

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY  
(SECOND SESSION)



[PUBLIC PETITION PURSUANT TO STANDING ORDER 214]

BY KENYA MEDICAL PRACTITIONERS, PHARMACISTS AND DENTISTS UNION ON  
COMPREHENSIVE MEDICAL COVER INSURANCE FOR EMPLOYEES OF THE  
NAIROBI CITY COUNTY GOVERNMENT.

WE, THE UNDERSIGNED Citizens of Kenya who are residents of Nairobi City County and officials of KMPDU Nairobi Branch.

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County governments in the County Assembly;

THAT WHEREAS, 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, 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;

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**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;

**NOTING THAT**, the lack of comprehensive medical insurance has negatively affected our members economically, emotionally and subjected to pecuniary embarrassment as our members cannot afford services that they offer selflessly and wholeheartedly to the people of Nairobi. In addition, some of our members have been detained in hospital being unable to clear huge bills;

**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 as it is being done without any public participation, and in a manner devoid of any transparency and accountability;

**NOTING THAT**, 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;

**THAT WHEREAS**, Article 28 of the constitution states that every person has inherent dignity and the right to have that dignity respected and protected;

**THAT WHEREAS**, petitioners, confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

**AND THAT**, all the matters in respect of which the petition is raised is not pending before any court of law or constitutional body.

**NOW THEREFORE**, your humble Petitioners PRAY that the County Assembly of Nairobi County intervenes and ensure that; -

1. The county executive puts in place mechanisms to ensure that the NHIF contract for comprehensive medical insurance for our members is renewed and activated immediately;

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2. The County Executive ensures 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. The county executive reimburses 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. Investigates 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. It investigates 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 that all the functions and relevant instruments have been transferred back to Nairobi City County Government.
6. It passes 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. It 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. It make any other order that it may deem fit in the circumstances of this petition

And your Petitioners will forever pray.

Presented by;

Hon. Speaker, MCA

*On behalf of;*

- The Kenya Medical Practitioners, Pharmacists And Dentists Union

*And by extension;*

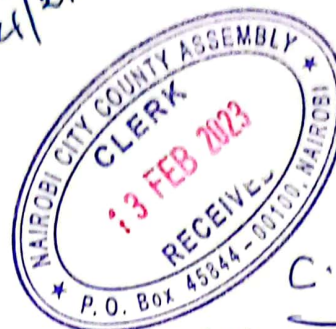
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BY KENYA MEDICAL PRACTITIONERS, PHARMACISTS AND DENTISTS UNION ON COMPREHENSIVE MEDICAL COVER INSURANCE FOR EMPLOYEES OF THE





TT PCA LSP  
Kindly have note  
and check 1st 16  
meets the form & format  
as prescribed by SCS.  
(Skylar)  
DLS  
14/2/2023



*Handy Seal*  
*Chanc*  
*13/2/2023*

C.A. Kanana

Kindly prepare and  
process for reading  
in the Assembly  
for PCA LSP

13<sup>th</sup> 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 25<sup>th</sup> 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.

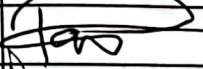
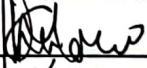

**THAT** issues in respect of which this petition is made are not pending before any court of law, constitutional or legal body.

**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 25<sup>th</sup> 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 Macro	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	

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