

KERICHO COUNTY ASSEMBLY

THE HANSARD

Second Assembly

Fifth Session

Wednesday 29th September 2021

(The House met at 9.30 a.m)

[Speaker (Hon. Dominic Rono) in the Chair]

PRAYERS

The Deputy Speaker (Hon. Joshat Rutto, Member for Soin Ward): Honorable Members welcome to this morning session.

NOTICES OF MOTION

The Deputy Speaker (Hon. Joshat Rutto Member for Soin Ward): Honorable Alex Bett!

Hon. Alex Bett (Member for Litein Ward): Thank you Honorable Speaker for giving me this chance so that I may give notice of the following motion that this house adopts the report of the whole House on the submission by the County Executive Committee Member for Health Services and that of Finance and Economic Planning on the motion raised by Hon. Erick Bett. Thank you.

The Deputy Speaker (Hon. Joshat Rutto, Member for Soin Ward):Next order!

MOTION BY HON. ALEX BETT.

The Deputy Speaker (Hon. Josphat Rutto): Honorable Alex Bett;

Hon. Alex Bett (Member for Litein Ward): Thank you Mr. Speaker for giving me this opportunity so that I may present this motion. Pursuant to Standing Order No.57 and 163 of the Kericho County Assembly, the Speaker approved a motion by Hon. Erick Bett and was tabled on the floor of the House on 8th September, 2021 and the following consideration of the motion by the House, the County Executive Committee Members in charge of Health Service and Finance and Economic Planning were invited for a meeting with the Committee of the Whole House.

The following motion was tabled by Honorable Erick Bett;

Aware that Schedule 4 Part 2 of the Constitution of Kenya, 2010 function number 2(a) provides that County Governments shall be in charge of county health facilities and pharmacies, ambulance services and promotion of health care among other health care functions;

Further aware that Article 207 of the Constitution established Revenue Funds for County Governments and sets up how the Revenue Funds may be withdrawn and that the County departments including the health services department are required to deposit monies in the County Revenue Fund Account as is stipulated in Section 109 of the Public Finance Management Act, 2012.

Concerned that the Department of Finance and Economic Planning has not released funds to the department of health services for a while now occasioning a crisis since the health facilities have no drugs and non-pharmaceuticals items to dispense breaching the constitutional national value and principle of governance as laid down in Article 10 Sub Article 2 of the Constitution of Kenya, 2010 of good governance, integrity, transparency and accountability among other national values and principles of governance;

Noting that the Kericho County Referral Hospital Intensive Care Unit is currently closed, the operations at Kapkatet Hospital are at a dilapidated state because of lack of pharmaceutical and

non – pharmaceutical, irregular transfer of personnel across the health facilities without following due process, patients buying drugs and supplies in chemists for instance those used at the dialysis unit at Kericho County Referral Hospital;

Mr. Speaker Sir, Concerned that while the County is grappling with the Covid – 19 pandemic, there is no consistent supply of adequate oxygen despite the clarion call by the Cabinet Secretary in charge of the Health Service for Counties to maintain adequate supply of oxygen during this pandemic period and that the health care personnel need financial support and any other facilitation in discharging their mandate;

I urge this Honorable House to resolve that:-

1. The County Executive Committee Member in charge of Finance and Economic Planning provide to the County Assembly within 7 days from the passage of this motion the following:-
 - i. The total amount of money transferred from the health services department to the County Revenue Fund Account and breakdown of the amount to be reimbursed to the department of health services for operations in the last Financial Year i.e. FY 2020/2021 and FY 2021/2022
 - ii. A report on the amount of money due to the suppliers as pending bills for the Financial Year 2020/2021 and FY 2021/2022 detailing all suppliers for the health department who have not been paid and reasons thereto.
 - iii. A report of the plans that the department has put in place to ensure timely requisitioning of funds to support the operations of the respective county departments.
2. The County Executive Committee Member for Health Services provide the following documents within seven days of the passage of this motion :-

- i. A report of revenue generated by the level 3 and level 4 health facilities (Sub County Hospitals) and transferred to the County Revenue Fund Account (CRF) for the last 3 years.
 - ii. A human resource manual and policy indicating a detailed standard procedure of staff transfers in the Health Services department of Kericho County.
 - iii. An IFMIS generated expenditure schedule on drugs and non- pharmaceuticals supplies procured by the department of health services and hospitals of Kericho County in the last 3 Financial Years.
 - iv. A cost analysis comparison schedule between suppliers – Kenya Medical Supplies Authority (KEMSA), Mission for Essential Drugs and Supplies (MEDS) and local suppliers of volumes from the three respective categories of suppliers.
 - v. A report on the status of the Intensive Care Unit and the dialysis Unit of the Kericho County Referral Hospital and the Renal Unit at Kapkatet Hospital.
 - vi. A detailed report on the status of the Pharmaceutical and non- pharmaceuticals of the Kericho County health facilities as at 31st August 2021.
 - vii. A report on the Authority to Incur Expenditure (AIEs) at the department of Health Services stating categorically how the department of health services supports them in the execution of their mandate.
3. The County Executive Committee member in charge of Finance and Economic Planning and the County Executive Committee Member for Health Services with their respective County Chief Officers appear before the Committee of the Whole House within ten days of the approval of this motion on a date to be communicated.

3.0 Meeting with the County Executive Committee Members in charge of Health Services and Finance & Economic Planning and County Chief Officer, Health Services on the issues raised in the motion;

Mr. Speaker sir,

The Committee held a meeting on the 17th September, 2021 with the County Executive Committee Members in charge of Health Service and Finance and Economic Planning and Chief Officer, Health Service during which the Committee closely examined the submissions on the issues raised in the motion and the following are the responses;

I.

- *Health facilities are categorized from Level 1 to 6.*
- *In Kericho County, we only have Levels 1 to 5.*
 - o *Level 1 service: **Community service** - given free of charge through the Community Health Volunteers.*
 - o *Levels 2 and 3 services: **Dispensaries and Health Centres** – Offer medical services at no direct cost to clients/ patients. Linda Mama/Free maternity services are provided and facilities reimbursed through NHIF and HSSF.*
 - o *Levels 4 and 5: **Sub County and County Hospitals** - offer services And patients pay via cash and NHIF.*
- *HSSF funds are received by county treasury and transferred to the health facilities directly. The health facilities then get AIEs (Authority to Incur Expenditure) from the Chief Officer - Health Services to spend the HSSF monies.*
- *Some health facilities get support for their activities (O&M) from DANIDA. These monies are received at CRF and transferred to SPA and Eventually to*

- health facilities according to the donor/partners' conditions(conditional grant).*
- *These grants are captured in the Annual Budgets of the county and Department and are duly appropriated before expenditure.*
 - *Thenon-DANIDA supported Health facilities also receive funding from the county treasury.*
 - *The Department of Health Services prepares quarterly reports, both financial and non-financial,(Service Delivery Reports) and submits to the County Assembly.*
 - *Audits are done periodically, according to the law, by the office of the Auditor General, Internal Auditors 'and other audit firms appointed to undertake this exercise*

The Department of Health Services is guided by the Human Resource Policies and Procedures Manual for the Public Service, (Published in May2016), by the Public Service Commission of Kenya in all matters of Human Resource including, but not limited to, transfers.

Kericho County Government Department of Health Services has a central County Health Management Team (CHMT) headed by the County Director of Health (CDH). The CHMT has representation of all cadres of Staff. We also have Sub-County Health Management Teams (SCHMTs) in all the six Sub-Counties with a similar composition headed by a Sub-County Medical Officer of Health (SCMOH). The hospitals have Hospital Management Teams (HMT)

With all heads of units represented.

Transfers within the Sub-County are discussed by SCHMT's and proposals done to the authorized officer for the Department (who is the Chief Officer) for concurrence, generation and circulation of a posting order. This has always worked. Hospitals also do staff rotations annually following discussions by HMT.

Transfers across Sub-Counties are discussed at CHMT after getting the requests from SCHMTs. Once approved at CHMT, a formal communication is sent to the Chief Officer for posting order generation.

The reasons for transfers are usually:

1. Service Need

2. Own Request

The decision as to where services may be required is determined by the HMT, SCHMT, CHMT and the authorized officer. Officers returning to the county after upgrading their qualifications e.g. Higher National Diploma or Master's Degree etc. may not necessarily go back to their previous stations after training. This is because the newly acquired skills may not be appropriately utilized in their former work stations. The officers are therefore appropriately placed to get the most out of these rare skills and ensure the staffs are motivated and intellectually challenged.

Officers wishing to transfer their services write a request clearly giving reasons to justify their requests. These are usually processed promptly.

Any Complaints arising from transfers are usually listened to and addressed amicably to the satisfaction of the staff.

The Department of Health Services procures medical commodities for all level 2 and 3 health facilities.

The Department may also support level 4 and 5 Health facilities with medical commodities (Drugs, Non-Pharmaceuticals, Laboratory reagents, X-ray supplies among others.) This is especially so when the AIEs for the health facilities occasionally delay due to the closure of the financial year as well as delays in funds flow from National Government.

The Department of Health Services uses the Integrated Financial Management Information System (IFMIS) for procurement of medical commodities for all facilities. The Hospitals have been operating a manual system of procurement. This is expected to change to online/IFMIS Procurement this financial year 2021/2022.,

Hospitals make their payments (under 1 Million shillings) by cheques and Electronic Funds Transfer (RTGS) for payments exceeding 1 Million shillings.

The detailed report of these expenditures is captured in the quarterly reports submitted by the Department to the Department of Finance & Economic Planning.

This Information has also been submitted for audit verification and will be availed as soon as Auditors release them.

The department of Health Services procures medical commodities from suppliers who have complied with the Public Procurement and Asset Disposal Act (PPAD) 2015.

These suppliers are captured in the list of pre-qualified suppliers as well as the framework contracts signed from time to time.

For medical commodities, Kenya Medical Supplies Authority (KEMSA) is the first port of call. The fill rate for KEMSA is between 50 - 60%. The non- supplies from KEMSA are procured from Mission for Essential Drugs Supply (MEDS) and other local (Kenyan) suppliers according to the framework agreements signed.

These local suppliers and MEDS supply between 40 - 50%

The documents relating to these procurements are available for audit verification as and when required.

Status of Renal Unit at Kericho County Referral Hospital (KCRH)

See Annex 1. 1

b) Status of ICU Unit at (KCRH)

See Annex 1. 2

c) Status of Renal Unit at Kapkatet Sub-County Hospital Kapkatet SCH)

See Annex 1.3

4.0 Committee's Findings;

Mr. Speaker Sir; Following the meeting between the Committee and County Executive Committee Members, Health Services and Finance & Economic Planning and Chief Officer, Health Services, found the following;

1. That Kenya Medical Supplies Agency (KEMSA) does not supply if there is an existing debts owed. The Kericho County Referral Hospital is owed Ksh.7.9 Million to KEMSA;
2. That the department of Health Services has pending bills which hamper service provision as far as health service is concerned;
3. That the County Executive Committees, Health Services and Finance & Economic Planning did not provide the total amount of money transferred from the health services department to the County Revenue Fund Account and breakdown of the amount to be reimbursed to the department of health services for operations in the last Financial Year i.e. FY 2020/2021 and FY 2021/2022 and did not also provide a report on the amount of money due to the suppliers as pending bills for the Financial Year 2020/2021 and FY 2021/2022 detailing all suppliers for the health department who have not been paid and reasons thereto;
4. That ICU services require Ksh.10,000,000 monthly against Ksh.290,333 generated by the facilities;

5. KEMSA does not supply if there is an existing debts
6. That the department of Health Services has pending bills of up to which hamper service provision as far as health service is concerned;
7. That KEMSA is owed Ksh.7.9 Million by the County Referral Hospital on supplies and consumables;

Committee Observations;

Following the meeting between the Committee and County Executive Committee Members, Health Services and Finance & Economic Planning and Chief Officer, Health Services, observed the following;

1. That the department of Health Services has no substantive County Executive Committee Member to oversee the operations in the department;
2. That money in the County Revenue Fund Account cannot be withdrawn to purchase pharmaceuticals and non-pharmaceutical items for County's health facilities;
3. That County ,sub county hospitals, dispensaries and health centres do not have drugs and other basic items to render services to the public;
4. That Renal Unit machines at Kapkatet Sub-County Hospital are lying idle. The machines were procured by Constituency Development Funds during inception of devolution and they are in good conditions; and
5. That the Department of Health Services is guided by the Human Resource Policies and Procedures Manual for the Public Service, (Published in May2016), by the Public Service Commission of Kenya in all matters of Human Resource including, but not limited to, transfers ,which is an administrative function;
6. That the health department has not automated revenue collection in health facilities yet the same county had budgeted for;

6.0 Recommendations;

The Committee recommends the following;

1. That H.E.The Governor **MUST** appoint substantive County Executive Committee Members in each department as per Section 34 of the Public Service Commission Act of 2017 which states that ;
(1) Acting appointments shall be — (a) made by the lawful appointing authority; and (b) subject to the prescribed regulations and procedures which apply to appointments;
(2) A person shall not be appointed to hold a public office in an acting capacity unless the person satisfies all the prescribed qualifications for holding the public office and;
(3) An officer may be appointed in an acting capacity for a period of at least thirty days but not exceeding a period of six months.
2. That the requisition of drugs **MUST** be done before the stocks run out and be delivered to individual health facility and allow each health facility to do direct procurement of pharmaceuticals and non-pharmaceutical items as expressed in the Public Procurement and Disposal Act,2015;
3. That the County Government **MUST** automate all the revenue collection in all the departments for easy management of local revenue collection;
4. The transfer in the health department **MUST** be objective, not subjective as guided by Human Resource Policies and Procedures Manual for the Public Service, (Published in May 2016);
5. That Renal Unit in County and Sub-County Hospitals should have sufficient consumables so as to serve the members of the public seeking renal services and;
6. That the County Assembly's Implementation and Health Services Committees follow up on the recommendations given and furnish the Committee of the Whole House with progressive report every two weeks until there is complete transformation.

7.0 Acknowledgement.

The Committee wishes to thank the offices the Speaker and the Clerk of the Assembly for the necessary support extended to it in the execution of its mandate.

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 205 to present the report on the responses to the motion raised by Hon. Erick Bett. Thank you, Mr. Speaker for giving me this opportunity to present this report and I wish to request Honorable Erick Bii to second the motion.

The Deputy Speaker (Hon. Joshat Rutto, Member for Soin ward): Honorable Erick Bii

Hon. Erick Bii (Nominated Member representing Youth): Thank you chair, renal unit has been the most the essential for the patients who have been having a renal failure and the committee and the CEC confirmed that the renal unit was not functioning but after finding out, there was a great effort put in place when we were interrogating the CEC and the CO. They gave us the reasons why the renal unit was not working and we forced them to give out the remedies. I am very impressed that today morning the Hon. Dennis confirmed to us that the renal unit is now functional and all supplies required for the renal unit have been put in place. I want to thank those members working in the department for the good work. Any patient now who has renal problem can now be given medication without incurring any cost. I want to be in record today by telling the residents of this county that if in case you visit the facility at the Kericho County Referral Hospital and you are being asked to buy any supplies or any drugs required, please give us the report so that we can take a good action because it has been confirmed by this report that the dialysis unit is working. We don't expect our residents to incur other costs when they are coming to a facility in a referral hospital.

Secondly, our facilities as at now are getting the drugs. The CEC in charge of finance actually stood up and said we are going to clear all the pending bills for the health department and within one week all the drugs from MEDS, from KEMSA shall be supplied within a period of 1 or 2 weeks. People are very impressed and I think this report for the whole house has born a lot of

fruits to our people not even us as the Honorable members. It has given us the fruits to the entire system and we are going to streamline. The recommendation made by this House that KEMSA must supply the drugs that are 40 to 50% and we are also putting in record that we should stock our facilities within a period of 3 months we should be able to supply the drugs so that it can sustain the entire facilities within a period of three months. This is a very good recommendation and at no point shall we be complaining of the same shortage of drugs within our county. I must say this is a very good report and I thank Honorable members and let's support and let us work together in any other issues not necessarily in the health sector alone but also in the roads department. We should join hands so that we can work for the benefit of this county. Thank you

The Deputy Speaker (Hon. Josphat Rutto, Member for Soin Ward): Thank you Honorable Bii. Honorable Edith!

Hon. Edith Kaptich (Nominated Member representing Women): Thank you the Honorable Speaker for giving me this opportunity so that I can also support the report by the committee of the whole House. First I would like to thank the promoter of the motion; the Honorable member representing the people of Kipchebor Ward for coming up with this motion. This motion, I must say that it is part of the important motions that we have dealt with as an Assembly. A healthy nation is a wealthy nation. We were on a crisis and I thank the Honorable members for having come up to discuss this issue as we were all together. From the recommendation we made as the committee of the whole house; let me trust that they are going to be implemented because we believe that the recommendations made by this house are the recommendations made on behalf of the people we represent. If there is anything that this Assembly has done may be during our regime is coming up with recommendation like this. This shows that it's a wakeup call to us, this shows now that we are doing what we were called to do in this Assembly. This is the oversight role that we are doing now, what I want to urge the executive is to implement the same because we cannot take health for a chance. As I had said that a healthy nation is a wealthy nation we were almost heading to a place that we were somehow as an Assembly as leaders and as representatives of this county not taking care of our good people. If there was anything that was

coming to be a crisis is our person suffering in hospitals because of lack of medicine. The renal unit was not working but as the honorable members have said they have seen or they have heard because I believe its hearsay as of now because we have not passed this motion as they say. I want to believe that its true because personally as I speak today I would like all these things, these recommendations which has been made today to be implemented, if they have been implemented we thank the concerned people for doing the same and they should not tire from doing the same. Thank you so much and I want to thank the Honorable members for having done this and I also want to support that when we come together great things happen and that's where we are headed, and I wish we would have started this earlier. The community and the residence of Kericho County would be seeing us that we are really working for them. Thank you Mr. Speaker.

The Deputy Speaker (Hon. Josphat Rutto, Member for Soin Ward): Thank you, Honorable Emily Kerich!

Hon. Emily Kerich (Nominated Member representing Women): Thank you very much Honorable Speaker. It is my sincere appreciation to us because I think we have talked of that Bill for the last four years but now it's coming up at our end of term. I just want to say it will help the people of our county because they will be making valid experience. They will not be following us for some of the few things which would have been done by the department. Otherwise I want to say I support the report and I am happy. May the Chair Implementation and the team follow up on this recommendation so that things would be done in the right manner. I want to urge the House that we are not only representing the people in matters sickness but also people suffering due to bad roads and even water. We are the people representing them and we should follow up on these things as a House without leaving out nominated members. We all have a role of representing our people in other issues of our county. Let us come up if it means that in the remaining period we come up as a whole House so that things can be implemented then let it be. Otherwise I want to support and say I am a proud woman today I know women in the hospitals are going to be served well at the maternity wing. I support, Thank you very much.

The Deputy Speaker (Hon. Josphat Rutto, Member for Soin Ward): Thank you, Honorable Chirchir!

Hon. Paul Chirchir (Member for Kapsoit Ward): Thank you very much Honorable Speaker for giving me this opportunity to support this report. Today is a special day now that we have woken up that the National Assembly passed a Bill where each household is instructed to pay Ksh.500 shillings or Ksh. 6000 annual fee to NHIF and each household will be able to access health care services. That is a great milestone towards the universal health care. At the county level we are also working towards making health services affordable, accessible and quality health care is essential. I will always be talking about basics first and when I say basics first, health care is one of the basic need. The people who we represent in this county have been complaining about poor services in our counties, lack of essential drugs in our facilities, dispensaries and our county referral hospitals, but looking at the recommendation in this motion this will make things work. Allow me to also move an amendment on number 7 on the section of recommendation which says that the Kericho County Referral Hospital Intensive Care Unit should be fully functional and at all times and let me repeat again that I wish to move the following amendment that Kericho County Referral Hospital Intensive Care Unit should be fully functional and at all times, 24/7 and I wish to request the Honorable Chair Health Committee to second my amendment. Thank you.

The Deputy Speaker (Hon. Josphat Rutto, Member for Soin Ward): The Chairperson Health committee!

Hon. Dennis Kirui (Chairman Health Committee, Member for Kimugul /Kedowa Ward): Thank you very much Honorable Speaker for giving me this chance to second the amendment by the Honorable Paul Chirchir that the Kericho Intensive Care Unit should be fully functional at all times. It was discussed only that it was not included in the recommendation and it is wise that it is included so that it can be worked on fully. I remember in committee findings that are in page 11, we realized that the ICU service requires Ksh. 10 million monthly against the Ksh. 290,333 that is generated by the unit. Regardless of this it should not be an excuse, because this is a very

essential unit in the department of health that it should be functional so that it can assist our people. So it should be captured so that during implementation it will be looked into. So I second the amendment. Thank you.

The Deputy Speaker (Hon. Josphat Rutto, Member for Soin Ward): Thank you. Honorable Denis Kirui.

(Question proposed)

The Deputy Speaker (Hon. Josphat Rutto, Member for Soin Ward): Honorable Erick Bett!

Hon. Eric Bett (Member for Kipchebor Ward): Thank you Mr. Speaker I think the amendment is in good faith and I want to support the amendment, Thank you.

(Question put and agreed to)

The Deputy Speaker (Hon. Josphat Rutto, Member for Soin Ward): Honorable Erick Bett!

Hon. Eric Bett (Member for Kipchebor Ward): Thank you Mr. Speaker, for giving me this chance to contribute on this important report of today, I want to thank the committee of the whole House for the good work done. And it is true that when we come together great things happen. I'm one happy man because this is one motion I sponsored and today we are looking at recommendations which are practical, achievable and I am happy because all of us are for this report. I want to be very thankful for one recommendation here on number five, which is actually very dear to me because before I raised this motion here I had made an impromptu visit to the hospital and once I was in the renal unit I almost cried, because of what I saw. I saw patients there asking me to pay money to buy an artificial kidney called dialyzer and also thinner called hyperine which is supposed to be used. So I am happy to note that if the patient can go back and get to be served, it is good. Because 90% of the patients in the renal unit are on NHIF so most people have sacrificed to faithfully pay NHIF every month just to ensure that once they have a patient all they have to do is to pay transport cost like hiring a vehicle and so once they come

there because NHIF fully caters for the same, all they have to do is bring their patient sit and relax wait for those four hours for the process to continue and they go back home. Now with the absence of those drugs the patients are supposed to pay Ksh. 3000 extra per session. So I'm happy because that is one recommendation which has been effected and I want to say that as Chair committee on Implementation, we will be looking into this matter very well. It's only unfortunate that tomorrow we will not be in I would have asked my committee to tour the facility. I want to urge members that let us not even wait for the committee to visit these hospitals, I think I want to urge members that all these facilities are in our wards. So make impromptu visits if you get time today to find out what is going on there, because as a member once you go there and you inquire something it is in good faith, then we can also do as a committee. So I want to say that I am happy for this recommendations and I want to promise that as chair Implementation plus the chair Health we shall follow up on these issues. The last recommendation is very good, it has timelines it says that the committee on Implementation and Health will follow up recommendations given by committee of the whole House with progressive report every two weeks until there is complete transformation. So the key word there is until there is complete transformation that is very important because we don't want to follow up this issue for one or two weeks then we leave it. We want to make a follow up till the time every member will speak in this House and say that truly we have a turnaround change in our health facilities. So I fully support the motion and once again thanks Honorable members for this milestone.

The Deputy Speaker (Hon. Joshat Rutto, Member for Soin Ward): Thank you Hon. Bett, any other member? If there is none I want to thank you Honorable members for coming up with motion in the committee of the whole House. I think it is paramount for our people to also get good health, thank you the initiator of the motion. So I will give a chance to the mover of the motion, so that he may thank members because I don't see any question raised by the members ,so that we can put the question.

Hon. Alex Bett (Member Litein Ward): Thank you Hon. Speaker for also giving me opportunity so that I may thank Honorable members for positively contributing to this motion. Indeed this motion that was raised in the committee of the whole House will be a turnaround especially going forward as oversight arm of the County Government. Otherwise let me thank every member for contributing. Thank you.

(Question put and agreed to)

(Adjournment)

The Deputy Speaker (Hon. Josphat Rutto, Member for Soin Ward): Honorable members since we don't have any other business this House stands adjourned till today in the afternoon at 2:30pm. Thank you.

(The house rose at 11:35am)