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KAJIADO COUNTY BILLS, 2020

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BILL, 2020**

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**THE KAJIADO COUNTY COMMUNITY HEALTH SERVICES
BILL, 2020**

A Bill for

AN ACT of the County Assembly of Kajiado to provide for the establishment and delineation of Community Health Units within the County for the effective, efficient and sustainable delivery of community-based health services and to establish the necessary institutional and regulatory mechanisms to ensure functionality of community units in empowering households in health service delivery and for connected purposes

ENACTED by the County Assembly of Kajiado, as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Kajiado County Community Health Services Act, 2020.

Interpretation

2. In this Act—

“County” means Kajiado County;

“community” means such number of villages as the county executive committee member in a county may demarcate as falling within a cluster for the effective delivery of community health services;

“committee” means the community health committee established under to section 9;

“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 community means an area within the County health structures comprising of a cluster of villages which make up a sub-location as defined under the National Government Co-ordination Act or as may from time to time be designated by the County Executive committee Member;

“county executive committee member” means the Executive Committee Member responsible for matters relating to health;

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

Community Health Extension Worker / Community Health Assistant: Trained healthcare workers who are employed by counties to work at Level 1;

CHEWs/CHAs work with Community Health Volunteers in Community Health Units to implement community health, and report to the link facility;

“County community health focal persons” means the individuals identified to coordinate community health services at the county level;

“County Health Management Team” means a team of County Health officials mandated to oversee delivery of health care within the County;

“Community Health Volunteer” means a person selected by the community based on set criteria defined by this Act and has undertaken relevant training as defined in the community health services Policy; to offer health services at the community level; communities in their respective localities as per the set criteria defined by this act;

* “Chief Officer for Health” means the top technical officer at the county level, appointed by the Governor. In charge of finances as the principle accounting officer for health in the county government;

“Household” means individuals associated with and usually headed by the household head or caregiver.

“Stipend” means honorarium or allowances given to CHVs

“Referral” means an interlinked network of service providers and facilities that provide a continuum of care for acute and chronic health conditions.

“Health” means a state of complete physical, mental, spiritual and social well-being of an individual and not merely an absence of a disease or infirmity.

Objects

(lengo) (kusudi)

3. The objects of this Act are to —

- (a) provide a framework for the effective delivery of integrated, comprehensive and quality community health services in the county;
- (b) enhance community access to basic health services;
- (c) provide a framework for the coordinated implementation of policies and standards formulated by the National government by the county government pursuant to the Health Act for the realisation of the right to health at the community level;

- (d) entrench the role of community health volunteers in the provision of basic health care at the household level;
- (e) provide a framework for the financing of community health services;
- (f) provide a framework for the conferment of community members with basic skills that will enable them render basic health services within their communities;
- (g) provide a mechanism for the identification of needs and gaps in the delivery of community health services and for the monitoring and evaluation of the impact of such services within the community; and
- (h) improve the quality of service delivery of community health services to address determinants of health with a goal toward reducing socio-economic health disparities in the county.

Guiding principles (*msingi) Kanuni*)

4. A person shall, in the performance of their functions under this Act, be guided by the following principles in addition to the national 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 programmes and activities aimed at ensuring the realisation of the right to health;
- (e) access to information;
- (f) availability and access to timely delivery of services and timely and reliable information that facilitates the delivery and uptake of community health services; and
- (g) monitoring and evaluation of the policies, strategies and programmes established to enable the realisation 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

Funding

5. (1) The community Health Service shall be funded by the county government out of monies appropriated by the County Assembly in each financial year

(2) Funds may be sourced from Partners and the National Government.

(3) The County Government shall provide funds for—

- (a) Employment of CHAS to manage the Community Health Units;
- (b) Payment of monthly stipends to the CHVS;
- (c) Payment of monthly stipend to the CHCs;
- (d) Supervision of Community Health Units.

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appropriate
Reporting tools for level 2

Role of County Governments

6. (1) The County Government shall —

- (a) implement the national policy and standards on community health services;
- (b) develop a county community health service strategy and ensure its implementation;
- (c) mobilise resources necessary for the delivery of community health services in the respective county;
- (d) allocate adequate funds and resources necessary for the effective delivery of community health services in the county;
- (e) develop the necessary technological infrastructure required by the community health workforce to effectively deliver community health services;
- (f) put in place mechanisms to facilitate access to timely community health services by residents within the respective county;
- (g) facilitate access to information regarding appropriate healthy behavior including basic information on sanitation, hygiene, and the prevention and treatment of communicable and non-communicable diseases; and
- (h) coordinate the implementation of educational programmes for the community health workforce and avail resources required for the participation of the community health workforce in the programmes.

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(2) In ensuring that the county government meet its obligations under subsection (1), the executive committee member shall —

- (a) advise the Governor on all matters relating to the delivery of community health services in the county;
- (b) develop and implement programs and strategies that promote access to community health services;
- (c) collaborate with such entities as it may consider necessary—
 - (i) for the conduct of capacity building and training programmes 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;
- (d) monitor and evaluate the effectiveness of community health programs delivered in the county;
- (e) in every quarter, collate, analyse 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;
- (f) oversee the implementation and adherence to national standards and guidelines on the delivery of quality community health services;
- (g) approve and integrate into the county budget the community health unit annual work plan and the budget;
- (h) make recommendations for the review of the standard reporting tools to the community health workforce;
- (i) put in place measures to ensure the safety of community health workforce while delivering community health services in the county;
- (j) provide the job aids required by community health workers in the delivery of community health services at the household level;
- (k) provide the necessary resources for capacity building of the community health workforce;
- (l) develop and carry out sensitisation programmes on community health services and the role of community health workforce in the county; and

(m) 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 a public officer within the county public service or to a committee appointed in for that purpose.

Public Service Board -

Deputy Director of Preventive and Promotive Health Services

office to head Preventive & Promotive Health Services

7. (1) There is established the office of the Deputy Director of Community Health Services, which shall be an office within the county public service.

(2) The Deputy Director of Community Health Services shall be competitively recruited and appointed by the respective county public service board.

(3) The Deputy Director of Community Health shall —

(a) advise the county executive committee member on —

- (i) the integration of community health in the county integrated development plans and the annual development plan;
- (ii) the number of community health units required in the county in order to effectively provide community health services at the community level;
- (iii) the administrative and financial resources required to establish and maintain a community health unit and its effectiveness in order to remain effective;
- (iv) resource mobilization, including the framework required for a community health fund to ensure the effective implementation of community health units work plans;
- (v) the framework required for monitoring and evaluating the effectiveness of community health units;
- (vi) programmes and strategies necessary to facilitate the delivery of community health services in the county; and
- (vii) community health policies, guidelines, standards, curricular, manuals and job aids required to deliver community health services;

(b) put in place and oversee the implementation of quarterly programmes for—

- (i) community health dialogue days; and

- (ii) health action days with respect to community health units;
- (c) circulate and facilitate access to information disseminated by community health units;
- (d) establish linkages with development and implementing partners in order to improve the delivery of health services to the community;
- (e) maintain a database of the community health workforce in the county;
- (f) make arrangements for periodical evaluation of the policies and programmes in relation to the delivery of community health services in the county; and
- (g) perform such other functions as may be assigned by the county executive committee member.

Community Health Officers

8. (1) The county public service board shall competitively recruit and appoint such community health officers it may consider necessary for the proper and efficient implementation of this Act.

- (2) A community health officer shall —
 - (a) monitor and evaluate the implementation of decisions arising from community dialogue days and health action days;
 - (b) coordinate the implementation of community health activities by the community health workforce and the Committee;
 - (c) oversee the selection of community health workers by the Committee;
 - (d) provide technical support and training to community health workers and the Committee;
 - (e) compile and analyse data from the community health unit for incorporation into the health information system; and
 - (f) monitor the use and management of community health workers' kits.

Delivery of community health services

9. (1) The county executive committee member shall, for the delivery of community health services at the grass root level—

- (a) coordinate the implementation of community health services at level 1 within the community;

- (b) ensure accountability and transparency in the use of resources by community health units;
- (c) develop strategies for the effective and efficient delivery of community health services at the grassroot level;
- (d) identify gaps existing within the community health workforce and make recommendations to the county executive committee member on the interventions necessary to address the gaps;
- (e) plan, coordinate and mobilize the community to participate in community dialogue and health action days;
- (f) work closely with link facilities to improve the access of the community health unit 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 a community health unit; and
- (i) hold quarterly consultative meetings with the respective link facilities.

(2) The executive committee member may, for the effective performance of the functions under subsection (1) —

- (a) delegate the performance of any function specified under subsection (1) to such public officers within the respective Department as may be necessary; or
- (b) to community health committee.

Community health committee

10. (1) There is established a community health committee for each ~~ward~~ ^{community unit} consisting of —

- (a) a community health worker nominated by community health workers within that community health unit;
- (b) the following persons elected by the community in a baraza convened by the county executive committee member —
 - (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;

Area chief

- (c) one person representing the inter-religious organizations in the community nominated by an inter-religious organization with the largest membership;
 - (d) a ward public health officer;
 - (e) a community health officer who shall be an ex officio member of the committee and the secretary to the committee;
 - (f) such other persons, not exceeding two, nominated by the community health organisations in the county; and
 - (g) a representative from each village in a ward elected by the respective villages.
- ~~X~~ (2) A person is eligible for appointment as a member of the committee if that person is —
- (a) an adult of good standing with leadership qualities in the community;
 - (b) a member of the community;
 - (c) is literate and can read and write in at least one of the national languages or the local language;
 - (d) is not disqualified under any written law in Kenya from being appointed in to a public office; and
 - (e) meets such other requirements the executive committee member may, by regulation, prescribe.
- (3) The members of the committee shall elect the chairperson of the committee from amongst the persons appointed under subsection (1) (b), (c), (f) and (g).
- (4) The executive committee member shall appoint the persons elected and nominated by notice in the Gazette.
- ~~X~~ (5) In appointing the committee under subsection (4), the executive committee member shall ensure that not more than two thirds of the persons appointed represent one gender.
- (6) The Executive Committee Member shall make regulations setting out —
- (a) the procedure for the nomination and election of members of the committee;
 - (b) the term of appointment of the members of a committee;
 - (c) such other criteria for nomination or election as the county executive committee member shall consider appropriate;

- ~~*/~~ (d) the remuneration and terms and conditions for appointment of the members of the committee;
- (e) grounds and procedure for the removal and replacement of a member of the committee;
- (f) the procedure for the conduct of the business and affairs of the committee and for the convening of public forums by the committee;
- (g) such other information as the county executive committee member may consider necessary for the effective functioning of the committee.

Appointment of community health workers

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~~*/~~ 11. (1) A community health worker shall be nominated by the community in a public baraza and appointed by the executive committee member.

(2) A person is eligible for nomination and appointment as a community health worker under subsection (1) if that person —

- (a) is able to communicate in a language that can be understood by the community;
- ~~*/~~ (b) has undergone a prescribed course or training at an institution approved by the ministry responsible for health;
- (c) is a fit and proper person to be registered under this Act;
- (d) resides within the county; and *community*
- (e) meets such other criteria as the county executive committee member may, by regulations, prescribe.

(3) A community health worker shall be appointed on such terms and conditions and shall be paid such allowances as the county executive committee shall, in consultation with the respective County Public Service Board, determine.

(4) The executive committee member shall prescribe, the guidelines for the conduct of a public baraza under sub-section (1).

Functions of community health workers

12. (1) The executive committee member shall assign to each community health worker such households in such localities in such manner as shall be prescribed by regulation, for the purpose of facilitating access to and ensuring the effective delivery of community health services at the grass root level.

- (2) A community health worker shall —
- (a) sensitize the community on the importance of quality health services and healthy lifestyles;
 - (b) serve as a liaison between the community and the county health system;
 - (c) provide community disease surveillance by reporting early signs of imminent health disasters or emergencies;
 - (d) enroll and monitor the health status of members of the households assigned to the community health worker;
 - (e) keep and maintain a register of members in all households assigned to the worker;
 - (f) provide appropriate health advice to an assigned household in a language that the member of the household understands, including advice on—
 - (i) appropriate sanitation and hygiene techniques including household water treatment;
 - (ii) good nutrition;
 - (iii) maternal and postnatal care including advice on breastfeeding, family planning and immunisation;
 - (iv) the prevention, transmission and management of communicable diseases; and
 - (v) the prevention and management of non-communicable diseases;
 - (g) render first aid services to an assigned household and where necessary, make referrals to the link facility;
 - (h) monitor the growth of children under the age of five years in an assigned household;
 - (i) detect common health ailments and minor injuries and recommend suitable interventions to the assigned household;
 - (j) provide lay counsellor services and support the assigned household on quality family-based care and support for a patient;
 - (k) submit report, at such intervals as shall be determined by the county executive committee member, on the health of each member of an assigned household and the barriers to health and health care in the household to the community health officer;

- (l) collate and analyse information on the health status of the assigned households;
- (m) manage community health resource centres;
- (n) assist in coordinating monthly community health action days; and
- (o) perform such function as may be assigned by the county executive committee member in county legislation or under any other law.

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

- (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 county executive committee member; and
- (f) ensure access to personal data by persons to which that data relates.

Register of community health workers

13. (1) The executive committee member shall keep and maintain a register of all community health workers working in the County.

(2) The executive committee member may designate a public officer within the county public service as a registrar to keep and maintain the register under subsection (1).

- (3) The register under subsection (1) shall include —
 - (a) Bio-data information on community health workers including their —
 - (i) name and identification details; and
 - (ii) contact details;
 - (b) information on the link facility to which the community health workers report;
 - (c) the households assigned to each community health worker;
 - (d) all community health workers who have been de-registered; and

- (e) such other information as the county executive committee member shall determine.

(4) There shall be kept and maintained, by the public officer responsible for overseeing the delivery of community health services in each ward, a register containing information specified under subsection (3) with respect to community health workers deployed to households in the respective ward.

(5) A community health worker shall notify the registrar under subsection (2) of any changes to their particulars within fourteen days of such change.

(6) The public officer shall, within seven days of receipt of the change in particulars under subsection (3) —

- (a) verify the information;
- (b) enter the change of particulars in the register; and
- (c) submit the information to the county executive committee member or the registrar, where designated, for the purpose of updating the register kept under subsection (1).

Inspection of the register

14. Any person may inspect the register or any document relating to any entry in the register and may, upon payment of such fee as may be prescribed by the county executive committee member, obtain a copy or extract from the register.

Information on community health services

15. (1) The executive committee member shall publish on a website *and print* maintained by the county government and publicize through such platforms as the county executive committee member shall consider appropriate information regarding the community health services available in the county and community health workforce delivering the health services within the County.

(2) The information published and publicized under subsection (1) shall include —

- (a) common health challenges in the county and the action required to prevent or mitigate the challenges;
- (b) the unique health issues affecting the communities in the county;
- (c) care, vaccines and other preventative measures available to protect the community from infectious diseases;

- (d) the proposed measures to handle or mitigate the emotional and financial burdens and other challenges that households face when dealing with communicable and non-communicable diseases; and
- (e) provide information about community resources available to support the households within the county.

(3) The information under subsection (2) shall be accessible to the residents of the county and shall be published in a format that is easy to understand and, in the languages, spoken by residents of the County.

PART III — MISCELLANEOUS PROVISIONS

Reports

16. At the end of each financial year, the County Executive Committee Member shall submit a report to the county assembly on the proposed implementation of community health programs in that year.

Procedures, standards, ethics and guidelines

17. Any person offering community health services shall adhere to such procedures, standards, code of ethics and guidelines as may be prescribed by regulations made under this Act or any other written law.

Regulations

18. (1) The Executive Committee Member may make regulations, prescribe standards and guidelines generally for the better carrying into effect of this Act.

(2) Without prejudice to the generality of subsection (1), the executive committee member may prescribe minimum standards relating to the following—

- (a) premises and facilities;
- (b) programmes of community health services;
- (c) training of community health workers;
- (d) certification and registration requirements;
- (e) health and safety;
- (f) communication and consultation;
- (g) procedures for electing and nominating members to a committee established under this Act;
- (h) procedure for establishing any other village committees where necessary; and

- (i) prescribe the records to be kept by community health workers offering community health services.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to provide a framework for the regulation of community health services and the recognition of community health workers in Kajiado County. The First Schedule of the Health Act, 2017 recognises Community Health Services at Level 1 as a function of the county governments. Community health services are instrumental in achieving preventive, curative, promotive and rehabilitative 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. It further establishes the office of the Director of Community Health Services and empowers the executive committee member to administer the Act. It further establishes a community health committee and provides for the possibility of establishing village committees to ensure the effective delivery of community health services in the county. The Bill further seeks to ensure that the county invest in community health services by requiring the government to among other things, ensure the recruitment and retention of the community health workforce.

Part III of the Bill obligates the county executive committee member to maintain a register of community health workers.

Part IV of the Bill obligates the executive committee member to table before the county assembly for debate the report on community health services delivered in the county. This seeks to ensure that the county assembly is informed in order to consider legislative interventions to strengthen community health services. In addition, the executive committee member is obligated to develop regulations on community health services.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not limit any fundamental rights and freedoms.

The Bill concerns provision of community health services by the county governments. Health services are devolved under Paragraph 2 of Part 2 of the Fourth Schedule of the Constitution and community health services is classified as a level 1 in healthcare delivery under the Health Act, No. 21 of 2017.

The Bill will occasion additional expenditure.

Dated the 10th July, 2020.

MOSES SAOYO,
Chairperson, Standing Committee on Health.