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NYAMIRA COUNTY BILLS, 2022

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**THE NYAMIRA COUNTY COMMUNITY HEALTH SERVICES
BILL 2022**

A Bill for

AN ACT of the Nyamira County Assembly to provide for the establishment and delineation of Community Health Units within the county for effective delivery of community-based health services and establish the necessary institutional and regulatory mechanisms and for connected purposes

ENACTED by the Nyamira County Assembly as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Nyamira County Community Health Services Act, 2022.

Interpretation

2. In this Act unless the context otherwise requires—

“County” means Nyamira County

“Community Health Unit” means the frontline community health service delivery structure located within the county health system comprising of a cluster of villages.

“community” means the area for which a community health unit has been established pursuant to this Act;

“community health committee” means a community health committee established pursuant to this Act;

“community health plan” means a plan for community-based health services and the improvement of the health 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, home care, long-term care, rehabilitation services, palliative care services and treatment for illness and injury in relation to primary care;

“Community health Assistant/Officer, (CHA)” means a public officer appointed by the County Public Service Board of the County and deployed to provide preventative and promotive health and basic health care services to the community.

“health services” include services provided through hospitals and other health-care institutions, public-health services, addiction services, emergency health services, mental-health services, home-care services, long-term care and such other health services as the executive committee member may from time to time prescribe;

“Executive Committee Member” means the County Executive Committee Member responsible for matters relating to health;

“Volunteer” means a person who is acting on a voluntary basis irrespective of whether the person receives out of pocket expenses, remunerative allowances or not;

“Community Health Volunteer” means a frontline community health worker who is a trusted member or has an unusually close understanding of the community served;

“Community Health Volunteer practice” includes education, training, and experience on the core competencies in order to effectively provide services to the communities and populations served through a variety of distinct roles that are indicative of community health volunteer best practices. The core competencies may include, but are not limited to—

- (a) client and community assessment;
- (b) effective community-based and participatory methods, including research;
- (c) culturally competent communication and care;
- (d) health education for behaviour change;
- (e) support, advocacy and health system referral for clients;
- (f) individual and community capacity building and mobilization;
- (g) writing, oral, and technical communication skills.

Object of the Act

3. The object of this Act is to—

- (a) Provide for delineation and establishment of community health units within the Nyamira County so as to provide for effective delivery of community health services.
- (b) create the necessary institutional and coordination framework to encourage and facilitate voluntary provision of community health services;

- (c) protect the health and safety of all health volunteers in the county. Protecting the health and safety of volunteers demonstrates that their commitment is valued and recognizes the vital role they play in the community.

PART II— GENERAL PROVISIONS

Entitlement

4. (1) Every person within the jurisdiction of the County is entitled to access to basic and community health care services.

(2) Access to such services is severely limited for some residents of the county, particularly those who reside in remote or rural areas and urban shanties;

(3) Establishment of a strong community health service provides a basis for the county health system's implementation of a number of the objects and principles of devolution under Article 174 of the Constitution. These include:

- (a) giving the people the powers of self-governance and enhancing the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- (b) recognizing the right of communities to manage their own affairs and to further their development;
- (c) protecting and promoting the rights and interests of minorities and marginalized communities;
- (d) promoting social and economic development and the provision of proximate, easily accessible services; and
- (e) ensuring equitable sharing of local resources

Volunteering is Good

5. (1) Many residents are ready and willing to volunteer to address the health care needs of residents of the county who may otherwise not be able to obtain such services.

(2) The county recognizes the importance of encouraging and facilitating the voluntary provision of basic health care services through the use of community health volunteers.

Licensure Requirements

6. Notwithstanding any provision of law to the contrary, no additional license or certificate otherwise required under the provisions of this Act is

necessary for the voluntary provision of basic and community health services by any person appointed as a community health volunteer

PART III— ESTABLISHMENT AND ADMINISTRATION OF COMMUNITY HEALTH UNITS

Establishment of the Community Health Alteration of areas

7. The Community Health Unit shall comprise the villages of Nyamira County. For the purposes of this Act the villages will as provided in the second schedule of this Act.

8. (1) The executive committee member in consultation with the County Volunteer Health Advisory Committee, shall alter the boundaries of a community health unit if need arises.

(2) The executive committee member in consultation with the County Volunteer Health Advisory Committee established pursuant to this Act, may by regulations, annex the whole or any part of a community health unit to another community health unit.

Administration of the community health unit

9. Each of the community health units shall be administered by a Community Health Assistant/Officer as appointed by the executive committee member in consultation with the community health committee established pursuant to this Act.

Establishment of the Community Health Committee

10. There is established, for each community health unit, a community health committee comprising—

- (a) 6 members democratically elected by the Community members representing the youth, persons with disability and other marginalized groups in the community
- (b) The Community Health Assistant/Officer who will act as the technical adviser and secretary
- (c) The chairperson who will be elected from the committee
- (d) a representative selected from the community health volunteers and will be the treasurer
- (e) membership that must not have more than two thirds of one gender represented
- (f) the village administrator appointed pursuant to sec 52 of the County Government Act 2012 or his/her representative

Terms of the Community health Committee

11. The term of members in a Community health committee is 3 years renewable once for a maximum of two terms unless the community specifically decides otherwise

12. It must be ensured that at any one time at least one third of the community health committee members are continuing members unless the committee health unit decides otherwise

13. The executive committee member may, where the County Volunteer Health Advisory Committee considers there is cause or incapacity, remove or suspend any member of a community health committee and may re-appoint, reinstate or replace that member, whether the member's term has expired or not.

Reorganization of Community health Committees

14. The executive committee member may divide, amalgamate with another community health committee or reconstitute a community health committee established pursuant to this Act

Restriction on Payments to members

15. Members of the community health committee shall not receive any honoraria or other remuneration for their activities as members.

16. Subject to this Act and to any more restrictive policy adopted by County Public Service Board, the members of the committee may be reimbursed for the reasonable expenses necessarily incurred by them in the performance of their duties.

Public forums

17. The community health committee shall conduct at least two public forums in the community health unit 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.

Sittings of the Community Community health committee

18. (1)A Community health committee shall hold their sittings at such places within the community health unit as shall be determined by the chairman in consultation with the committee.

(2) The sittings of the Community health committee shall be open and easily accessible to the public unless owing to the nature of the matter and for the reasons to be recorded, it has become necessary to exclude the public.

(3) The meetings of the community health committee shall be chaired by the Chairman selected under section 10 and in his or her absence, a member of the council present at the meeting.

(4) The quorum at the sittings of the community health committee shall be two thirds of the members.

(5) Community health committees shall, at the beginning of every quarter prepare schedules of their sittings specifying the time and the venues and publicize the same through the notices, posters and any other media that shall be accessible to the public at least three days prior to the first sitting of each quarter.

(6) A community health committee, shall hold at least one sitting in every quarter but, unless for special reasons, not more than five sittings in a quarter.

(7) The decisions of a community health committee shall be by consensus and where a vote becomes necessary, by a simple majority.

(8) The proceedings of the community health committee shall be recorded in writing and may be electronically recorded as well.

Functions of the community health committee

19. A community health committee shall be responsible for—

- (a) fostering community development that encourages the public to actively participate in health planning and service delivery;
- (b) constructing 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;
- (c) preparing and maintaining an inventory of community-based health services delivered in the community;
- (d) assessing community health needs and community-based health services in relation to those needs;
- (e) providing such other advice and assistance that the Community Health Assistant requests;
- (f) managing, or assist in the management of, community health grants on behalf of the executive committee member, or with the approval of the executive committee member; and

- (g) performing such other functions as the executive committee member may authorize pursuant to this Act.

Power to provide certain services

20. The executive committee member shall provide a community health committee with administrative support services and technical health planning support services.

Exemption from personal liability

21. No member of a community health committee is personally liable for anything done or omitted to be done or for any neglect or default in the bona fide exercise or purported exercise in good faith of a power conferred upon that member of the community health committee by this Act.

Power to dissolve

22. Subject to the approval of the executive committee member, CHA may dissolve a community health committee if the CHA considers it appropriate and two thirds of members who are present and voting at a special meeting held for the purpose of dissolving the community health committee vote in favour of the dissolution.

Duty to develop Plan

23. A community health committee shall develop a community health plan for each fiscal year, provide it to the sub county health management team and support the implementation at the community level of those components of the community health plan.

24. The community health plan shall include:

- (a) recommended priorities for the delivery of community-based health services;
- (b) a demonstration that the recommended priorities have been established through community consultation;
- (c) provisions identifying and making recommendations for the elimination of any unnecessary duplication of community health services;
- (d) a list of the initiatives recommended by the community health committee for the improvement of the health of the community.
- (e) For the purpose of assisting the community health committee to make recommendations pursuant to sec (21)(a) of this act, the sub county health management team shall make available to the community such information that will assist the community

health committee in assessing the financial feasibility of implementing the recommendations.

25. The sub county health management team shall ensure that community health plans are developed by community health committees and considered in the preparation of the health-services business plan.

PART IV— RECRUITMENT AND TRAINING OF COMMUNITY HEALTH VOLUNTEERS

Community Health Volunteer

26. There shall be a community health volunteer or such a number of community health volunteers depending on the number of villages in a community health unit as determined by the executive committee member and competitively appointed by the community health committee established pursuant to this Act with concurrence of the members of the community residing within the community health unit.

Obligations of the Community Health Volunteer

27. Obligations of Community Health Volunteers shall include but not limited to—

- (a) take reasonable care for their own health and safety
- (b) take reasonable care that their conduct does not adversely affect the health and safety of others
- (c) comply with any reasonable instruction that is given to by their supervisor
- (d) cooperate with any reasonable health policy or procedure in place

28. Community Health Volunteers who do not comply with their obligations under this Act, can be prosecuted if their act is criminal in nature.

Roles of the Community Health Volunteer

29. The roles of Community Health Volunteers shall include—

- (a) Promotion of healthy living practices
- (b) Treating of common ailments and minor injuries, as first aid, with the support and guidance of the community health assistant
- (c) Tending the commodity kit with supplies provided by the county or its partners
- (d) Referring cases to the nearest health facilities.

- (e) Promoting care seeking and compliance with treatment and advice.
- (f) Visiting homes to determine the situation and dialogue with household members to undertake the necessary action for improvement.
- (g) Promoting appropriate home care for the sick with the support of the community health extension worker.
- (h) Organizing, mobilizing and leading village health activities.
- (i) Maintaining village registers and keeping records of community health related events.
- (j) perform any other functions assigned under this Act.

Qualifications for appointment as a Community Health Volunteer

30. A person shall be eligible for appointment as a community health volunteer if the person—

- (a) Is a citizen of Kenya
- (b) has been a resident of or has been an owner of property in the respective community health unit for a continuous period of not less than five years prior to the appointment date.
- (c) Meets requirements of Chapter Six of the constitution
- (d) Is not disqualified for appointment to office by this Act or any other law.
- (e) Is a mature, responsible and respected member of the community
- (f) Is self-supporting
- (g) Is ready to volunteer services to the community
- (h) Is a form four leaver and literate, unless where situation does not allow

Training of community health volunteers

31. The executive committee member in consultation with the County Volunteer Health Advisory Committee shall make necessary arrangements for the training and certification of Community Health Volunteers using an approved curriculum.

Right of Entry to Households

32. (1) A community health volunteer shall enter any household and any area within their jurisdiction at any reasonable time with or without prior notice and shall have access to the residents of a household at all times.

(2) A community health volunteer shall notify immediately the head of the household upon arrival and shall present appropriate identification.

(3) Residents shall have the right to request, deny or terminate visits with a community health volunteer.

Remuneration of community health volunteers

33. A community health volunteer shall be paid such allowance or compensated for out of pocket expenses as shall be determined by the executive committee member in consultation with the County Volunteer Health Advisory Committee and the Nyamira County County Public Service Board

Tenure of office of Community Health Volunteers

34. (1) Community health volunteers shall hold office for a period of time as shall be determined by the executive committee member.

(2) Despite section 27 of this Act, a community health volunteer shall vacate office on the following grounds-

- (a) inefficiency or is in breach of the terms of his appointment or
- (b) resigns from office in writing to the community health assistant
- (c) death or
- (d) is unable to discharge his or her duties due to physical or mental impairment

(3) A vacancy arising in the office of the community health volunteer shall be filled within a period of 60 days.

PART V— ESTABLISHMENT AND MANAGEMENT OF THE COUNTY VOLUNTEER HEALTH ADVISORY COMMITTEE

Establishment and Management of the County Volunteer Health Advisory Committee

35. (1) There is established the County Volunteer Health Advisory Committee.

(2) The Committee shall be composed of—

- (a) 11 voting members. At least 6 members of the Committee shall be community health volunteers or members of community health committees, representing interest groups and geographic areas;
- (b) One member shall be a representative of the community colleges, universities, and educational institutions that may provide CHV training;
- (c) the remaining positions shall be filled with 4 individual representatives appointed from the following categories, with no fewer than 3 categories being represented—
 - (i) health care or public health professionals, who are not community health volunteers, with community health and supervision experience, such as nurses and public health officers;
 - (ii) training or curriculum specialists;
 - (iii) representatives or program administrators, excluding upper management; and
 - (iv) health policy advisors, with experience in health care workforce policy.;
 - (v) non-voting, ex-officio members from the following departments—
 - (i) Agriculture, Livestock and Fisheries;
 - (ii) Education, social services, culture and youth;
 - (iii) Administration;
- (3) The executive committee member shall designate a chairperson from the voting members of the Committee. The Committee shall consult with additional experts as needed.
- (4) Members of the Committee shall serve without compensation, but may be reimbursed for reasonable expenses incurred as a result of their duties as members of the Committee from funds appropriated by the executive committee member for that purpose.
- (5) The executive committee member shall provide administrative and staff support to the Committee.

Functions of the County Volunteer Health Advisory Committee

36. (1) It shall be the duty of the Committee to ensure a coordinated, efficient, effective and consultative approach in delivery of voluntary health services.

(2) To achieve the objectives set out under subsection (1), the Committee shall—

- (a) formulate policies relating to the management of Volunteer Health Services;
- (b) mobilize resources for purposes of efficient management of Volunteer Health Services;
- (c) advise the Executive Committee Member on matters of general policy; and
- (d) perform any other functions assigned to it under this Act.

Powers of the Committee

37. The Committee shall have all the necessary powers for the execution of its functions under this Act.

Meetings of the Committee

38. (1) The Committee shall meet at least once every three months.

(2) Subject to the provision of this Part, the Committee may regulate its own procedure.

Supervision and Management

39. The executive committee member in consultation with the County Volunteer Health Advisory Committee is responsible for the general supervision and management of this Act.

Regulations

40. (1) The executive committee member may make regulations for the better carrying out of the provisions of this Act

FIRST SCHEDULE**PROCEDURE FOR ESTABLISHMENT OF COMMUNITY HEALTH UNITS**

An appropriate system and criteria requires that internationally accepted standards and procedures be used in determining administrative units. The accepted standards have to take into consideration political, socio-economic, cultural and other factors within a given unit of administration. Notwithstanding this, there is need for openness, accuracy and objectivity in determining units.

In Kenya, The IEBC in 2012 Delimitation of Boundaries of Constituencies and Wards utilized critical factor of population density in determining units to be established. This is viewed as skewed in the case of Nyamira County as geographical distance is very critical in delivery of service to the people. In the proposed delimitation of the Nyamira County Community Health Units critical consideration was placed on population sizes of the current locations and sub locations, land size and topographical zones. These critical factors have been addressed by using **existing villages** as a base for determination of the number of community health units per Sub County and number of community health volunteers per community health unit. The outcome of this balance between equitable delivery of community health services relative to population and the effort to reverse the trends of marginalization for the sparsely populated areas that occupy the remotest periphery of the County is in the second schedule of this Act. The baseline population data utilized in the determination of the proposed community health units is in the Kenya Population Census, 2009 figures.

SECOND SCHEDULE**THE NYAMIRA COMMUNITY HEALTH UNITS****SECOND SCHEDULE****THE NYAMIRA COMMUNITY HEALTH UNITS**

NO	SUBCOUNTY	CU NAME	NO. OF CHVS
1	NYAMIRA SOUTH	BOKIAMBORI A	13
2		BOKIAMBORI B	12
3		KEGOGI	15
4		TOWNAHIP A1	15
5		TOWNSHIP A2	10
6		TOWNSHIP B1	18
7		TOWNSHIP B2	17
8		BIGEGE A	11
9		BIGEGE B	10
10		KEBIRIGO A	10
11		KEBIRIGO B	11
12		TIMI A	10
13		TIMI B	10
14		NYAMERU	10
15		MONGORIS	15
16		BONYAIGUBA	12
17		MIRUKA	12
18		BOMABACHO	17
19		CHARACHANI A	12
20		CHARACHANI B	12
21		ENCHORO A	15
22		ENCHORO B	15
23		BOSIANGO	11
24		SIAMANI	12
25		IBUCHA	11
26		BOMANYANYA	12
27		NYABISIMBA	10
28		IKOBE	17
29		BUNDO	10
30	NYAMIRA NORTH	BOKURATI 1	20
31		BOISANGA 2	10

32		BONYENGWE 2	10
33		NYAMBIRI	10
34		NYAKENIMO 1	15
35		BONYAKONI	15
36		NYAKENIMO 2	14
37		BONYENGWE 1	10
38		BOKURATI 2	12
39		MATONGO	21
40		NYAGWEKOA	10
41		MAGERI	16
42		BOISANGA 1	21
43		EGETONTO	10
44		MAGWAGWA	24
45		KENYORO	10
46		IKONGE	10
47		NYAMAURO	15
48		NYAIRANGA	10
49		ITERESI	10
50	MANGA	NYAMBOGO	10
51		BOGWENDO	10
52		NYABIGEGE	15
53		SIRATE	10
54		GEKANO	10
55		NYAMWANGE	10
56		NYAGUKU	10
57		MOTEMBE	10
58		MOITUNYA	10
59		IRIANYI	10
60		NYACHICHI	10
61		KIANGOSO	10
62		KIOMAKONDO	10
63		KIABIRAA	10
64		RIOMBATI	10
65		KIENDEGE	10
66		OGANGO	10
67		MORAKO	10
68		MWABOSIRE	10

69		NYAKONGO	10
70		KIOGUTWA	15
71		GATUTA	10
72		NYANGENA	10
73		NYAMBARIA GEKE	10
74	BORABU	EKERUBO CU	10
75		MANGA CU	10
76		MANGA/RAITIGO CU	10
77		MATUNWA CU	10
78		ENDEMU CU	10
79		TOWNSHIP CU	20
80		TINDERET CU	10
81		MWONGORI	10
82		MOGUSII	10
83		ISOGE	10
84		MATUTU	10
85		NYARAMBA	15
86		AMATERIO	10
87		NYANGOGE	10
88		OMONONO	10
89		GETARE	10
90		NSICHA	10
91		KITARU	10
92		NYANKONO	10
93		KERUMBE	10
94		KINENI	10
95		KEGINGA	10
96		MOKOMOMONI	10
97	MASABA NORTH	GIRANGO	20
98		BONYUNYU	10
99		RIGENA	10
100		MIRIRI	10
101		KEGOGI	10
102		KEBIRICHI	10
103		GECHONA	10
104		NYANGORI	10
105		BOCHARIA	10

106		NYASORE	20
107		RIKENYE	10
108		BITICHA	10
109		MONGONI	10
110		NYANKOBA	15
111		KEGOGI 2	10
112		KENYERERE	10
113		KARANTINI 2	10
114		EMBARO	10
115		ENCHORO	10
116		NYAKONGO	10
117		NYABIOSI	10
118		RIAMONI	10
119		RIOOGA	10
120		KARANTINI	10
121		SUNGUTUTA	10
122		NYATIENO	10
123		NYAMAKOROTO	10
124		KEBUKO	10
	TOTAL	124	1450

MEMORANDUM OF OBJECTS AND REASONS

The Nyamira County Community Health Services Bill, 2022 seeks to provide for a legal framework for the establishment and delineation of Community Health Units within the county for effective delivery of community-based health services and establish the necessary institutional and regulatory mechanisms and for connected purposes. The bill has five parts

PART I of the Bill provides for preliminary provisions, which includes short title, objects and purpose of the act and the interpretation

PART II of the Bill provides for Entitlement for the expected beneficiary communities and Licensure requirements for the community health volunteers

PART III of the Bill provides for Establishment of the Community Health Unit and its administration including the establishment of the community health committee, terms of service of the committees and functions of the committee and attendant matters

PART IV of the Bill provides for recruitment of community health volunteers, their obligations, functions, qualifications, remuneration and tenure of office

PART V of the Bill provides for Establishment and Management of the County Volunteer Health Advisory Committee, functions of the County Volunteer Health Advisory Committee, powers of the committee, meetings of the committee, supervision and management and regulations

ENOCK OKERO,
Chairman, Health Committee.