

THE LAMU COUNTY HEALTH SERVICES AND COMMUNITY HEALTH ACT, 2023

An Act for

AN ACT of the County Assembly of Lamu to provide for the establishment of structures and functions for efficient, effective and sustainable delivery of health services and for connected purposes.

ENACTED by the County Assembly of Lamu as follows—

PART I - PRELIMINARY

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| Short title and commencement | 1. This Act may be cited as the Lamu County Health Services and Community Health Act, 2023 and shall come into force upon publication in the <i>Kenya Gazette</i> . |
| Interpretation | 2. In this Act, unless the context otherwise requires-
“Community health assistant/officer” means an employee of the county government forming a link between the community and the local health facility;
“Community health unit” means a primary health service delivery structure located within the county health system comprising of at least five hundred households;
“County” means Lamu County;
“County Executive Committee Member” means the County Executive Committee Member responsible for health services;
“Chief Officer” means Chief Officer responsible for health services;
“Department” means the department responsible for health services;
“Disaster” means but is not limited to an adverse situation or event, which overwhelms local capacity for response and recovery, necessitating external assistance;
“Health facility” means a county health establishment which provides health services and includes hospitals, health Centres, mobile clinics, dispensaries and public health offices;
“Household” means the smallest entity of service delivery in the community health unit;
“Referral” means an interlinked network of service providers and facilities that provide a continuum of care for acute and chronic health conditions; and
“Stipend” means honorarium or allowances given to community health volunteers. |

- Objects and purposes of the Act
3. (1) The objects and purposes of this Act are to-
- (a) create the necessary institutional and coordination framework to encourage and facilitate the provision of health care services;
 - (b) provide and facilitate for human resources, training and research for health;
 - (c) ensure sustainable access to quality and comprehensive health care for the residents of the County; and
 - (d) provide a framework for the effective delivery of integrated, comprehensive and quality community health services in the county.

PART II – COUNTY HEALTH DEPARTMENT

- County department responsible for health
4. (1) There shall be a department in the County responsible for health.
- (2) The County Executive Committee Member shall be in-charge of the management and coordination of the functions of the department.
- (3) The Chief Officer shall be responsible to the County Executive Committee Member for the administration of the department and shall be the authorized officer in respect of exercise of delegated power.

- Functions of the department
5. (1) Further to the functions assigned by the Constitution and other written Laws, the department shall be responsible for-
- (a) developing laws, policies and administrative procedures for health;
 - (b) coordinating and implementing health policies and programmes;
 - (c) developing guidelines to facilitate equitable access to County health services by the vulnerable and marginalized groups;
 - (d) maintaining a health management information system;
 - (e) providing efficient, effective and affordable health services; and
 - (f) such other functions provided in this Act or any other Act.

County Directorates of Health

6. There shall be offices of the County Directorates of Health in the County consisting of Director Medical Services, Director of Nursing Services and Director of Preventive & Promotive Services, whose implementation may be phased and guided by availability of funds and decision by the county executive committee. The County Executive Committee may also create any other office within this framework to improve service delivery.

Functions of the county directorates of health

7. (1) The functions of the respective County Directorates of Health shall be to-

- (a) offer technical advice on all health related and applicable matters to the County Executive Committee Member;
- (b) supervise all respective health services within the County;
- (c) promote public health prevention, limitation and suppression of infectious, communicable, non-communicable or preventable diseases within the County;
- (d) prepare and publish reports and statistics on public health and disease surveillance in the County; and
- (e) in consultation with the respective Chief Officer submit periodic reports to the County Executive Committee Member on all cases of disease outbreaks, disaster and other health matters.

Recruitment of county directors of health

8. The County Directors of Health shall be competitively appointed by the County Public Service Board.

Qualifications for appointment of county director of health

9. (1) To be appointed a County Director of Health, a person must-

- (a) meet the requirements of chapter six of the Constitution;
- (b) be a holder of a Bachelor's degree in Public Health, Medicine or any other health related discipline;
- (c) be registered with the relevant professional body; and
- (d) Have at least five years' experience in management of health services.
- (e) Master's degree will be an added advantage.

- County health management team
10. (1) There shall be a County Health Management Team appointed by the county executive committee member for health and shall consist of-
- (a) county director of Medical Services, who shall be the chairperson;
 - (b) head responsible for administration and finance, who shall be the secretary;
 - (c) head responsible for preventive & Promotive services;
 - (d) head responsible for clinical services & primary health services;
 - (e) Head responsible for nursing services
 - (f) head responsible for monitoring and evaluation for health;
 - (g) head responsible for health commodities;
 - (h) head responsible for human resource for health; and
 - (i) not more than three technical officers from the department to be appointed by the Chief Officer in consultation with the County Executive Committee Member.
- (2) A technical officer appointed under subsection (1)(i) shall serve for the duration for which his services are needed.

- Functions of the county health management team
11. (1) The functions of the County Health Management Team shall be to-
- (a) coordinate the implementation of this Act and other health policies in the County;
 - (b) plan and budget for all health programmes in the County;
 - (c) provide support supervision to the management of the county health facilities;
 - (d) monitor and review performance of the health sector;
 - (e) mobilize for resources;
 - (f) facilitate county health facilities to comply with the established standards; and
 - (g) coordinate partners and stakeholders engagements in health sector in the county.

PART III – COUNTY HEALTH FACILITIES

- County health facilities
12. The County Executive Committee Member shall ensure there is equitable distribution of health facilities in the County.

- Categorization of county health facilities
13. (1) County health facilities shall be categorized as-
- (a) county hospital;
 - (b) sub-county hospital;
 - (c) health centre;

- (d) dispensary; or
- (e) public health office.
- (2) There shall be at least-
 - (a) one referral hospital in the County;
 - (b) one sub-county hospital in each sub-county; and
 - (c) three health centres and such number of dispensaries, public health offices and community health units as may be deemed necessary.

Establishment of hospital management board and health facility management committee

14. (1) For proper governance of public health facilities there shall be established-
- (a) a hospital management board for each county and sub-county hospital; or
 - (b) a health facility management committee for each health centre and dispensary.

PART IV - ACCESS TO HEALTH CARE SERVICES

Health care services

15. County department responsible for health shall ensure equitable access to quality health care services by all residents of the County.

Persons with disability

16. The County department responsible for health shall ensure persons with disability are provided with disability friendly services in health facilities.

Emergency Response & Referrals

17. (1) The department pursuant to its function under Section 5(e) of this Act shall-
- (a) establish an emergency response and referral unit to coordinate emergency response and referral services within the County;
 - (b) set the standards for emergency response and referral services; and
 - (c) develop and implement guidelines and strategies on the use and management of ambulances in the County.
- (2) The County Department responsible for health shall ensure availability and accessibility to high quality and cost effective emergency response and referral system.

PART V – COMMUNITY HEALTH SERVICES

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| Establishment of community health units | 18. (1) There shall be established Community Health Units under the directorate of medical services, for ease of delivery of health services in the County.
(2) A Community Health Unit shall comprise of not more than five hundred households and such number of Community Health Volunteers as shall be determined by the County Executive Committee Member. |
| Community health committee | 19. (1) There shall be a Community Health Committee which shall comprise of the following-
(a) the community health assistant or community health officer who shall be the secretary;
(b) one community health volunteer nominated by the community health volunteers in the community health unit, who shall be the treasurer; and
(c) three members to be nominated by the area residents in a public meeting to be convened by the county director of health or his appointed representative.
(2) There shall be representation of the youth, disabled, women and the marginalized groups in the Community Health Committee.
(3) The chairperson of the Community Health Committee shall be nominated by members on their first meeting. |
| Qualification nomination for members | 20. (1) A person shall not be nominated a member of the Community Health Committee unless-
(a) is a person of integrity and good standing;
(b) is a resident of the community; and
(c) can read and write. |
| Term of office | 21. Members of the Community Health Committee shall hold office for a term of three years renewable once only with the exception of the community health assistant or community health officer. |
| Functions of the community health committee | 22. (1) The functions of the Community Health Committee shall be-
(a) to coordinate community health services in the community health unit;
(b) to provide leadership and oversight in the implementation of community health services;
(c) to prepare and present work plans to the link health |

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- facility management committee;
- (d) to plan and coordinate community dialogue and health action days;
- (e) to strengthen collaboration between the community health unit and the link facility;
- (f) to mobilize resources to promote sustainability of community health services; and
- (g) to create an enabling environment for implementation of community health services.

Meetings and quorum of the community health committee

23. (1) The Community Health Committee shall meet at least once every three months.
- (2) Notwithstanding the provisions of subsection (1) above, the chairperson may on the request of at least three members convene a special meeting.
- (3) The quorum for any meeting shall not be less than four members.
- (4) The Community Health Committee shall keep proper records of all its meetings.

Nomination of community health volunteers

24. The nomination of Community Health Volunteers shall be done in a public meeting convened by the County Director of Health or his authorized representative and the Community Health Committee.

Qualification for nomination of community health volunteers

25. (1) A person shall not be nominated a Community Health Volunteer unless –
- (a) is a citizen of Kenya;
 - (b) is 18 years and above;
 - (c) has been a resident of the respective community for a continuous period of not less than one year prior to nomination; and
 - (d) is literate or able to communicate with the local community.

Functions of community health volunteers

26. (1) A Community Health Volunteer shall perform the following functions-
- (a) educate members of the community health unit on how to improve their health and prevent illness by adopting good health practices;
 - (b) manage common ailments and minor injuries with the supervision and guidance of the community health assistant or officer;
 - (c) educate clients on the benefits of consistent compliance and adherence to treatment;

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- (d) trace defaulters to ensure compliance with health interventions including immunization, tuberculosis treatment, antiretroviral, malnutrition, antenatal among others;
- (e) trace and refer health-related cases to the nearest health facility;
- (f) promote appropriate home care for the sick under strict guidance and supervision of a qualified health professional
- (g) mobilize members of community health unit to adopt health promotion practices;
- (h) maintain household registers and keep records of community health related events;
- (i) promote good reproductive health practices within households or the community;
- (j) submit regular reports to the community health assistant or community health officer;
- (k) conduct community disease surveillance and response;
- (l) conduct community verbal autopsy; and
- (m) participate in quarterly community dialogue days and monthly action days.

Home visits

27. (1) In the performance of the functions in Section 26 of this Act, a community health volunteer-
- (a) may visit any household with the consent of the home owner; and
 - (b) shall identify himself by producing the community health volunteer identification badge.

Training of community health volunteers

28. The County Director of Medical services shall make necessary arrangements for the training and certification of community health volunteers using an approved curriculum.

Stipend for community health volunteers

29. The County Executive Committee Member in consultation with the County Executive Committee Member responsible for finance shall determine the amount of monthly stipend to be paid to Community Health Volunteers subject to availability of funds.

Notice to cease by Community Health Volunteer

30. A Community Health Volunteer may cease performing the functions in Section 26 of this Act by giving one month written notice to the secretary of the Community Health Committee.

Release of a community health volunteer

31. (1) A Community Health Volunteer shall be released from the performance of the functions in Section 26 of this Act, on the following grounds-

- (a) gross misconduct;
- (b) inefficiency;
- (c) incapacity to discharge his functions;
- (d) relocation to a different community; and
- (e) imprisonment for a period of not less than six months.

Offences

32. (1) A community health volunteer who-

- (a) falsifies records;
- (b) solicits money for services offered; or
- (c) impersonates a health care professional
- (d) commits an offence and shall be liable on conviction to a fine not exceeding Kenya shillings fifty thousand or to imprisonment for a term not exceeding six months or to both imprisonment and a fine.

PART VI – PREVENTION OF DRUGS AND SUBSTANCE ABUSE

Drugs and substance abuse coordinator

33. (1) There shall be a coordinator to oversee drugs and substance abuse prevention activities in the county.
(2) The coordinator shall be a registered public health officer to be appointed by the Chief Officer Public health/ Preventive & Promotive services

Functions of the coordinator

34. (1) The functions of the coordinator shall be-

- (a) conduct awareness meetings in learning institutions within the county;
- (b) initiate drug prevention advocacy groups in the county;
- (c) act as a link between the community and rehabilitation services for people who use and inject drugs;
- (d) enhance sustainability of drugs and substance abuse prevention through partnership and collaboration with development partners, stakeholders, learning and research institutions; and
- (e) collect data and publish reports and statistics on state of drug and substance abuse in the county.

PART VII – COUNTY WASTE MANAGEMENT

Waste Management

35. (1) The county department responsible for health shall-
- (a) organize for the collection, transportation, treatment and disposal of waste;
 - (b) establish such number of waste management facilities as it may deem necessary;
 - (c) issue license to waste management service providers and facilities; and
 - (d) keep a register of all licensed waste management service providers and facilities.
- (2) The license shall be valid for the prescribed period unless revoked on the following conditions-
- (a) disposing waste in undesignated disposal sites;
 - (b) operating without appropriate personal protective equipment; and
 - (c) violation of the Constitution and any written laws.
- (3) All households, business premises and institutions shall be responsible for segregation and delivery of their waste to the designated waste collection points.
- (4) No waste management service provider shall undertake any waste management activities in the County without a valid license issued by the County department responsible for health.
- (5) Any waste management service provider found in contravention of subsection (5) above shall on conviction be liable to a fine not exceeding Kenya shillings three hundred thousand or to imprisonment for a term not exceeding six months or to both a fine and imprisonment.
- (6) The County Executive Committee Member shall make regulations for the better carrying out of the provisions of this Section.

PART VIII – COUNTY HEALTH QUALITY ASSURANCE

County health quality assurance committee

36. (1) There shall be a County Health Quality Assurance Committee which shall comprise of the following-
- (a) county director of medical services, who shall be the chairperson;
 - (b) an officer-in-charge of public health;
 - (c) one person nominated by private health care providers;
 - (d) county health inspector; and
 - (e) officer in-charge of health quality standards, who shall be the secretary.
- (2) The County Health Quality Assurance Committee may co-

opt not more than two technical officers if it deems necessary.

Functions of the county health quality assurance committee

37. (1) The County Health Quality Assurance Committee shall have the following functions-
- (a) to inspect, monitor and evaluate the standard of services in health facilities both public and private;
 - (b) to enhance compliance of standards and technical requirements for health facilities and health professionals;
 - (c) to inspect health facilities to ensure compliance with occupational health and safety laws, rules, policies and standards;
 - (d) to put in place a grievance redress mechanism in health facilities;
 - (e) to advise on formulation of guidelines on delivery of quality health care including environmental health and sanitation;
 - (f) to support the development of benchmarks for service delivery in collaboration with national, regional and international bodies;
 - (g) to collaborate with regulatory bodies to enhance compliance of standards and technical requirements; and
 - (h) to prepare reports on compliance with the quality assurance standards and make recommendations to the relevant regulatory body.

PART IX- HEALTH PRODUCTS AND TECHNOLOGY SERVICES

County health products and technologies unit

38. There shall be a County Health Products and Technologies Unit.

Functions of the county health products and technologies unit

39. (1) The functions of the County Health Products and Technologies Unit shall be to-
- (a) ensure timely availability and accessibility of essential health products in all health facilities;
 - (b) ensure health products and technologies used within the health facility are of good quality;
 - (c) adopt appropriate measures to ensure cost effectiveness in products selection, quantification, procurement, warehousing and storage; and
 - (d) maintain logistic management information system.

Member of staff of the county health products and technologies unit

40. (1) The members of staff of the County Health Products and Technologies Unit, shall comprise of the following-
- (a) the unit head, who shall be a pharmacist;
 - (b) health economist;

- (c) procurement officer;
- (d) clinical pharmacist;
- (e) nutritionist;
- (f) health records and information officer;
- (g) commodity nurse;
- (h) representative from surgical and/or theatre department
- (i) representative radiology department;
- (j) representative laboratory department; and
- (k) public health officer.

PART X – HUMAN RESOURCE, TRAINING, RESEARCH AND DATA MANAGEMENT

- Human resource and training 41. (1) The County department responsible for health shall-
- (a) ensure all health facilities are adequately staffed;
 - (b) health care services are provided by qualified health professionals;
 - (c) ensure occupational safety and health of health service providers;
 - (d) undertake training needs assessment and training inventory for purposes of filling skill gaps in healthcare services; and
 - (e) put in place guidelines and systems on continuous training and development of health professionals.
- Deployment of staff 42. (1) Further to the other functions of the Chief Officer provided in this act and other laws, the Chief Officer may-
- (a) deploy staff of the department; and
 - (b) designate members in charge of health facilities, programmes, sections and units.
- (2) The County Executive Committee may make regulations for better carrying out into effects of the provisions of subsection (1) of this Section.
- Data management and research 43. (1) The County department responsible for health shall-
- (a) collect, collate, store and disseminate data and information on all health services offered;
 - (b) ensure the data collected is of quality;
 - (c) digitize the health management information systems; and
 - (d) invest on operational research for health.

PART XI – FINANCIAL PROVISIONS

- Funds 44. (1) The funds for financing the implementation of this Act shall consist of-

- (a) grants or transfers as may be received from the national government;
- (b) at least thirty percent of the County annual budget as may be appropriated by the county assembly;
- (c) grants and donations from development partners or other lawful sources;
- (d) monies received by the health facilities as user charges, fees or insurance payments; or
- (e) income generated from any project initiated by the health facility.

(2) The funds collected by a health facility under subsection (1) (c), (d) and (e) shall not be paid into the county revenue fund but shall be paid into a bank account operated by the health facility to defray its expenses.

PART XII – MISCELLANEOUS PROVISIONS

Savings and transition

45. (1) A person who immediately before the coming into force of this Act was a community health volunteer or community health committee member shall continue to act as such until the expiry of the term for which the person is engaged.
- (2) A person who was a member of the hospital management board or health facility management committee before the coming into force of this Act shall continue to act as such until the expiry of his term or the appointment of new committee members, whichever occurs first.