

**THE KILIFI COUNTY COMMUNITY HEALTH SERVICES
BILL, 2023**

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THE KILIFI COUNTY COMMUNITY HEALTH SERVICES Bill, 2023

A Bill for

A Bill of the County Assembly of Kilifi to give meaning to Article 43 (1) (a) of the Constitution of Kenya in respect to the promotion of community-based primary health care services and to provide for the establishment and restructuring of Community Health Units and the necessary institutional and regulatory mechanisms for effective and efficient delivery of community health services at the household level and for connected purposes.

ENACTED by the County Assembly of Kilifi, as follows—

PART I—PRELIMINARY

**Short
title**

1. This Act may be cited as the Kilifi County Community Health Services Act, 2023 and will come into effect upon publication in the Kenya Gazette.

2. In this Act unless specified -

Interpretation

“Chief Officer” means the Chief Officer responsible for Community Health Services; appointed under section 45 of the County Government Act, 2012.

“Community” means the area within an administrative unit of the county government consisting of such a number of households for the effective delivery of community health services.

“Community Health Services” means a broad range of primary health services delivered at household and community levels through a community health unit that include but are not limited to the services listed under section 13 of this Bill;

“Community Health Unit” means the first level of health care comprising a minimum of 50 households or clusters of villages that form a Sub Location as per National Government, established under section 5 of this Bill or as may from time to time be designated by the County Executive committee Member.

“Community Health Referral System” means an interlinked network of community health units and health facilities that provide a continuum of care for essential health services as well as other related issues;

“Community Health Volunteer” means a person selected by the community based on set criteria defined by this Bill and has undertaken relevant training to offer Community-based health care services at the community level;

“**Community Health Committee Member**” means a trained member of a community who is selected by community members to provide leadership and governance to the Community Health Unit;

“**County Executive Committee Member**” means the County Executive Committee member responsible for matters relating to Health;

“**Community Health Personnel**” means a formal employee within the health system of Government appointed as per Scheme of Services for Community Health Personnel;

“**Director**” means County Director responsible for matters relating to community health services;

“**Fund**” means the Kilifi County Community Health Fund established under Section 37 of this bill;

“**Household**” means a social unit composed of people living together in the same dwelling unit and share a common pot of food;

“**Level One**” means a unit in health care services where primary health care services are offered at community level;

“**Link facility**” means the nearest health facility linked to the community health unit and acts as the community health support system and referral center;

“**Community Health Plan**” means a plan for community-based health services prepared by the community health unit committee for the improvement of health care at the community units or households;

3. The Object and Purpose of this Bill is to—

Object and Purpose of the

- (a) provide a framework for the effective coordination, governance and delivery of integrated, comprehensive and quality primary health care services at the community and household level;
- (b) provide for the establishment and restructuring of community health units within the county health system for the effective, efficient and sustainable delivery of community health services;
- (c) provide a framework for sustainable financing of community health services;
- (d) provide for mechanisms for functionality of the community health units in service provision;

- (e) Provide a coordination framework to encourage and facilitate, voluntary provision of community health care services.

Guiding principles

4. The application of this Bill shall be guided by the following principles-

- (a) Equity in distribution of community health services and interventions;
- (b) human rights approach;
- (c) participatory approach to delivery of community health services;
- (d) multi-Sectoral approach to realizing health goals;
- (e) county Government stewardship and support;
- (f) efficiency in application of health technologies;
- (g) community-ownership and social accountability;
- (h) gender, social inclusion and affirmative action;
- (i) private sector participation including public-private partnerships in provision of community health services;
- (j) universal provision and access to primary healthcare services;
- (k) monitoring and evaluation of the policies, strategies and programmes established to enable the realization of the right to health and suitability of interventions put in place to address any gaps in the delivery of community health care.

PART II –ESTABLISHMENT, ADMINISTRATION & COORDINATION OF COMMUNITY UNITS

Establishment of Community Health Units

5. There is established community health units which shall be the frontline primary health care service delivery;

Alteration of areas and link facilities

6. The county executive committee member in consultation with the county health management team, shall-
- a) alter the boundaries or population of a community health unit if need arises;
 - (b) by regulations, annex the whole or any part of a community health unit to another community health unit and a link facility;

COMMUNITY HEALTH MANAGEMENT TEAM FUNCTIONS, POWERS AND MEETINGS

7. (1) The powers and functions of the County Executive Committee Member in connection with the administration of this Bill shall be to-

Powers and functions of the County Executive Committee Member

(a) take action to promote access to community health services within the county;

(b) oversee the implementation and alignment to national policies, standards and guidelines for the delivery of quality sustainable community health services;

(c) operationalize and implement countywide strategies and programmes that promote community health services;

(d) cooperate and coordinate with relevant entities to promote and strengthen community health services, interventions or programmes;

(e) liaise with County Executive Committee Member Finance to appoint Fund Administrator for Community Health Services Fund;

(f) develop strategies for resource mobilization for the implementation of community health services;

(g) undertake workforce assessment to determine human resource needs and gaps to aid human resource planning and development necessary for effective delivery of quality community health services;

(h) perform such other function as may be necessary for the implementation of this Bill.

(2) The County Executive Committee member may establish county inter-agency coordination committee and technical working groups for purposes of ensuring proper coordination of the implementation of community health policies, strategies, plans and programmes.

8. (1) The functions of the Chief Officer responsible for community health services matters in connection with the administration of this Bill shall be to-

Functions of a Chief Officer

(a) provide the necessary administrative and financial resources to enable community health units and committees efficiently and effectively perform their functions under this Bill;

- (b) mobilize and disburse resources towards the operation and administration of this Bill;
- (c) advise the County Executive Committee member about proposed legislative or administrative changes related to community health services.
- (2) The Chief Officer may from time to time consult and cooperate with other persons or entities involved in the administration of this Bill.
- (3) The Chief Officer shall be required to prepare and submit to the County Executive Committee Member Financial reports and reports on community health services or such reports as may be required.
- (4) The Chief Officer may delegate their roles and responsibilities from time to time.

9. (1) The County Director of health services shall be designated in charge of county community health services.

(2) The functions of the county director of health services in connection with the administration of this Bill shall be to-

(a) advise the County Executive Committee member and Chief Officer on all matters relating to the delivery of community health services in the county;

(b) facilitate the formulation, implementation, interpretation and review of community health policies, strategies, programmes, guidelines, quality assurance and standards;

(c) map out potential partners, stakeholders and forge strategic collaboration and linkages with partners and stakeholders to support community health services;

(d) promote the integration of community health in the county integrated development plan, the annual work plans and other strategic documents;

(e) facilitate budgeting and ensure compliance with set budgetary guidelines;

(f) institute operational accountability, discipline, capacity building and performance management in the function including overseeing target setting for community health workforce;

(g) develop strategies for resource mobilization for the implementation of community health services;

**Functions of
the County
Director of
Health Services**

- (h) promote and coordinate community health workforce management and development to effectively implement community health services;
- (i) advise county executive committee member and chief officer on community health units required including the financial requirements for sustainability of the community health.

10. (1) The County Health Management Team coordinates all health matters including Community Health Services.

**Roles of the
County
Management
Teams**

(2) The Community Health Management Team shall provide an enabling environment for operationalization of Community Health Services. Their roles shall be to-

- (a) facilitate planning, operationalization and implementation of community health policy and monitor, evaluate and review implementation of community health work plans;
- (b) facilitate training and capacity building of community health workforce in line with national government guidelines;
- (c) provide support supervision, coaching, mentoring and quality control;
- (d) conduct human resource and performance management including rewards and stipends;
- (e) mobilize resources for purposes of efficient management of community health services;
- (f) advise the county executive committee member on matters of general community health policy;
- (g) perform any other functions assigned to under this Bill.

(3) The County Director of Health and sanitation services shall be responsible for coordination and management of Community Health Services at the county level.

11. (1) The Sub-County Health Management Team coordinates all health matters at the sub-county including Community Health Services.

**Role of the
Sub-County
Health
Management
Team**

(2) The Team shall provide an enabling environment for operationalization of Community Health Services. Their roles shall include:

- (a) Planning and resource allocation;
- (b) Distribution of supplies;
- (c) Training;

- (d) Support supervision, coaching and mentoring and quality control; and
- (e) Monitoring and Evaluation.

(3) Each county shall designate an officer to be responsible for coordination and management of Community Health Services at the sub-county level.

(4) The sub-county community health management team shall report to the County Community Health Management Team.

PART III - COMMUNITY HEALTH SERVICES

Duty to provide Community Health Services

12. The County Government shall provide community health services in the County to ensure the progressive realization of the right to health of county residents at the community level as provided for under Article 43 (1) (a) of the Constitution.

13. The scope of Community Health Services shall include but not limited to-

Community Health Services

- (a) health education and health promotion;
- (b) disease prevention and control;
- (c) mental health and psychosocial support services;
- (d) nutrition promotion;
- (e) emergency health and referral or linkage services;
- (f) health services defaulter tracing;
- (g) sensitization on addictions of drugs;
- (h) home based care services including; long term care, rehabilitation services, palliative care and minor ailments;
- (i) treatment of minor illness and injury in relation to primary care;
- (j) social accountability;
- (k) sexual and reproductive health services;
- (l) community surveillance of diseases and events of public health importance;
- (m) community maternal and perinatal death surveillance and review;
- (n) community maternal new born child health;
- (o) integrated community case management of childhood illnesses;
- (p) hiv and aids;
- (q) water, sanitation and hygiene;
- (r) community Health Products and Technology;

(s) any other services as approved by the County Executive Committee Member.

PART IV - COMMUNITY HEALTH WORKFORCE

14. The county government shall secure efficient, ethical, equitable health workforce to support the implementation of quality sustainable community health services which shall comprise of -

- a) community Health Personnel;
- b) community Health Committee members and;
- c) community Health Volunteers.

**Establishment
of community
health
workforce**

15. The county government shall appoint and deploy adequate and qualified community health personnel who shall-

- (a) oversee community health services at the county, sub-county and ward levels and provide technical support, training, coaching and mentorship to community health volunteers under their supervision;
- (b) accompany community health volunteers during household visits, spot checks and one to one feedback sessions, support supervision and recommend appropriate action for identified defaulters of health interventions;
- (c) facilitate community health diagnosis, research and functionality assessment of community health units using standard tools; receive, analyze and validate data and information from community units and submit reports;
- (d) monitor and evaluate the implementation of community plans, programmes and activities and carry out advocacy and resource mobilization activities for community health services;
- (e) facilitate and oversee the selection and training of community health workers/volunteers; monitor the use and management of community health commodities including community health workers'/volunteers' kits;
- (f) coordinate the implementation of community health activities by the community health units, stakeholders and implementing partners;
- (g) maintain and update community unit health profiles and registers and maintain records of community health in the community health unit resource centre;
- (h) plan and coordinate community health unit meetings in collaboration with other stakeholders as well as convene and coordinate quarterly dialogue and health action days and follow up actions;
- (i) perform such function as the County Executive Committee member may assign.

**Appointment of
Community
Health
Personnel**

**Establishment
of Community
Health
Committee**

16.(1) There is established a Community Health Committee in every Community Health Unit;

(2) The Community Health Committee shall consist of-

- (a)** one representative of religious organizations;
- (b)** one representative of cultural groups;
- (c)** one representative of women;
- (d)** one Community Health Assistant;
- (e)** one person representing the youth;
- (f)** one person representing the persons with disability;
- (g)** one Community Health Volunteer;
- (i)** the committee may co-opt one member proposed by the community.

(3) The persons referred to in subsection (2) (a), (b), (c), (e) and (f) shall be selected in such manner and shall have such qualifications as the Community Baraza may prescribe.

(4) The quorum of the Community Health Committee shall be one half of the total membership.

(5) Whenever a vacancy occurs in the Community Health committee, the vacancy shall be filled from the same category of persons where the vacancy has occurred within a period of thirty days.

(6) The Community Health committee shall meet at least four times in a year but the committee shall not hold more than nine meetings in the same financial year.

(7) A member of the Community Health committee may be removed from office on any of the following grounds-

- (a)** lack of integrity;
- (b)** gross misconduct;
- (c)** embezzlement of public funds;
- (d)** bringing the committee into disrepute through unbecoming personal public conduct;
- (e)** promoting unethical practices;
- (f)** causing disharmony within the committee;

(g) physical or mental infirmity.

- (8) A decision to remove a member under subsection (7) shall be made through a resolution of members of the Community and the member sought to be removed shall be given a fair hearing before the resolution is made.
- (9) A vacancy arising as a result of the removal of a member under subsection (7) shall be filled in the manner set out in subsection (5) and minutes of the meeting shall indicate the fact of the removal or appointment of a member.

17. A person shall be eligible to be elected to serve in the committee if the person—

**Selection
criteria for the
Community
Health
Committee**

- (a) has attained at least form four level education or its equivalent;
- (b) is a resident in the relevant community health unit of at least one year;
- (c) is not disqualified under any written law in Kenya from being appointed into a public office; and
- (d) meets such other requirements as the county executive committee member may, by regulation, prescribe.

18. The Community Health Committee shall coordinate and oversee community health in the county and in this connection shall-

**Functions of
the
Community
Health
Committee**

- (a) provide leadership and oversight in the implementation of health and other related community services;
- (b) prepare and present the Community Health Unit annual work-plans and operational plans to the link facility health committee;
- (c) plan, coordinate and conduct community dialogue and health action days;
- (d) work with the link facility to promote facility accountability to the community;
- (e) hold quarterly consultative meetings with the link facility;
- (f) create and enable environment for implementation of community health services;
- (g) mobilize resources for sustainability.
- (h) conflict resolution

19. The term of office of the members of the Community Health committee shall be three years renewable once for a maximum of two terms unless the community decides otherwise and shall expire only upon the appointment of a new Community Health committee in the manner provided for in the Act.

Term of Office

**Remuneration
of Community
Health
Committee**

20. The members of the committee may be reimbursed for reasonable out of pocket expenses necessarily incurred by them in the performance of their duties Subject to any policy adopted by the county executive committee member of Health in consultation with the county executive committee member in charge of finance.

Community Health Volunteers

21. (1) There shall be a community health volunteer or such number of community health volunteers in a community health unit who were selected from among the community members that they serve.

(2) A community health volunteer shall serve under the general direction, supervision and guidance of a community health Personnel.

22. A community health volunteer shall-

(a) be selected by the community in a public *baraza*;

(b) be a citizen of Kenya;

(c) be above 18 years and of sound mind;

(d) meet the requirements of Chapter Six of the Constitution;

(e) have been a resident of the community health unit for a continuous period of not less than two years;

(f) be mature, responsible and a respected member of the community;

(g) be willing to volunteer services to the community;

(h) be able to read and write in any or both of the national languages and local language; except where not feasible;

(i) communicate in a language that can be understood by the community;

(j) be able to undergo a prescribed course or training as per guidelines; and

(k) meet such other criteria as the County Executive Committee member may prescribe by regulations made under this Act and any other applicable law.

23. The County executive committee member shall make necessary arrangements for the initial, continuous, training and certification of community health volunteers using an approved curriculum as per national guidelines.

24. (1) The County Executive Committee member shall assign to each community health volunteer households in localities in a manner as prescribed in regulations made under this Act to facilitate access to and ensure the effective delivery of quality community health services at the household and community level.

(2) Community health volunteer shall-

(a) sensitize the community on the importance of quality health services and healthy lifestyles;

Qualifications of Community Health Volunteer

Training and Certification of Community Health Volunteers.

Functions of Community Health Volunteers.

- (b) serve as a liaison between the community and the county health system;
- (c) collect, collate, monitor and analyze information on the health status and submit timely reports; to Community Health Personnel;
- (d) conduct community surveillance of diseases and events of public health importance;
- (e) provide appropriate health advice and recommend suitable intervention to the assigned household in a language that the member of the household understands, including advice on;
 - i) appropriate sanitation and hygiene techniques including household water safety and treatment;
 - ii) nutrition;
 - iii) maternal care including breastfeeding, family planning and immunization;
 - iv) the prevention, transmission and management of communicable diseases;
 - v) the prevention and management of non-communicable diseases;
 - vi) child protection; and
 - vii) any other relevant health information.
- (f) render basic treatment and first aid services and where necessary make referrals to the next level of care;
- (g) monitor the growth of children under the age of five years;
- (h) detect and treat common ailments and minor injuries as defined in the service package for tier one of the health systems;
- (i) participate in quality improvement activities in the community health unit to promote quality service provision;
- (j) provide lay counseling services and support on quality home-based care;
- (k) assist in coordinating quarterly community dialogue and health action days;
- (l) tracing defaulters to ensure compliance with health interventions and referrals; and
- (m) distribution of Health products. Perform such function as may be assigned by the County Executive Committee member in regulations made under this Act and any other applicable law.

25. A community health volunteer shall in the conduct of the functions specified under subsection 25 (2)—

**Code of
Conduct**

- (a) be ethical;
- (b) ensure confidentiality of all information gained under the office of the Data Protection Act;
- (c) ensure the accuracy of the information captured;
- (d) shall be a role model of good health behavior;
- (e) ensure access to personal data by persons to which that data relates if need be; and
- (f) appropriate dress code.

**Rights and
Responsibilities
of Community
Health
Volunteers**

- 26. (1)** Every community health volunteer has the right to—
- (a) be recognized as a frontline health care provider;
 - (b) serve under favorable and fair terms and conditions of service and to receive such remuneration as may be determined by provisions of this Bill;
 - (c) not incur out of pocket expenses while performing their functions;
 - (d) be equipped with relevant skills, capacities, tools, commodities and equipment;
 - (e) serve under a safe and secure environment; and
 - (f) be protected against exposure to occupational risk and injury while delivering services.
- (2)** Every community health volunteer shall exercise responsibility in the performance of his or her duties including but not limited to—
- (a) taking reasonable care for his or her health and safety;
 - (b) taking reasonable care to ensure that his or her conduct does not adversely affect the health and safety of others especially the vulnerable including children, persons with a disability, adolescents and young people, women and the elderly;
 - (c) complying with lawful instructions given by supervisors;
 - (d) adhering to prescribed health policies, procedures and standards of service;
 - (e) delivering quality services to all households as per prescribed guidelines and standards for level one, devoid of discrimination on any ground under this Act or any other applicable law;
 - (f) be responsive to the needs of households under his/her care;

- (g) ensuring that decisions are not influenced by nepotism, favoritism, or other improper motives / corrupt practices;
- (h) exercising prudence and fiscal responsibility in management and reporting on the use of public resources;
- (i) demonstrate respect for the people being served;
- (j) respecting privacy and confidentiality of client information;
- (k) providing accurate, timely, complete, valid and reliable information and reports as prescribed by guidelines.

**Terms of Service
for Community
Health
Volunteers**

27. A community health volunteer shall perform the duties of the office for a period of time as determined by the community members and acknowledged by the county executive committee member.

**Remuneration
of Community
Health
Volunteers**

28. Every community health volunteer shall receive a minimum of Kenya Shillings . Three Thousand Only and NHIF cover subject to agreed deliverables.

**Vacation of
Service by a
Community
Health
Volunteer**

29. (1) A community health volunteers may vacate service on the following grounds—

- (a) gross misconduct;
- (b) non-performance or breach of the terms of selection and service;
- (c) resignation from service;
- (d) inability to discharge his or her duties due to physical or mental impairment;
- (e) if a community health volunteers absconds duty without reasonable grounds for 3 months consecutively;
- (f) relocation from the community;
- (g) upon conviction of a criminal offense;
- (h) performing duties outside the scope of work; and
- (i) death.

(2) A vacancy arising in the office of the community health volunteer shall be filled within 30 days.

Termination of Service for Community Health Volunteers

30. The services of a community health volunteer may be terminated on any of the following grounds-

- (a) falsifying records;
- (b) impersonating a healthcare professional; and
- (c) soliciting for money or favors for service rendered.

Register of Community Health Volunteers

31. The director shall keep and maintain a register of all community health volunteers in the county.

PART V—COMMUNITY HEALTH PLANNING AND FINANCING

County Community Health Service Strategic Plan

32. (1) The County Executive Committee member shall develop a county community health services strategic plan.

(2) The plan under subsection (1) shall form the basis for the formulation of county health services and community health units’ annual plans, budgets and expenditure priorities.

Community Health Unit Plans and Budgets

33. (1) Every community health unit shall develop and implement a medium-term community health action plan for at least three years and an annual community health plan and budget for each fiscal year.

(2) The community health unit plan and budget shall include priorities, programs and activities for improvement of community and population health and wellbeing identified and recommended by the community through community consultations and public participation forums.

(3) The county executive committee member shall ensure that community health plans and budgets are considered and factored in the preparation of the county departmental annual plan and budgets.

Financing of Community Health Services and Programs

34. To ensure a functional and sustained community health services platform the County Government shall establish a Fund to support implementation of Community Health Services.

Establishment of the Kilifi County Community Health Service Fund

35. There shall be established a fund to be known as the Kilifi County Community health Service Fund.

36. The objects and purposes of the Fund are –

- (a) to provide financial resources for Community Health Services;
- (b) to give decision making autonomy to the committee in regards to planning and financing their resources, operations and services;
- (c) to support capacity building Community Health Workforce and management of the Community Health Units; and
- (d) to improve the quality of community health care services at the community level.
- (e) Any other matter related to community health

37. The sources of funding shall include –

- (a) such monies as shall be appropriated by the County Assembly specifically for community health services;
- (b) such monies received from national government as conditional or non-conditional grants, for community health services;
- (c) such grants, endowments, gifts, donations or transfers as may be received from development partners and any other lawful sources;
- (d) any other lawful source of funding.

38. (1) Pursuant to Section 116 (2) of the Public Finance Management Act, 2012, the Executive Committee Member in charge of Finance shall appoint a person responsible for administering the Fund ;

39. The functions of the Fund Administrator shall be to –

- (a) ensure that the earnings of, or accruals to a county public fund are retained in the fund;
- (b) ensure that money held in the fund, including any earnings or accruals is spent only for the purposes for which the fund is established;
- (c) prepare accounts for the fund for each financial year;
- (d) submit financial statements relating to those accounts to the Auditor-General not later than three months after the end of each financial year; and
- (e) present the financial statements to the county assembly.

40. (1) The County Department of Finance shall open a bank account for the Community Health Service Fund.

- (2) There shall be three mandatory signatories to the bank account -
 - (a) the Fund Administrator;
 - (b) the Chief Officer; and
 - (c) the Director.

Objects of the Fund

Sources of Funding

Fund Administrator

Functions of the Fund Administrator

Opening and Operating Bank Accounts

- (3) The Fund Administrator shall –
- (a) obtain bank statements on a monthly basis and prepare bank reconciliation statements;
 - (b) review and approve monthly bank reconciliation statements that will be presented to the committee;
 - (c) ensure that basic books of accounts and financial records are maintained by ensuring that; –
 - I. the County financial management system is up to date and conforms to the required accounting standards; and
 - II. the financial management system has the capacity to capture useful information and produce required reports for monitoring and management decision making.
 - (d) ensure that certified financial reports are prepared and submitted to the committee quarterly.

Establishment of Community Health Fund Advisory Committee

41. There is established a Community Health Fund Advisory Committee which shall comprise of –
- (a) a chairperson appointed by the CECM Health;
 - (b) the chief officer;
 - (c) fund Administrator appointed by the CECM Finance, who shall be the secretary to the Board;
 - (d) the County Director of Health; and
 - (e) four other persons who shall be appointed by the County Executive Committee Health fulfilling such criteria drawn from such membership as provided in section 43.

Qualification to the Community Health Fund Advisory Committee

42. (1) A person shall be eligible for appointment as a member under section 41 if they -
- (a) satisfy the requirements of chapter Six of the Constitution;
 - (b) hold a minimum of a Bachelor's degree from a university recognized in Kenya; or
 - (c) are appointed on account of their training or experience.
- (2) The members of the Advisory Committee to be appointed shall be drawn from associations representing non-governmental organizations, professional associations and business considering gender, disability and youth.

- Functions of the Community Health Fund Advisory Committee**
- 43.** The community health services fund advisory committee shall-
- (a) provide oversight of the administration of the monies drawn from the Fund;
 - (b) mobilize resources for the Fund; and
 - (c) Dissemination of reports to stakeholders.
- Term of Office**
- 44.** The chairperson and members of the committee shall serve for three years renewable once for a maximum of two terms.
- Remuneration of Community Health Services Fund Advisory Committee**
- 45.** The County Executive Committee Member shall draft regulations to guide remuneration of the Community Health Service Fund Advisory Committee.
- Responsibilities of the Community Health Service Fund Advisory Committee**
- 46.** The community health service fund advisory committee shall be responsible for-
- (a) approving the budgets of the CHU's;
 - (b) preparing guidelines for annual distribution of resources to Community Health Services;
 - (c) instituting prudent measures for the proper utilization for monies deposited in the Fund; and
 - (d) instituting suitable internal controls and appropriate mechanism for accountability.
- Termination of Membership**
- 47.** A member shall vacate his/her position as a member of the Advisory Committee if he/she;
- (a) is absent from three (3) consecutive meetings of the committee;
 - (b) violates Chapter 6 of the Constitution;
 - (c) ceases to be a resident of Kilifi County;
 - (d) voluntarily resigns from committee; or
 - (e) dies.

PART VI – MISCELLANEOUS PROVISIONS

**Supervision
and
Management**

49. The executive committee member in consultation with the County and sub-county health management teams are responsible for the general supervision and management of this Bill.

Regulations

50. (1) The County executive committee member in consultation with the county health management team, shall make regulations for operationalization of this Bill.

(2) Without prejudice to the generality of subsection (1), Regulations under subsection (1) may provide for—

- (a)** the development and promotion of community health services in the County;
- (b)** the classification and composition of community health units;
- (c)** additional qualifications for appointment as a community health volunteer and committee member;
- (d)** the percentage of the health budget that shall cater for community health services;
- (e)** health insurance funding options for financing community health services;
- (f)** remuneration and payment of stipends or allowances and administration of the fund to community health volunteers and community health committee members; and
- (g)** any other matter as may arise.

(3) Regulations prepared under this act shall be forwarded to the County Assembly for approval.

**Savings and
Transition**

51. A person who immediately before the coming into force of this Act was a community health volunteer, community health committee member or community health services personnel shall continue to act as such.

FIRST SCHEDULE
PROCEDURE FOR ESTABLISHMENT OF COMMUNITY
HEALTH UNITS

1. Subject to regulations made under this Act, the County Health Department shall follow the following procedure in establishing a Community Health Unit—

(a) Step 1: Participatory assessment of health situation

The establishment of a community health unit is preceded by a comprehensive participatory assessment conducted by the Sub County Health Management Team in collaboration with partners to determine the community health situation and needs. The findings are shared with the community.

(b) Step 2: Preparation of the assessment report with recommendations

The Sub County Medical Officer of Health prepares the assessment report and presents the recommendations for the establishment of community health units to the County Health Management Team (CHMT) based on the results of the assessment/situation analysis.

(c) Step 3: Presentation of the recommendations to the County Executive Committee Member Health for approval

The Director presents the recommendations of the County Health Management Team on the establishment of the community health unit to the County Executive Committee Member for Health for approval.

(d) Step 4: Introductory (sensitization) meeting with community leaders and members

The Sub County Medical Officer of Health convene a public meeting with Community leaders to introduce and give feedback on the proposal for establishing a CHU in the community;

(e) Step 5: Appointment and vetting of Community Health Committee members:

A public forum or Baraza (meeting) is held to select or appoint community health committee member.

(f) Step 6: Training of Community Health Committee members:

The Community Health Committee members selected undergo a training course in line with the national and local guidelines. They are to be trained by the County Health Department using the approved Community Health Committee training manual.

(g) Step 7: Selection of community health volunteers:

The Community Health Committee with the support of the Sub County Medical Officer of Health convenes a public forum or Baraza (meeting) for

members of the community to identify and recommend suitable community health volunteer candidates according to CHS policy guidelines.

(h) Step 8: Community health volunteers training (basic training):

The selected community health volunteers undergo a basic Community Health Volunteer training course in line with the national and local guidelines, facilitated by the Sub County Health Management Team using the approved Community Health Volunteer training manual. The training for any of the technical modules shall adhere to the community health services policy.

(i) Step 9: Household mapping and registration

Sub County health Management Team will conduct Household registration through community health volunteers with the support of Community Health Committee and Community Health Personnel using a standard household register.

(j) Step 10: Allocation of Master Community Health Unit List

The Sub County Medical Officer of Health shall facilitate listing of in the Master Community Health Unit List.

**SECOND SCHEDULE:
REGISTER OF COMMUNITY HEALTH VOLUNTEERS**

- (1) the County Executive Committee member shall keep and maintain a register of all community health volunteers in the county.
- (2) the Director shall act as the registrar and shall keep and maintain the register under subsection (1).
- (3) the register under subsection (1) shall include —
 - (a) biodata information on community health volunteers including their name, identification and contact details;
 - (b) information on the link facility to which the community health worker report;
 - (c) the households assigned to each community health volunteer;
 - (d) all community health volunteers who have been deregistered; and
 - (e) such other information as the County Executive Committee member shall determine.
- (4) There shall be kept and maintained, by the Sub County Medical officer of Health a register containing the information specified under subsection (3) for community health volunteers deployed to community health units in the respective Sub County.
- (5) A community health volunteer shall notify the Sub County Medical Officer of Health of any changes to their particulars and who shall, within fourteen 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 registrar to update the register kept under subsection (1).

Inspection of the register

- (6) Any person may inspect the register or any document relating to any entry in the register and may obtain a copy or extract from the register.

THIRD SCHEDULE
COMMUNITY HEALTH INFORMATION SYSTEM AND PERFORMANCE
MANAGEMENT FRAMEWORK

Establishment of community health information system

- (1) There shall be established a community health information system.
- (2) The community health information system shall be a constituent part of the county health information system and shall be linked to the national Health Information System and other relevant national knowledge management platforms and reporting systems.
- (3) The county executive committee member shall promulgate regulations specifying—
 - (a) the nature of information required for the maintenance of the community health information systems;
 - (b) data quality management including procedures and technologies for effectively integrating and validating data sources, securely handling lifecycle systems such as aggregation and duplication, and safely sharing the results while protecting sensitive client information; and
 - (c) the requirements, terms and conditions for public access to the information contained in the community health information system.

Purpose of the community health information system

- (4) The purpose of the community health information system shall be to —
 - (a) support efficient collection and interpretation of community health-related information, including routine data and vital statistics to inform planning, decision making and reporting;
 - (b) provide data for the monitoring and evaluation of community health policies, strategies, plans and programmes;
 - (c) provide information for tracking of the progress made in the realization of the right to health guaranteed under Article 43 of the Constitution at the community health unit level;
 - (d) facilitate the exchange and dissemination of community health information; and
 - (e) provide information to the public including institutions, consumers and the public—
 - (i) to enable them to monitor the performance of community health services provision;
 - (ii) for research purposes; and
 - (iii) For any other lawful purpose.

Publication of information on community health services

(5) The County Executive Committee member shall publish and widely publicize information regarding the community health services through such media and platforms as he/she shall consider appropriate and lawful.

(6) The information published and publicized under section (5) shall include —

- (a) common community health challenges 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 social, economic and financial burdens and other challenges that households may face when dealing with communicable and non-communicable diseases;
- (e) provide information about community resources available to support the households within the county; and
- (f) share best practices and innovations

(7) The information under section (6) shall be accessible to the residents of the community and county and shall be published in a format that is easy to understand and, in the languages, spoken by residents of the community.

Performance management framework for community health services

(8) The County Executive Committee member shall establish a community health services performance management framework.

(9) The purpose of the community health services performance management framework shall be to—

- (a) support systematic monitoring, tracking and evaluation of the county community health services, programmes and activities;
- (b) promote the culture of social accountability in the governance and management of community health service delivery;
- (c) ensure administration of the community health service functions in a manner that is economical, cost-effective, efficient and accountable;
- (d) ensure meaningful public and community participation and involvement in the provision of community health services including in planning, priority setting, implementation, monitoring and evaluation of community health services, programs and activities;

- (e) set appropriate and measurable performance targets and indicators as a yardstick for measuring the performance and functionality of the community health system and services;
- (f) facilitate monitoring and review of performance at all levels of the community health system;
- (g) ensure early detection of under-performance to enable the taking of timely corrective measures and to improve performance where performance targets are not met; and
- (h) establish a performance-based reward system.

**FOURTH SCHEDULE
COMMUNITY HEALTH COMMODITIES SUPPLY CHAIN
MANAGEMENT**

Establishment of community health supply chain management system

(1) The County Director shall establish an efficient community health commodities supply chain management system to ensure efficient acquisition and distribution of quality community health commodities and supplies to the community health units.

(2) The county Director shall—

- (a) establish an efficient and integrated county community health services commodities supply chain management system;
- (b) develop and review community health commodities and supplies policies, guidelines, standard operating procedures and job aids for community health services;
- (c) train and build the capacity of the county community health workforce on community health commodities management including commodities planning, forecasting, quantification and costing of commodities;
- (d) develop appropriate community health kits for community health volunteers according to guidelines;
- (e) ensure timely, efficient and transparent procurement and distribution of the commodities, goods and services to different levels of the community health system;
- (f) ensure all necessary supplies are available with no substantial stock-out periods; and
- (g) Automate community health commodities forecasting, quantification and as many ordering and distribution functions as possible to strategic distribution units.

Management of community health commodities and supplies

(3) The community health personnel shall be responsible for efficient, effective and prudent management and use of all government assets and resources under their care or trust for the effective and efficient provision of services under this Act and any other applicable law.

(4) Notwithstanding the generality of section (3), community health personnel within their areas of responsibility shall,

- (a) make available a balanced flow of supplies, commodities, tools, equipment and other materials required for operation;
- (b) ensure appropriate management of supplies and commodities by adhering to commodity management policy and standards;

- (c) ensure supplies are ordered and available for re-supply regularly and buffer stock is maintained;
 - (d) make timely requisitions for supplies, commodities materials, spare parts and other materials required for operation and maintenance;
 - (e) ensure timely replenishment of community health volunteers supplies;
 - (f) regularly monitor and update supplies to verify expiration dates, quality, and inventory; and
 - (g) receive and issue supplies, commodities and materials after physical inspection and proper identification;
- (5) The community health volunteers shall be provided with essential supplies and commodities to be used at the household level, and shall be authorized to conveniently store the said commodities and supplies at home.

Quality assurance and management

- (6) The County Director shall establish a community health services quality management system in line with the national quality model for health and applicable international standards.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the objects and reasons for the Bill

Article 43 (1) (a) of the Constitution of Kenya, 2010 entitles every person to the highest attainable standard of health, which includes the right to health care services, including reproductive health care.

Section 48 the County Governments Act mandates the County Government to decentralize the functions and provision of services of the County government to such number of village units in the County as may be determined by the County Assembly and to such other and further units as the County may determine.

The principal object of this bill is to provide for the establishment and delineation of Community Health Units within the county for effective, efficient and sustainable delivery of community-based health services and establish the necessary institutional and regulatory mechanisms to ensure functionality of community units in empowering households in health and for connected purposes.

This bill further purposes to give effect to the provisions of Article 43 (10 (a) of the Constitution and Section 48 of the County Governments Act, 2012.

The structure of the Bill is as follows; -

PART I provides for preliminary matters pertaining to short title, interpretation, guiding principles and objects and purpose of the Bill;

PART II provides for the duties and responsibilities of the County Government relating to Alteration of areas and link facilities; Powers and Functions of the County Executive Committee Member; Functions of the Chief Officer; Functions of the County Director of Health Services; Roles of County and Sub-County Health Management Teams and Powers of County Health Management Team.

PART III provides for Duty to provide Community Health Services and Community Health Services.

PART IV details the criteria for the Establishment of community health workforce, Appointment of Community Health Personnel, Community Health Volunteers, Qualifications of Community Health Volunteer, Training and Certification of Community Health Volunteers, Function of Community Health Volunteers, Code of Conduct, Rights and Responsibilities of Community Health Volunteers, Terms of Service for Community Health Volunteers, Remuneration of Community Health Volunteers, Vacation of Service by a Community health Volunteer, Termination of Services, Register of community health volunteers, Establishment of Community Health Committee, Composition of Community Health Committee, Selection criteria for the Community Health Committee, Functions of the committee, Terms of office and Remuneration of Community Health Committee.

PART V provides for County Community Health Service Policy; County Community Health Service Strategic Plan; Community Health Unit Plans and Budgets; Financing of Community Health Services and Programs; Establishment of the Kilifi County Community Health Service Fund; Objects of the Fund; Sources of the Fund; Establishment of the Kilifi County Community Health Services Fund Advisory committee; Composition of the Kilifi County Community Health Service advisory committee; Qualification for appointment to the Kilifi County Community Health Service Advisory committee; Term of Office; Termination of Membership; Functions of the Advisory committee; Responsibilities of advisory committee; Opening and Operating Bank Accounts; Annual Reports; Winding up of the Fund; Guiding Principles; Administrative regulations; Fund Administrator and Functions of the Fund Administrator.

PART VI provides for Supervision and Management, Regulations and the Savings and transition provision.

Statement on how the Bill concerns the County Government.

Article 43 (1) (a) of the Constitution of Kenya, 2010 confers on every person the right to the highest attainable standard of health. In addition, article 53 (1) (c) confers a right to every child to basic nutrition, shelter and healthcare and Chapter IV of the Constitution of Kenya 2010 on the Bill of Rights imposes an obligation on the State, which includes County Governments to put in place measures that ensure that the right to health care is not impaired. The Bill is therefore one that concerns County Governments in terms of Article 110(1) (a) of the Constitution of Kenya, 2010 as its provisions affect the functions and powers of the County Governments as set out in the Fourth Schedule to the Constitution of Kenya, 2010.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution of Kenya, 2010.

The Bill is a money bill within the meaning of Article 114 of the Constitution of Kenya, 2010, and thus its enactment shall occasion additional expenditure of public funds which shall be provided for in the County Government estimates

Dated the.....of 2023.

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EDWARD KAZUNGU ZIRO,
Chairperson, Committee on Health Services.