

Kindly be advised that if any officer or their dependents fall sick, the County shall be liable for all the expenses incurred.

Thank you.

Yours faithfully,

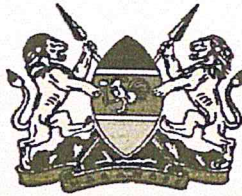
A handwritten signature in dark ink, appearing to read 'Malindi Chao', is written over a light blue circular stamp.

Dr. Malindi Chao.
Secretary, KMPDU Nairobi Branch
Kenya Medical Practitioners Pharmacists and Dentists' Union



- Cc:
1. The County Secretary, Nairobi City County Government.
 2. The CECM Health, Nairobi City County Government.
 3. The Chief Officer Health, Nairobi City County Government.
 4. All Medical Superintendents

Championing Doctors' Rights



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P.O. BOX 30050-00100
NAIROBI
KENYA

Ref. No: MPSG.DPSM.2/7/2A VOL.XLX/(60)

23rd January, 2023

The County Secretary
Nairobi City County
NAIROBI

PAYMENT OF PREMIUM FOR THE INCLUSION OF FORMER NAIROBI METROPOLITAN SERVICES (NMS) STAFF IN THE COMPREHENSIVE MEDICAL INSURANCE SCHEME FOR CIVIL SERVANTS FOR THE TWO (2) FINANCIAL YEARS 2021/2022 AND 2022/2023

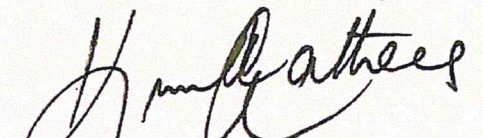
Reference is made to this office letter Ref. No. MPSG.DPSM.2/7/2A Vol.XLX/(30) of 29th December, 2022 on the above subject (copy attached).

In the letter under reference, the Nairobi City County Government was requested to make arrangements to transfer a total of Kshs.1,249,957,779 by 31st December, 2022 to the State Department for Public Service for onward transmission to National Health Insurance Fund (NHIF) to ensure continuity of the provision of the medical benefits to your staff who were previously deployed at the Nairobi Metropolitan Services.

It is noted that the said premium for the two (2) financial years ie. 2021/2022 and 2022/2023 have not been paid to date, yet the staff of the former NMS have continued to access the scheme benefits.

In this regard, NHIF is unable to continue offering services to the staff of former NMS who are currently working under your jurisdiction. In addition, NHIF has notified the State Department for Public Service of the decision to suspend the access to the scheme benefits with effect from Monday 23rd January, 2023 until the full premium owed by former NMS is settled.

The purpose of this letter therefore, is to bring to your attention the NHIF notice of suspension of the cover for your necessary action.


Amos N. Gathecha, EBS, ndc (K)
PRINCIPAL SECRETARY

NAIROBI BRANCH

Branch Secretary
Dr. Malindi Chao
Branch Chairman
Dr. Deogracious Maero
Branch Treasurer
Dr. Wendy Kimbui



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All correspondences should be addressed to the Branch Secretary

Our Ref: KMPDU/NRB/LT/19/22



22nd Nov, 2022

To: County Secretary and Head of Public Service,
Nairobi City County Government.

Dear Sir,

RE: REMINDER FOR - NHIF MEDICAL INSURANCE COVER

The above subject matter refers,

We make reference to our letter Ref: KMPDU/NRB/18/22, dated 31st October 2022 on **NHIF MEDICAL INSURANCE COVER**.

Our members are exposed and continue to incur huge medical expenses and emotional turmoil.

It is the Union's position that lack of commitment and show of bad faith towards responding to our letter or rather initiating a process to tackle this sensitive matter leaves us with no choice but advise our members to down their tools until such a time they can access the same services they offer to the citizens of Nairobi and the public at large.

We enclose herein relevant letters for your reference.

Yours Faithfully,

Dr. Malindi Chao.
Chairman, KMPDU Nairobi Branch
Kenya Medical Practitioners Pharmacists and Dentists' Union

✓ CC: H.E. Sakaja Arthur, Johnson, CBS, Governor, Nairobi City County

Dr. Anastasia Mutethya Nyalita, CECM Health, Nairobi City County

Championing Doctors' Rights

NAIROBI BRANCH



Branch Secretary
Dr. Malindi Chao
Branch Chairman
Dr. Deogracious Maero
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All correspondences should be addressed to the Branch Secretary

Our Ref: KMPDU/NRB/LT/18/22

31st October 2022

To: County Secretary and Head of Public Service,
Nairobi City County Government.

Dear Sir,

RE: NHIF MEDICAL INSURANCE COVER

The Kenya Medical Practitioners, Pharmacists and Dentists' Union (KMPDU) is a registered trade union in Kenya representing the medical practitioners, pharmacists and dentists, and the affiliated specialists matters labour relations, welfare, and rights. A reliable medical insurance cover is a right to our members as pertains to their welfare.

The right to health is a fundamental human right guaranteed in the Constitution of Kenya. Article 43 (1) (a) of the Constitution provides that every person has the right to the **highest attainable standard of health, which includes the right to health care services, including reproductive health care**. We are displeased to note that our members continue to suffer financially, physically, and emotionally due to the perennial delay in remittances to NHIF. Further, we are exasperated that the NHIF annual cover elapsed on July, 2022 and the contract has not been renewed for 2022/2023. This leaves our members exposed and continue to incur huge medical expenses and emotional turmoil, for which we shall seek legal redress and billing. It is obnoxious that doctors of Nairobi County offer health services to the citizen of Nairobi, yet they cannot access the same services.

As doctors, with experience and in-depth knowledge of the medical insurance industry in Kenya, we can confidently pronounce that the NHIF Civil Servants Scheme is the most superior cover in the market. As such, WE will strongly object any attempt to auction the health of our members to private insurers. We wish to remind the County that the union ought to be consulted on ANY matter touching on the welfare and rights of our members. A stakeholder engagement is paramount for matters as serious as medical cover.

Finally, we demand that the NHIF contract for our members be renewed and activated IMMEDIATELY to avoid any further legal and adverse actions.

Yours Faithfully,

Dr. Malindi Chao.
Secretary, KMPDU Nairobi Branch
Kenya Medical Practitioners Pharmacists and Dentists' Union

CC: H.E. Sakaja Arthur, Johnson, CBS, Governor, Nairobi City County

Championing Doctors' Rights

