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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**KERICHO COUNTY BILLS, 2024**

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**THE KERICHO COMMUNITY HEALTH SERVICES BILL, 2024**

**A Bill for**

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

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

**PART I—PRELIMINARY PROVISIONS**

**Short title and commencement**

1. This Act may be cited as the Kericho County Community Health Services Act, 2024 and shall come into force upon its publication in the *Kenya Gazette*.

**Interpretation**

2. In this Act, unless the context otherwise requires—

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

“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;

“community health” means the first level of healthcare provision in Kenya that is constituted of: interventions focusing on building demand for existing health and related services, by improving community awareness and health seeking behaviors, and taking defined interventions and services closer to the community and households;

“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 based health services” means health care services that can be provided to people in their communities and includes health education, health promotion, disease prevention, mental-health services, emergency health services, addiction services, public-health services, homecare, long term care, rehabilitation services, palliative care services and 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 behavior 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 the primary health structure serving a community and served by such community health officers and community health workers as the respective county executive committee member shall determine;

“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 this Act;

“County Government” means the County Government of Kericho;

“Fund” means the fund established under Section 29 of this Act;

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

“Household” means a social unit which shares the same socio-economic needs associated with consumption and production;

“Ring-fenced funds” means funds dedicated for primary health care services at community level.

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**Purpose of the Act**

**3.** The purpose of this Act is to—

- (a) provide a framework for the effective delivery of integrated, comprehensive and quality community health services within 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 this Act for the realisation of the right to health at the community level;
- (d) entrench the role of community health workers as extension workers in the provision of basic health care at the household level;
- (e) develop mechanisms and criteria for recognition, certification and accreditation of community health workforce;
- (f) provide a framework for the financing of community health services;
- (g) provide a framework for the conferment of community members with basic skills that will enable them render basic health services within their communities;
- (h) 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
- (i) improve the quality-of-service delivery of community health services to address determinants of health with a goal toward reducing socio-economic health disparities.

**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 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 — RIGHTS, DUTIES, AND RESPONSIBILITIES**

### **Obligations of the County Government**

**5.** (1) Every person residing within the County has a right to access basic health care services to be provided by the County Government.

- (2) The County Government shall—
  - (a) ensure that the rights of the county residents as provided under Article 43 of the Constitution are progressively realized through mobilizing resources necessary for the delivery of community health services.
  - (b) implement the National policy and standards on community health services including establishing 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 health care information;
  - (e) develop and implement County specific programs and strategies that promote access to community health service and collaborate with such entities as it may be considered necessary;
  - (f) co-ordinate the implementation of educational programmes for the community health workforce and avail resources required for

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the participation of the community health workforce in the programmes; and

- (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;

(3) In ensuring that the County Government meet its obligations under subsection 2, the county 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 county specific 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 within the respective 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 respective 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 sensitization programmes on community health services and the role of community health workforce in the county; and
- (m) perform such other functions as may be necessary for the implementation of this Act.

(4) The county executive committee member may, for the effective performance of the functions under sub-section (2), delegate in writing the performance such functions as may be necessary to a public officer within the county public service or to a committee appointed under section 10 of this Act.

### **Responsibilities of community Health workers**

**6.** (1) A Community Health Assistant/Officer or a Community Health Volunteer shall, in relation to community health—

- (a) provide information to a patient on the available treatment or health care facilities in relation to diagnosed condition as well as the risks and costs involved;
- (b) to promote good reproductive health practices within households or the community;
- (c) 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;
- (d) Sub-section (c) shall not be applicable where—
  - (i) disclosure of information obtained from, or on behalf of a patient, is so ordered by a court of law; or
  - (ii) 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.

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

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**Duty to Obtain Consent**

7. (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.

(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 fifty thousand shillings, or to a term of imprisonment not exceeding three months, or to both.

**Duties and Responsibilities of individuals**

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

- (a) participate in community organized 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, household 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**

**Establishment of County Community Health Services Community  
Committee**

9. (1) There is the established County Community Health Committee.
- (2) The Committee shall comprise of—
- (a) the Chief Officer for the time being responsible for health or his/her nominee in writing who shall be the secretary;
  - (b) a community health worker nominated by the community health workers within that community health unit;

- (c) a representative of persons living with disability within the county;
  - (d) a representative of the marginalised communities within the county;
  - (e) one person representing the women groups in the county;
  - (d) one person representing the inter-religious organizations in the community nominated by an inter-religious organization with the largest membership;
  - (e) a representative of the civil society dealing with health matters;
  - (f) a representative of public health officers;
- (3) 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;
  - (b) is a diploma holder from a recognized institution in Kenya; and
  - (c) is not disqualified under any written law in Kenya from being appointed into a public office.
- (4) The members of the committee shall elect the chairperson of the committee from amongst the persons appointed under sub-section (2) (b) to (f).
- (5) The county executive committee member shall appoint the persons elected and nominated under (2) (b) to (e) by notice in the *Gazette*.
- (6) In appointing the committee under sub-section (2), the county executive committee member shall ensure that the committee shall not have more than two thirds of one gender represented.
- (7) Except for a person who is a member of the committee by virtue of their office, an appointed member shall hold office for a term of three years and shall be eligible for re-appointment for one further term.
- (8) The community health committee shall conduct at least two public forums in the community in each year for the purpose of providing information on the operations and activities of the community health committee and seeking input from the public.

### **Functions of the Committee**

- 10.** (1) The Committee shall be responsible for the coordination and implementation of community health services within the county.
- (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;
- (c) creating a community health profile that identifies the deficiencies and strengths of the community with respect to factors that affect health, including income and social status, social support networks, education, employment, physical environments, inherited factors, personal health practices and coping skills, child development and health services in the community;
- (d) develop strategies on delivery of community health services;
- (e) managing, or assisting in the management of community health grants on behalf of the executive committee member, or with the approval of the executive committee member;
- (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 the County Executive Committee member may authorize pursuant to this Act.

#### **Meetings of the Committee**

11. (1) The Committee shall meet quarterly.
- (2) The quorum for the Committee sittings shall be simple majority.
- (3) The Committee shall cause proper records to be kept of all its proceedings. (4) Except as provided under this part, the Committee shall regulate its own proceedings.

### **PART IV—COMMUNITY HEALTH PERSONNEL**

#### **Community Health Assistant/Officer**

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

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**Qualifications and Appointment of Community Health Assistant/Officer**

**13.** A person shall not be appointed as a Community Health Assistant/Officer unless the person—

- (a) is a Kenyan citizen and an ordinary resident within the county; and
- (b) is a trained health personnel with certification in community health; nursing;
- (c) nutrition; sociology; anthropology; social work, community development or public health.

**Duties and Responsibilities of Community Health Assistant/Officer**

**14.** The responsibilities of a Community Health Assistant/Officer include—

- (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 District Health Information Software 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.

**Nomination and Appointment of Community Health Volunteers**

**15.** (1) Community Health Volunteers shall be nominated at Community Health Unit level by members of the community.

(2) The nomination shall be conducted during a public meeting convened by the Chief and Ward Administrator.

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**Qualification of Community Health Volunteers**

**16.** (1) A person shall be eligible for selection as a Community Health Volunteer if the person—

- (a) is a Kenyan citizen;
- (b) has been a resident of, or carries on business within the community for a continuous period of not less than one year prior to the selection date;
- (c) is not disqualified for appointment to office by the provisions of this Act or any other law;
- (d) is above the age of 18, responsible and a respected member of the community;
- (e) is literate and fluent in English or Kiswahili languages or able to communicate with the local community; and
- (f) undertakes in writing to provide volunteer community health services in accordance with this Act.

**Obligations of Community Health Volunteers**

**17.** A Community Health Volunteer shall perform the following obligations—

- (a) exercise diligent care of their clients and their own health and safety;
- (b) ensure that their conduct does not adversely affect the health and safety of others;
- (c) comply with any reasonable instructions that are issued to them by their Community Health Assistant or Community Health Officer; and
- (d) ensure compliance with all the health policies and regulations relating to the performance of their duties.

**Duties and Responsibilities of Community Health Volunteers**

**18.** A Community Health Volunteer shall—

- (a) educate individuals or members of households within the Community Health Unit on healthy living practices, including and not limited to—
  - (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 immunization;
  - (iv) the prevention, transmission and management of communicable diseases;and
  - (v) the prevention and management of non-communicable diseases;
- (b) provide first- aid with support and guidance of a Community Health Assistant/Officer;
  - (c) where appropriate, refer a case of ill-health to a relevant health facility where itappears there is need for medical attention;
  - (d) participate in income-generating programmes that may be undertaken within aCommunity Health Unit;
  - (e) visit household, in a programmed and systematic manner, to provide guidance on individual family or public health issues;
  - (f) maintain a household health register and keep records of all community health-related events;
  - (g) promote good reproductive health practices within household or the community;
  - (h) keep relevant records and submit reports to the Community Health Assistant/Officer;
  - (i) perform any other roles that may be assigned under a written law or by the Community Health Assistant/Officer.

### **Geographical jurisdiction of Community Health Volunteers**

**19.** (1) A Community Health Volunteer shall serve under the general direction and guidance of the relevant Public Health Officer in conjunction with the facility in charge.

(2) A Public Health Officer shall assign to a Community Health Volunteer such number of household within the Health Unit as shall be prescribed under theregulations.

### **Remuneration of Community Health Volunteers**

**20.** (1) The position of Community Health Volunteer is not a remunerative position.

(2) Notwithstanding sub-section (1), the Executive Committee Member shall, with the consent of the Executive Committee Member for Finance, provide a stipend inclusive of an annual National Health Insurance.

(3) In addition to sub-section (2) the County Government shall provide the Community Health Volunteers with the necessary tools and apparatus including but not limited to; hand gloves, sanitizers, thermo guns, first aid kits, identification jackets and badges.

(4) The Executive Committee Member may review the stipend provided under sub-section (2) as need arises.

**Terms of services**

**21.** (1) A Community Health Volunteer shall perform the duties of the office for a period of time as shall be determined by the committee taking into consideration the views of the community members within a Community Health Unit.

(2) A Community Health Volunteer shall be released from employment on the following grounds—

- (a) resigns from office in writing to the chairperson of the Community Health Committee;
- (b) upon conviction of a criminal offence;
- (c) upon relocation to a different community;
- (d) breach of terms of service or a code of conduct established under this Act; and
- (e) upon death or if unable to discharge his or her duties due to physical or mental incapacity.

(2) A vacancy arising in the Community Health Unit shall be filled within period of 30 days in accordance with the provision of Section (20).

**Funds**

**22.** (1) The funds for financing the implementation of this Act shall consist of —

- (a) such monies as shall be appropriated by the County Assembly for that purpose;
- (b) such grants or transfers as may be received from any lawful source;
- (c) grants and donations received from development partners; or
- (d) such other monies received from national government as conditional or non-conditional grants, for services rendered to clients in accordance with the established systems.



**PART V—MISCELLANEOUS PROVISIONS****Prohibitions and Offences**

**23.** (1) A Community Health Volunteer may not—

- (a) administer to a member of a community medication that is not authorized under Community Health Services Strategy and or Policy;
- (b) conduct deliveries for pregnant women;
- (c) negligently handle properties 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 service;
- (e) solicit financial or other reward for personal gain whether or not in recognition of effort in delivering services to the community;
- (g) withdraw their services as volunteers without giving notice of intention to do so;
- (h) 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
- (i) 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 section commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings, or to a term of imprisonment not exceeding three months, or to both.

**Falsifying Records**

**24.** Any person, being a Community Health Volunteer or extension worker, who falsifies any data or information collected in the course of duty commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings, or to a term of imprisonment not exceeding three months, or to both.

**Submission of Report**

**25.** 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.

**Regulations**

**26.** The County Executive Committee Member may make regulations, for the better carrying out of the objects of this Act.

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**Savings and Transitions**

**27.** (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 expiry of the duration for which the person is engaged.

(2) A person who served as a Community Health Volunteer or Community Health Committee Member before coming into force of this Act and whose contract of service expires under this Act, may be re-appointed in accordance with the provisions of this Act.

**MEMORANDUM OF OBJECTS AND REASONS****Statement of Objects and Reasons**

The purpose of this legislation is 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.

**Statement of the delegation of legislative powers and the limitations of fundamental rights and freedoms**

The Act does not delegate legislative powers neither does it limit any fundamental right and freedom.

**Statement of how the Act concerns County Government.**

The Act concerns the County Government of Kericho in line with Article 186(1) of the Constitution of Kenya and the Fourth Schedule Part-2 which fully devolves health functions to the County Governments.

**Statement as to whether the Act is within the meaning of Article 114 of the Constitution**

The Act is a money Act within the meaning of Article 114 of the Constitution.

**Statement of financial implication**

The Act has financial implication as it seeks to establish a fund in consonance with the provisions of the Public Finance Management Act, 2012 and the Public Finance Management Regulations.

ERICK BII,  
*Chairperson, Health Services Committee.*