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***KENYA GAZETTE SUPPLEMENT***

**TRANS NZOIA COUNTY BILLS, 2022**

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**TRANS NZOIA COUNTY COMMUNITY HEALTH SERVICES  
BILL, 2022****A Bill for**

**AN ACT of the County Assembly of Trans Nzoia to give effect to Article 43(1) (a) of the Constitution of Kenya; to establish the community health units; to provide a framework for the delivery of community health services up to household level; to promote access to primary health care services at the community level; to provide for the training and capacity building of the community health workforce; and for connected purposes.**

**ENACTED** by the County Assembly, as follows—

**PART I—PRELIMINARY**

**1.** This Act may be cited as the Trans Nzoia County Community Health Services Act, 2022.

**2.** In this Act—

“Community” means such number of villages as the County Executive Committee Member may demarcate as falling within a cluster for the effective delivery of community health services on the basis of population, topography and geography;

“Committee” means the community health committee established pursuant to section 8 (2);

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

“Community health unit” means the primary health structure serving a population of approximately 5,000 and served by such community health assistants or officers and community health volunteers;

“Community health workforce” means the workforce consisting of—

- (a) community health officers;
- (b) community health extension workers;
- (c) community health assistants;
- (d) community health volunteer selected by the community in accordance with section 9;

“Community health extension worker” means a County Government health care employee mandated to provide health services at the household and community levels, make referrals and linkages to a health facility.

“Community health assistants/officer” means a formal employee of

County Government forming the link between community and the local health facility;

“Community health volunteer” means a member of local community selected to serve in a community health unit;

“link facility” means the nearest health facility located within the area where the community health unit offers services and acts as the community health unit referral center;

“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 based health services” means health care services at the community level.

“human resource officer” means an officer responsible for managing all aspect of employees in health

### **Objects**

**3.**The objects of this Act are to—

- (a) provide for delineation and establishment of community health units within the County for effective delivery of community health services;
- (b) provide a framework for the effective delivery of integrated, comprehensive and quality community health services;
- (c) provide a framework for the coordinated implementation of legislation, policies, standards and regulations formulated by the National and County Governments;
- (d) provide a framework for the financing of community health services;
- (e) provide a framework for the conferment of community health workforce with basic skills that will enable them render basic health services within their communities;
- (f) entrench the role of community health volunteers in the provision of basic health care at the household and community level;
- (g) enhance community access to basic health services; and
- (h) provide a mechanism for reporting, monitoring and evaluation of the impact of community health services.

**Guiding principles**

4. A person shall, in the performance of their functions under this Act, be guided by the following principles in addition to the County values and principles set out under Article 10 and the objects of devolution specified under Article 174 of the Constitution—

- (a) inclusivity and equity in the provision of health services;
- (b) coordinated public participation in the formulation, implementation and monitoring of policies, strategies and plans aimed at ensuring the delivery of effective community health services;
- (c) empowerment and capacity building as a means of facilitating access to effective community health services;
- (d) transparency and accountability in the implementation of community health programs and activities aimed at ensuring the realization of Article 43(1) (a) as provided in the Constitution of Kenya, 2010;
- (e) availability and access to timely services and reliable information that facilitates the delivery and uptake of community health services; and
- (f) monitoring and evaluation of the policies, strategies and programs established to enable the realization of the right to health and the suitability of interventions put in place to address any gaps in the delivery of community health services.

**PART II — COMMUNITY HEALTH SERVICES****Role of County Government**

5. (1) The County Government of Trans Nzoia shall—

- (a) domesticate the National policy on the delivery of community health services including the—
  - (i) technical resources and structures required for the delivery of community health services;
  - (ii) qualifications of persons eligible to serve within the community health workforce;
  - (iii) standards of service to be upheld by the community health workforce in the delivery of services;
  - (iv) reporting tools to be used by community health workforce; and
  - (v) mechanisms for monitoring and evaluating the

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effectiveness with which community health services are delivered;

- (b) undertake research and innovation in community health services;
- (c) collect, collate, analyze and disseminate information necessary for the effective delivery of community health services.
- (d) operationalize the National policy and standards on community health services;
- (e) mobilize resources necessary for the delivery of community health services in the County;
- (f) allocate adequate funds and resources necessary for the effective delivery of community health services;
- (g) in consultation with the County Public Service Board pay monthly stipend to the community health volunteers;
- (h) provide health insurance cover to the community health volunteers;
- (i) develop and operationalize the necessary technological infrastructure required by the community health workforce to effectively deliver community health services;
- (j) put in place mechanisms to facilitate access to timely community health services by residents;
- (k) facilitate access to information regarding appropriate health behavior including basic information on sanitation, hygiene, and the prevention and treatment of communicable and non-communicable diseases; and
- (l) co-ordinate the implementation of educational programs for the community health workforce.

(2) To ensure that the County Government meets its obligations under subsection (1), the County Executive Committee Member of health services shall—

- (a) advise the County Governor and the County Assembly on all matters relating to the delivery of community health services in the County;
- (b) develop and implement County specific programs and strategies that promote access to community health services;
- (c) collaborate with such entities as may be considered necessary—
  - (i) for the conduct of capacity building and training programs

- with respect to the community health workforce;
- (ii) in financing and resourcing the delivery of community health services in the County; and
  - (iii) in the establishment of structures for the supervision of the community health workforce;
- (a) monitor and evaluate the effectiveness of community health programs delivered within the County;
  - (b) collaborate with line ministries, departments, partners and other stakeholders to improve determinants of health at the community level;
  - (c) on quarterly basis collate, analyze and disseminate information on delivery gaps and needs, recommendations for improved delivery of community health services and other information relating to community health services delivered in the County;
  - (d) oversee the implementation and adherence to National standards and guidelines on the delivery of quality community health services;
  - (e) approve and integrate into the County budget the community health unit annual work plans;
  - (f) put in place measures to ensure the safety of community health workforce while delivering community health services in the County;
  - (g) provide the job aids required by community health workforce in the delivery of community health services at the household level;
  - (h) provide the necessary resources for capacity building of the community health workforce;
  - (i) develop and carry out advocacy, communication and social mobilization programs on community health services and the role of community health workforce;
  - (j) establish relevant community health services committees and their terms of reference; and
  - (k) perform such other function as may be necessary for the implementation of this Act.

(3) The County Executive Committee Member may, for the effective performance of the functions under subsection (2), delegate the performance of such functions as may be necessary to the Chief Officer of Health.

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**Appointment of community health services assistants and officers**

**6. (1)** The County Public Service Board shall—

- (i) competitively recruit and appoint such community health assistants and officers it may consider necessary for the proper and efficient implementation of this Act.
- (ii) Approve the list of Community health volunteers selected under section 9(2).

(2) A community health officer shall —

- (a) coordinate the implementation of community health activities by the community health workforce and the committee;
- (b) monitor and evaluate the implementation of decisions arising from community dialogue days, health action days and any other activity at the community;
- (c) oversee the selection of community health volunteers by the committee;
- (d) provide technical support and training to community health volunteers and the committee;
- (e) supervise and assign duties to community health volunteers;
- (f) compile and analyze data from the community health unit and submit the information to the link facility for incorporation into the health information system;
- (g) collate information gathered by the community health volunteers and display it at strategic sites to enhance dialogue at the household and community level;
- (h) use the approved curriculum for training of community health committees and community health volunteers
- (i) manage the community-based health information system;
- (j) monitor the use and management of community health volunteers' kits;
- (k) refer defaulters of health interventions within the community to the link facility;
- (l) convene monthly action days, quarterly community dialogue days and mobilize Community Health Committee to hold meetings; and
- (m) be the technical advisor and secretary to the Community Health Committee and the custodian of the Community Health Committee minutes.



**Delivery of community health services**

7. The County Director of Health in overseeing the delivery of community health services at the household level shall—

- (a) co-ordinate the implementation of community health services;
- (b) develop strategies for the effective and efficient delivery of community health services;
- (c) ensure accountability and transparency in the use of resources by community health units;
- (d) identify gaps existing within the community health workforce and make recommendations to the Chief Officer of Health on the interventions necessary to address such gaps;
- (e) plan, co-ordinate and mobilize the community to participate in community dialogue, health action days and any other community health activities;
- (f) work closely with facilities to improve community's access to health services;
- (g) facilitate the resolution of disputes that arise with respect to the delivery of community health services;
- (h) prepare quarterly reports on activities carried out by the community health units; and
- (i) hold quarterly consultative meetings on community health services

**Establishment of community health committee**

8. There is established a committee to be known as a community health committee.

- (1). The community health committee shall consist of—
  - (a) The Ward Administrator who shall be the Chair;
  - (b) the Ward public health officer as Vice Chair;
  - (c) a community health volunteer selected by the community health units linked to a facility as their representative to the committee;
  - (d) the following persons elected by the community in a *baraza* convened by the County Director of Health in accordance with the County legislation—
    - (i) a woman representing women groups in that community;
    - (ii) a person with disability representing persons with disabilities in

that community;

- (iii) a representative of the youth in the community;
- (e) one person representing the inter-religious organizations in the community nominated by an inter-religious organization with the largest membership;
- (f) community health assistant or officer or community health extension worker in charge of the community health unit shall be the secretary to the committee; and
- (g) one person nominated by non- Governmental organizations that are involved in the provision of community health services within the respective community.
- (h) Area Chief as Ex- officio.
- (i) A representative of minority groups within that community.

(2) A person is eligible for appointment as a member of the committee if that person: —

- (a) has been identified to have good leadership qualities by the community;
- (b) is at least twenty-five years (25) of age;
- (c) has fully resided in the community for a minimum of five (5) years;
- (d) is literate and can read and write in at least one of the national languages;
- (e) is not disqualified under any written law in Kenya from being appointed in to a public office; and
- (f) meets such other requirements the County Executive Committee Member may, in County legislation, prescribe.

(3)(a) The County Executive Committee Member shall appoint the persons elected under (1) (a), (c) and (d).

- (b) In appointing the committee under subsection 8 (1), the County Executive Committee Member shall ensure that not more than two thirds of the persons appointed represent one gender.

(4) The community health committee members shall;

- (a) serve for one term of three (3) years and shall be eligible for re-election to serve for second and final term;
- (b) determine procedures for conducting business affairs and convening public fora;

- (c) disseminate such other information as the County Executive Committee Member may consider necessary for the effective functioning of the committee; and
  - (d) be removed from the committee if he or she contravenes the stipulated regulations
- (5) The community health committee shall;
- (a) provide oversight in implementation of community health activities in the community health unit
  - (b) prepare and present the community health annual work plan and operational plan to the link facility
  - (c) create enabling environment for implementation of community health services
  - (d) mobilize resources for sustainability
  - (e) hold consultative meetings with link facility to promote facility accountability to the community
  - (f) planning, coordinating and conducting community dialogues and health action days

### **Engagement of Community Health Volunteers**

9. (1) A community health volunteer shall be elected by the community in a public *baraza* and forwarded to the County Public Service Board by the Chief Officer of Health for approval.

(2) A person shall be eligible for election and engagement as a community health volunteer under subsection (1) if such person—

- (a) Is a Kenyan citizen;
  - (b) is able to communicate in a language that can be understood by the community;
  - (c) Is above 18 years of age;
  - (d) has a form four certificate or its equivalent;
  - (e) has fully resided within the community for a minimum of five years; and
  - (f) meets such other criteria as the County Executive Committee Member may prescribe.
- (3) A community health volunteer shall be engaged on such terms and conditions and shall be paid such a stipend as the County Executive Committee Member, in consultation with the County Public Service Board shall determine.

(4) The County Executive Committee Member shall prescribe guidelines for the conduct of a public *baraza* under sub section (1).

### **Functions of Community Health Volunteers**

**10.** (1) A community health volunteer shall be responsible for households as assigned by the Community health assistant/extension worker for the purpose of facilitating access to and ensuring the effective delivery of community health services.

(2) A community health volunteer shall—

- (a) sensitize the community on the importance of quality health services and healthy lifestyles;
- (b) carry out community based disease surveillance by reporting early signs of imminent health events or emergencies;
- (c) enroll and monitor the health status of members of the assigned households;
- (d) keep and maintain a register of members in all assigned households;
- (e) provide appropriate health education to assigned households in a language that the members of the households understand on—
  - (i) sanitation and hygiene techniques
  - (ii) household water treatment;
  - (iii) good nutrition;
  - (iv) maternal, perinatal, child, adolescent, and reproductive health including health education on breastfeeding, family planning, immunization, gender-based violence and mental health;
  - (v) the transmission, prevention and control of communicable diseases; and
  - (vi) the prevention and control of non- communicable diseases;
- (f) render first aid services to members of the assigned households and make referrals to the link facility;
- (g) monitor the growth of children under the age of five years in assigned households;
- (h) provide support to the assigned households on home-based care;
- (i) report incidence of adverse drug and vaccine reactions to the community health assistant/extension worker who shall inform the in charge of the link facility;

- (j) carry out functions as stipulated in the existing training curriculum and any other guiding document;
- (k) collect and disseminate information on the health status of the assigned households and the community;
- (l) submit comprehensive monthly reports to the Community Health Assistant or extension worker; and
- (m) perform such functions as may be prescribed by any other law.

(3) A community health volunteer shall, in the conduct of the functions specified under subsection (1) and (2)—

- (a) be ethical;
- (b) inform the household of the use to which the information shall be put;
- (c) ensure confidentiality;
- (d) ensure accuracy of the information captured;
- (e) transmit the information within the timelines specified by the County Director of Health; and
- (f) ensure access to personal data by persons to which that data relates.

(4) A community health volunteer will be liable to disciplinary action if proved to have—

- (a) falsified records;
- (b) solicited money or favors for services offered;
- (c) impersonated a healthcare professional;
- (d) breached confidentiality;
- (e) conducted deliveries for pregnant women or performs abortions;
- (f) administered to a member of the community medication that is not authorized by the legislation; and
- (g) engaged in other activities that may conflict with the provision of community health services.

(5) A community health volunteer services shall be terminated on the following grounds—

- (a) withdraw their services for 3 consecutive months without notice
- (b) consistently fails to perform assignments
- (c) breach of terms of service or code of conduct established under

this act;

- (d) inability to render services due to physical or mental incapacity; and
- (e) tenders a resignation in writing.

**Register of community health volunteers**

**11.** (1) The County Director of Health shall keep and maintain a register of all community health volunteers engaged in the County.

The register under subsection (1) shall include—

- (a) biodata on community health volunteers including contact details;
- (b) information on the link facility to which the community health volunteer reports;
- (c) the number of households assigned to each community health volunteer;
- (d) all community health volunteers who have been de-registered; and
- (e) such other information as the County Executive Committee Member shall determine from time to time.

(2) A community health volunteer shall notify the human resource officer through the community health communication structures under subsection (1) of any changes to their particulars within fourteen days of such changes.

(3) The human resource officer for health shall, within seven days of receipt of the change in particulars under sub section (2)—

- (a) verify the information; and
- (b) update the register.

(4) Any person may inspect and or obtain a copy or extract of the register upon authorization by the County Director of Health.

**Information on community services**

**12.** (1) The County Executive Committee Member shall—

(a) publish community health service information on a website maintained by the County Government and other platforms that are considered appropriate. This information shall include—

- (i) the unique health issues affecting the communities in the County;

- (ii) information about community resources available to support the households within the County;
- (iii) care, preventive and promotive measures available to protect the community from infectious diseases;
- (iv) common health challenges in the County and the actions required to prevent or mitigate the challenges;
- (v) the proposed measures to handle or mitigate health related burdens and other challenges that communities face when dealing with communicable and non-communicable diseases; and
- (vi) such other information relating to community health services that the County Executive Committee Member may consider necessary.

(2) The information under subsection (1) shall be accessible to the residents of the County and shall be published in a format that is easy to understand.

### **PART III – FINANCIAL PROVISION**

#### **Financing of Community Health Services**

**13.** (1) The County Executive Committee Member shall ensure that in every Financial Year, funding is made available, through the county's budgeting processes to:

- (a) support delivery of quality community health services
- (b) support payment of stipend to community health volunteers
- (c) support payment of National Health Insurance Fund for community health volunteers

(2) The provision is to ring fence monies appropriated for community health services through issuance of vote heads as the County Executive Committee Member shall advise

(3) The funds for financing the implementation of this Act shall consist of—

- (a) Such monies as shall be appropriated by County assembly of Trans Nzoia in each financial year.
- (b) Funds from the Trans Nzoia County Facility Improvement Fund
- (c) Such grants or transfers as may be received from any lawful source
- (d) Grants and donations received from development partners

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- (e) Such other monies received from the National Government or any other lawful source as conditional or non-conditional grants for services rendered to clients in accordance to the established system;
  - (4) The County Executive Committee Member shall engage such donors as may be available to assist the County in ensuring the objectives of this Act are achieved;
    - (a) any grant, donations or gifts by donors, development partners or individuals for the promotion of the objectives of this Act shall be utilized in accordance with the agreements or conditions upon which the grant or donation is received;
    - (b) For purposes only of receiving gifts or donations from donors, development partners and individuals, and for enhancing accountability, with the authority of the County Executive Committee Member, a Community Health Unit may open a bank account in a credible financial institution in its name and shall –
      - (i) keep accurate accounting records of all funds received and expenditures made, and make them available to community members and other stakeholders upon request;
      - (ii) have a treasurer, a chairperson and a secretary as may be specified by the specific donor or development partner who shall be the signatories for the bank account;
      - (iii) maintain receipts, financial registers and other supporting documents for all expenses;
      - (iv) submit quarterly activity and financial reports to the Executive Committee Member.

#### **PART IV – MISCELLANEOUS PROVISIONS**

##### **Transition of community health volunteers**

**14.** (1) All Community Health Volunteers serving as such before the enactment of this law shall continue to so serve and shall not be subject to Section 9(1), (2) of the bill.

(2) The County has one thousand, nine hundred and fifty Community Health Volunteers (1950) and one hundred and ninety-five Community Health Units. The County Executive Committee Member shall create more community health units guided by the population, topography and geography



**Reports**

**15.** At the end of each financial year, the County Executive Committee Member shall submit a report to the County assembly on community health service for that year and also present the proposed Annual work plan and implementation of community health programs for the following year.

**Regulations**

**16.** (1) The County Executive Committee Member may prescribe general regulations for the effective operation of this Act and in particular for—

- (a) Disciplinary procedures
- (b) Awards

(2) The regulations made under sub section (1) shall be approved by the County assembly before their implementation.

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**MEMORANDUM OF OBJECTS AND REASONS**

The principal object of this Bill is to provide for a framework for the regulation of community health services and the recognition of community health volunteers in the County. The First Schedule of the Health Act, 2017 recognizes Community Health Services at Level 1 as a function of the County Government. Community health services are instrumental in achieving preventive health care and ensuring access to health services in compliance with Article 43 of the Constitution.

**Part II** of the Bill sets out the role of the County Government in regard to the provision of community health services. The Bill further empowers the County Executive Committee Member of health to establish the Community Health Committee to ensure the effective delivery of community health services. The Bill further seeks to ensure that the County Government in consultation with the Salaries and Remuneration Commission shall invest in community health services to ensure the recruitment and retention of the community health workforce for sustainability of community health services.

**Part III** of the Bill spells out the financial provision for community health services.

**Part IV** of the Bill spells out the manner of reporting and assigns powers to propose regulations to this Bill by the County Executive Committee Member.

Dated the 10th May, 2022.

DANIEL KABURU,  
*Chairperson Health Committee.*