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SPECIAL ISSUE

Kenya Gazette Supplement No 6 (Homa Bay County Acts No 4)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

HOMA BAY COUNTY ACTS, 2020

NAIROBI, 21st May, 2020

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**THE HOMA BAY COMMUNITY HEALTH
SERVICES ACT, 2020**

AN ACT of the County Assembly of Homa Bay to establish structures for coordination and provision of community health services, to make provision for recruitment and training of community health volunteer, to establish a fund to promote community health and for connected purposes

Enacted by the County Assembly of Homa Bay as follows—

PART I – PRELIMINARY PROVISIONS

1 This Act may be cited as the Homa Bay County Community Health Services Act, 2020 and shall come into force on the fourteenth day after its publication in the Kenya Gazette and County Gazette

Short title and commencement

2 In this Act unless the context otherwise requires—

Interpretation

“County Executive Committee Member” means the county executive committee member for the time being responsible for matters of health within the County,

“community health committee” means a community health committee established under section 13 of the Act,

“community health assistant/officer” means a Health Worker employed by the County Public Service Board and deployed to provide basic preventive Health care services and to promote health services amongst members of the community ,

“community health services” means package of health care services that can be provided to people in their communities and households and includes, health education, health promotion, disease prevention and control, mental health and psychosocial support services, public health services, emergency health and referral or linkage services, sensitization on addictions, home care, long term care, rehabilitation services, palliative care and minor treatment for illness and injury in relation to primary care,

“community health plan” means a plan for community-based health services or the improvement of the health care of the community or households,

“community health worker practice” includes basic education, training and experience in relation to core competencies in order to effectively provide services to the communities and population employing a variety of distinctive roles that are indicative of practice expected of a community health volunteer, including—

- (a) client and community assessment,
- (b) community mobilization skills,
- (c) household entry skills,
- (d) communication skills,
- (e) ability to carry out education for behaviour change affecting health,
- (f) skills to make referrals for persons in need of those services, and
- (g) skills to dialogue with people within households or community

“community health unit” 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 Coordination Act,

“community health volunteer” means a person with an understanding and appreciation of the community values, culture and language and has undergone training for purposes of linking members of the community to available health services or facilities, appointed in consultation with the relevant community,

“County Community Health Services Committee” means the committee established under section 8 of the Act,

“Fund” means the fund established under section 29 of the Act,

“healthy living practices” includes medical evaluation goals, proper nutrition goals, mental and physical management goals,

“ring fenced funds” means funds dedicated for primary health care services at community level

3 The purpose of this Act is to—

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- (a) provide for establishment of community health services unit within Homa Bay County so as to provide for effective delivery of community health services,
- (b) create the necessary institutional and coordination framework to encourage and facilitate the provision of community health care services,
- (c) protect the health and safety of community health volunteer,
- (d) provide for rights, duties and responsibilities of relevant actors within the community health sub-sector,
- (e) gather evidence or information on community health to inform decision-making,
- (f) establish a county community health services fund for the purposes of financing activities or projects implemented pursuant to this Act,
- (g) ring-fence funds for primary health care activities for use at community health unit levels,
- (h) coordinate and streamline financial contribution from partners and well-wishers for community health services into the Fund account,
- (i) to provide for the management of the Community Health Services Fund,
- (j) develop capacity of community health volunteer and community health assistant/officers

**PART II—RIGHTS, DUTIES AND
RESPONSIBILITIES**

4 The county government is responsible for providing health care facilities to every person who is a resident of the County, and shall—

Obligations of the
county government

- (a) ensure that the rights of the county residents as provided under Article 43 of the Constitution are progressively realized
- (b) establish policies and mechanisms to ensure that residents of the county households are educated and informed on matters of healthful living and

practices,

- (c) ensure that every household has opportunity to provide to a community health officer or a community health volunteer, relevant information relating to community health,
- (d) provide advisory services and guidance, through community health extension services and volunteer health services, to persons in need of healthcare information

5 (1) A community health assistant/officer or a community health volunteer shall, in relation to community health provide information to a patient on the available treatment or healthcare facilities in relation to diagnosed conditions as well as the risks and costs involved

Responsibilities of
community health
workers

(2) In providing advisory services to a patient or a household, a community health assistant/officer or a community health volunteer shall not disclose or use information obtained in a manner that compromises the patient's right to privacy and confidentiality

(3) Subsection (2) shall not be applicable where—

- (a) disclosure of information obtained from, or on behalf of a patient, is so ordered by a court of law, or
- (b) disclosure is with the consent of the patient, or in the case of a minor, with the consent of a parent or guardian, and such information shall only be used for the purpose for which the consent is given

(4) A person who uses or discloses information obtained from, or in relation to, a patient in contravention of sub-section (3) is liable, on conviction, to a fine not exceeding shillings fifty thousand or to a term of imprisonment not exceeding of three months, or to both such fine and imprisonment

6 (1) Where a community health assistant/officer or a community health volunteer needs to perform a test on a patient, such test or operation shall not be performed unless the patient, or in case of a minor, the parent or guardian of the minor gives consent before a test is performed

Duty to obtain
consent

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(2) A person who performs a test on a patient without first obtaining the consent of the patient is liable, on conviction, to a fine not exceeding shillings fifty thousand or to a term of imprisonment not exceeding three months, or to both such fine and imprisonment

7 Every person within a household or a county unit is responsible for ensuring that the most appropriate health practices are effected and shall—

Duties and responsibilities of individuals

- (a) participate in community-organised health activities,
- (b) attend and participate in meetings that are aimed at educating the people on best health practices and for disseminating information or feedback to the people,
- (c) make efforts to implement behavioral changes that are aimed at improving individual, households and community health,
- (d) collaborate and cooperate with community health workers in promoting health within the community and eliminating health risks through strategies set and implemented by the County Community Health Services Committee,
- (e) when required, provide relevant data and information that would enable the community health workers to collect data and information for the purpose of informing policy decisions at different levels of governance

PART III—STRUCTURES AND ADMINISTRATION OF COMMUNITY HEALTH SERVICES

8 (1) There is established the County Community Health Services Committee

Establishment of County Community Health Services committee

(2) The County Community Health Services Committee shall consist of—

- (a) the chief officer for the time being responsible for health or a representative appointed by the chief officer in writing, who shall be the secretary,
- (b) one person to represent the civil society in the health sector,

- (c) One representative nominated by the largest umbrella body of religious organizations,
- (d) Two person of either gender nominated from the county umbrella body of persons with disability,
- (e) Two persons of either gender nominated by the CECM health services representing the youth,
- (f) the chairperson of the County Public Service Board, or a representative, appointed in writing,
- (g) the county public health officer,
- (h) the county HIV/AIDS coordinating officer, and
- (i) the County Community Health Officer,
- (j) chairperson, elected from amongst its members in the first committee sitting

9 A person is qualified to be appointed as a member of the Committee if the person,

Qualification for appointment

- (a) satisfies the requirements of Chapter Six of the Constitution of Kenya 2010 and the Leadership and Integrity Act, and
- (b) is a holder of at least a bachelor's degree from a recognised institution in Kenya

10 Except for a person who is a member by virtue of their office, an appointed member of the Committee shall hold office for a term of three years and shall be eligible for re-appointment for one further term

Term of office

11 (1) The Committee shall be responsible for the coordination and implementation of community health services within the county

Functions of the Committee

(2) Without prejudice to the generality of paragraph (1), the Committee shall—

- (a) facilitate implementation of national health policies or develop policies to ensure that there are community health services in all corners of the county,
- (b) oversee and monitor the implementation of community health services within the county and report to the County Executive Committee Member as may be prescribed by regulations,

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- (c) develop strategies on delivery of community health services,
- (d) be responsible for oversight of the Community Health Fund established under this Act,
- (e) give general or special directions to a community health committee or a member of the community service committee on any matter falling within their jurisdiction,
- (f) advise the County Executive Committee Member for the time being responsible for Health on matters of community health,
- (g) perform any other function as may be assigned under any law or by the County Executive Committee member

12 (1) The Committee shall meet once every three (3) months or quarterly

Meetings of the Committee

(2) The quorum for the Committee sittings shall be seven members

(3) The Committee shall cause proper records to be kept of all proceedings of the Committee

(4) Except as provided under this part, the Committee shall regulate its own proceedings

13 (1) There is established for every community health unit a community health committee

Establishment of community health committees

(2) The committee shall consist of—

- (a) The health facility In-Charge of a level 2 health facility,
- (b) The local community health assistant who shall be the secretary,
- (c) The assistant chief appointed under the National Government Coordination Act, with jurisdiction over the relevant community health unit, who shall be an *Ex-officio* member,
- (d) One person elected by religious organizations,
- (e) Two community health Volunteers, one from either gender, elected by fellow volunteers,

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- (f) One person representing Persons with disability
- (g) One person representing the Youth

(3) Subject to subsection (2) above, the committee shall elect a Chairperson from amongst its members during its first meeting

14 A person is eligible to serve in the committee if the person—

Eligibility to be a committee member

- (a) has reached form four level of high school or an equivalent level of education,
- (b) meets the requirements of Chapter Six of the Constitution as read with the Leadership and Integrity Act,
- (c) has not been convicted of an offence relating to integrity for at least five years immediately preceding the date when the person's eligibility is considered

15 The function of a community health committee is to—

Functions of community health committee

- (a) coordinate the county health volunteers,
- (b) identify community health priorities through regular dialogue with the community and stakeholders,
- (c) plan and participate in community health actions,
- (d) monitor and report on planned and implemented health actions,
- (e) mobilize resources for health actions,
- (f) organizing and implement community health days,
- (g) make periodic or other reports to the County Community Health Services Committee in such manner and on such matters as may be prescribed by regulations
- (h) make project proposals to the County Community Health Services Committee,
- (i) implement community health projects and programmes,

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- (j) manage funds allocated to the community health unit,
- (k) keep proper books of accounts with respect to the funds remitted to the community health unit from the Fund,
- (l) lead community health outreach and campaign initiatives,
- (m) promote practices and activities that enhance good health in the community, and
- (n) do such other things as may be prescribed or required by the County Executive Committee member

16 (1) Except for an ex officio member, a member of a community health committee shall serve for a term of three years and is eligible to serve for one further term of three years

Term of office

(2) The office of member of community health committee shall fall vacant when a member—

- (a) dies,
- (b) resigns from office in writing addressed to the chairperson,
- (c) is convicted of a criminal offence,
- (d) is removed from office on the recommendation of the County Community Health Services Committee,
- (e) is declared bankrupt by a court of competent jurisdiction, or
- (f) ceases to have the qualifications specified under section 14

17 (1) A community health committee shall meet every two months

Meetings and conduct of proceedings

(2) The quorum for the committee sittings shall be five members

(3) The committee shall cause proper records to be kept of its proceedings

(4) Except as provided under this section, the executive committee member shall prescribe guidelines for

the conduct of proceedings of a community health committee

18 (1) A community health committee shall develop a community health plan for each financial year, and shall share it with the sub County health management team

Development of community health plan

(2) The community health work plan shall include—

- (a) recommended priorities for the delivery of community health services,
- (b) a demonstration that the recommended priorities have been established through community consultation,
- (c) provisions identifying and making recommendations for elimination of duplicity in the delivery of community health services

(3) A sub-County health management team shall make available to the local community such information as will assist the relevant community health committee to assess the feasibility of implementing the recommendations

(4) A sub-County health management team shall ensure that community health plans are developed by the relevant community health committee and considered in the preparation of the health services plan

PART IV—COMMUNITY HELATH PERSONNEL

19 (1) The County Public Service Board may upon the advice of the County Executive Committee Member for Health services appoint a Community Health Assistant

Appointment of community health assistant/officers

(2) The County Public Service Board shall, in consultation with the County Community Health Services Committee, determine the terms and conditions of community health assistant/officers

(3) A community health assistant/officer shall be responsible for community health services within a community health unit

20 A person shall not be appointed as a community health assistant/officer unless the person-

Qualification for appointment as community health assistant/officer

- (a) is a Kenyan citizen and is an ordinary resident within the county,

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- (b) is a trained, health personnel with certification in community health, nursing, nutrition, Sociology, anthropology, social work, community development or public health

21 (1) The responsibilities of a community health assistant/officer include to-

Duties and responsibilities of Community health assistant/officers

- (a) provide technical support to community health volunteer and technical support team,
- (b) facilitate the provision of quality services by community health workers and ensuring smooth referral mechanism linking the community to health facilities,
- (c) oversee the selection of community health volunteer,
- (d) organize and facilitate community health volunteer training,
- (e) monitor the management of community health volunteer kit,
- (f) support the community health volunteer in assigned tasks and coaching them to ensure achievement of desired outputs and outcomes,
- (g) compile reports generated through community health services on Ministry of Health reporting tools and forwarding them to Level 2 and Level 3 facilities for uploading in DHIS and for use within the community health unit for dialogue and planning that leads to actions to improve identified issues, and
- (h) follow up and monitor actions emerging from dialogue and planning sessions, to ensure their implementation

22 (1) A community health volunteer shall be nominated at community health unit level by members of the community under the guidance of the community health assistant/officer

Nomination and appointment of Community Health Volunteers

(2) The nomination shall be conducted during a public meeting convened by the assistant chief who has jurisdiction over the relevant area, and where members of

the public have a right to attend and participate

(3) The assistant chief shall undertake the functions in sub-section 2 until such time when village administrators are appointed

(4) Upon nomination, the member shall be appointed in writing by the county executive committee member for health

(5) The term of service of a community health volunteer shall be as may be prescribed

23 (1) A person qualifies to be recruited as a community health volunteer if the person-

Qualification of
Community Health
Volunteers

- (a) is a Kenyan who has attained the age of eighteen years and above and is not more than 60 years of age,
- (b) is ordinarily a resident of, or carries on business within, the community health unit,
- (c) is generally accepted by the local community as an honest and upright citizen,
- (d) is able to communicate and write in the English or Kiswahili languages and the predominant local language,
- (d) undertakes in writing to provide volunteer community health services in accordance with this Act, regulations and any guidelines provided,
- (e) agrees to undergo relevant training for the purpose of equipping the person with the relevant knowledge and skills for undertaking community health volunteer practice, and
- (f) attends such trainings as may be prescribed by the Executive Committee member, or determined by the County Community Health Services Committee

(2) A person shall not continue serving as a community health volunteer if the person fails without reasonable cause to undergo the training when the opportunity avails for that purpose

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24 A community health volunteer shall-

- (a) educate individuals or members of households within the community health unit on healthy living practices,
- (b) provide first aid with support and guidance of a community health assistant/officer,
- (d) where appropriate, refer a case of ill-health to a relevant health facility where it appears there is need for medical attention,
- (f) participate in income-generating programmes that may be undertaken within a community health unit,
- (g) visit with households, in a programmed and systematic manner, to provide guidance on individual Family or public health issues,
- (h) maintain a household health register and keep records of all community health-related events,
- (i) promote good reproductive health practices within households or the community,
- (j) keep relevant records and submit reports to the community health assistant/officer,
- (k) Perform any other roles that may be assigned under a written law or by the community health assistant/officer

Duties and
responsibilities of
Community Health
Volunteers

25 (1) A community health volunteer shall serve under the general direction and guidance of the relevant community health extension worker

Geographical
jurisdiction of
community health
volunteers

(2) A community health assistant/officer shall assign to a community health volunteer such number of households within the community health unit as shall be prescribed by regulations

26 (1) The position of community health volunteer is not a remunerative position subject to the provisions of subsection

Remuneration of
Community Health
Volunteers

(2) despite subsection (1) a community health volunteer shall be paid such allowances as are sufficient to defray expenses reasonably incurred in the discharge of a

function under this Act

(3) The allowances payable in subsection (2) shall not be less than such sum as the County Executive Committee Member shall set, upon consultation with the County Public Service Board

27 (1) The services of a community health volunteer may be terminated on any of the following grounds

Termination of
services

(a) persistently failing to perform an assignment that is their responsibility to perform,

(b) Breach of terms of service or a code of conduct established under this Act,

(c) Inability to render services due to physical or mental incapacity

(2) A community health volunteer may resign in writing addressed to the secretary of the relevant community health committee

28 (1) Every community health volunteer is required, upon appointment, to undergo such training as may be prescribed, for the purpose of enabling them to discharge their functions more effectively

Curriculum and
training

(2) The County government shall, in consultation with the national government and other stakeholders, prepare a curriculum for the purpose of training community health volunteer

(3) The County Executive Committee Member may prescribe additional requirements relating to training of community health volunteer

**PART V—ESTABLISHMENT, MANAGEMENT,
AND ADMINISTRATION OF THE COMMUNITY
HEALTH SERVICES FUND**

29 (1) There is established the County Community Health Services Fund

Establishment of the
Fund

(2) There shall be paid into the Fund—

(a) monies received by the Fund in the form of donations, endowments, grants and gifts,

(b) amounts appropriated by the County Assembly for that purpose,

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(c) amounts payable to the County Committee for Health out of the Devolution Fund, and

(d) any other amount paid to or received by the Committee

30 (1) The Fund shall vest in and be administered by the County Community Health Services Committee

Administration of the Fund

(2) In administering the Fund, the Committee shall, with the approval of the Executive Committee Member-

(a) set policies and strategies for the applications of the Fund,

(b) define eligibility criteria for the Fund to finance county community health services,

(c) set out procedures to ensure gender and intergenerational equity in access to monies from the Fund, and

(d) issue to community health committees other procedures and requirements for effective and transparent administration of the Fund,

(e) require community health committees to make periodic and other reports concerning the use of the funds allocated to them

31 The County Executive Committee member for finance shall designate the Chief Officer in the meantime responsible for Health as officer responsible for administering that fund

Officer designated to administer the fund

32 The administrator shall,

(a) ensure that the earnings of, or accruals to a county public fund are retained in the fund, unless the County Executive Committeemember for finance directs otherwise,

Duties and responsibilities of officer administering the fund

(b) ensure that money held in the fund, including any earnings or accruals referred to in paragraph (a) is spent only for the purposes for which the fund is established,

(c) prepare accounts for the fund for each financial year,

(d) not later than three months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General,

(e) present the financial statements to the county assembly, and

(f) the accounts for the fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time

33 (1) At least three months before the commencement of each financial year, the Committee shall cause to be prepared estimates of the revenue and expenditure of the Fund for that financial year

Estimates of the Committee's income and expenditure

(2) The annual estimates shall make provisions for all the estimated expenditure of the Fund for the financial year and in particular, the estimates shall provide for—

(a) the amount set aside for new projects or programmes,

(b) the amount expected to be raised through donor support and other sources

(3) The annual estimates shall be tabled before the County Executive Committee member within 14 days for approval

(4) No expenditure shall be incurred out of the Fund except in accordance with the annual estimates approved under subsection (3), or with prior written approval of the County Executive Committee member

34 (1) The Committee shall minute the disbursements out of the Fund

Disbursements of the Fund

(2) Disbursements out of the Fund shall be for specific programmes or projects submitted by the respective community health committees by way of proposals as may be prescribed

(3) The record of the amounts received by each community health committee and the record of expenditure of amounts so received shall be submitted to the Committee within thirty days after the close of the relevant financial year together with a copy of the relevant bank statements and no disbursements for the succeeding financial year shall be made into the accounts until the said records are duly received

35 The administrative costs of the fund shall not

Administrative Costs

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exceed three per cent of the total fund

36 (1) The County Executive Committee member for finance may wind up the fund with the approval of the county assembly

Winding up of the fund

(2) On the winding up of a county public fund—

(a) the administrator of the fund shall pay any amount remaining in the fund into the County Exchequer Account, and

(b) the County Executive Committee member for finance shall, with the approval of the county assembly, pay any deficit in the fund from the County Exchequer Account

PART VI- MISCELLANEOUS PROVISIONS

37 (1) A community health volunteer may not-

Prohibitions and offences

(a) administer to a member of a community medication that is not authorised under Community Health Services Strategy and or Policy,

(b) conduct deliveries for pregnant women,

(c) negligently handle property entrusted to them for the purpose of delivering services to the community,

(d) use any of the tools, gadgets or properties under their custody for any other purpose other than the delivery of community health services,

(e) solicit financial or other reward for personal gain whether or not in recognition of effort in delivering services to the community,

(f) withdraw their services as volunteers without giving notice of intention to do so,

(g) except in a case of emergency, enter a home or premises occupied by a person earlier than 8 o'clock in the morning or later than 6 o'clock in the afternoon, or

(h) engage in any other activities that are not related or incidental to community health services

(2) A community health volunteer who contravenes any of the provisions of this regulation commits an offence and is liable on conviction to a fine not exceeding shillings fifty thousand or to a term of imprisonment not exceeding

three months or to both such fine and imprisonment

38 Any person, being a community health volunteer or extension worker, who falsifies any data or information collected by in the course of duty commits an offence and is liable on conviction to a fine not exceeding shillings fifty thousand or to a term of imprisonment not exceeding three months or to both such fine and imprisonment

Falsifying records

39 The County Executive Committee Member may make regulations, with the approval of the County Assembly, generally for the better carrying out of the objects of this Act

regulations

40 (1) A person who, immediately before the coming into force of this Act, was a community health volunteer shall continue to act as such until the termination of the engagement as may be determined by the Executive Committee Member or until the attainment of 60 years, whichever is earlier

Savings and transitions

(2) A person whose contract or service expires under this Act may be re-appointed in accordance with the provisions of this Act