



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, OCTOBER 25, 2018 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. COMMITTEE OF THE WHOLE HOUSE

The Health Laws (Amendment) Bill (National Assembly Bill No. 14 of 2018)
(The Leader of the Majority Party)

(To commence from the provisions relating to the Nurses Act, paragraph 2)

9*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2)
BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)

(The Leader of the Majority Party)

Second Reading

10*. MOTION – REPORT ON THE AUDITED FINANCIAL STATEMENTS
FOR THE POLITICAL PARTIES FUND FOR THE YEAR
ENDED JUNE, 2017

(The Chairperson, Special Funds Accounts Committee)

THAT, this House **adopts** the First Report of the Special Funds Accounts Committee on Audited Financial Statements for the Political Parties Fund for the year ended June, 2017, laid on the Table of the House on Wednesday, August 29, 2018.

11*. THE KENYA ACCREDITATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2018)

(The Leader of the Majority Party)

Second Reading

12*. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2018)

(The Leader of the Majority Party)

Second Reading

13*. THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

*** Denotes Orders of the Day**

...../Notices

N O T I C E S

- I. THE HEALTH LAWS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 14 OF 2018)
- 1) Notice is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the Health Laws (Amendment) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT the Schedule to the Bill be amended —

- (1) in the proposed amendments to the **Radiation Protection Act, Cap. 243**, by—
- (a) deleting all the proposed amendments to section 2;
 - (b) deleting the proposed amendment to section 3(2);
 - (c) deleting all the proposed amendments to section 4;
 - (d) deleting all the proposed amendments to section 5(1);
 - (e) deleting all the proposed amendments to section 7;
 - (f) deleting the proposed new section 8;
 - (g) deleting the proposed amendments to section 12;
 - (h) deleting the proposed amendment to section 14(2);
 - (i) deleting the proposed amendments to section 15(1);
 - (j) deleting the proposed amendments to section 15(2); and
 - (k) deleting all the proposed amendments to section 18;
- (2) in the proposed amendments to the **Pharmacy and Poisons Act, Cap. 244**—
- (a) by deleting the proposed amendments to section 2 and substituting therefor the following new amendments—
 - s.2 Delete the definition of the term “drug” and substitute therefor the following new definition—

“drug” means any medicine or other substance which has a physiological effect when ingested or otherwise introduced into the body;

Delete the definition of the term “pharmaceutical inspector”;

Delete the definition of the term “Inspector of Drugs” and substitute therefor the following new definition—

“Inspector of Drugs” means a person who is competitively recruited by the Board as a pharmaceutical inspector and who holds a minimum of a diploma in pharmacy;

Insert the following definitions in proper alphabetical sequence—

“Good Manufacturing Practice” also known as “GMP” means a system for ensuring that products are consistently produced and controlled according to quality standards, and is designed to minimise risks involved in any pharmaceutical production that cannot be eliminated through testing the final product;

“health facility” has the meaning assigned to it in the Health Act;

“pharmaceutical device” includes human and veterinary medicines, medical products, medicinal substances, vaccines, diagnostics, blood products, therapeutic feeds, nutritional formulations, beauty products and related products;

“pharmaceutical equipment” means equipment used in the manufacture and quality control of pharmaceutical products;

“pharmaceutical practitioner” means a person lawfully carrying on the practice of pharmacy;

“pharmaceutical product” means any material or product intended for human or veterinary use presented in its finished dosage or form, that is subject to control by or under this Act;

“pharmaceutical technologist” means a holder of a diploma in pharmacy from a training institution recognised by the Board;

“pharmacist” means a holder of a degree in pharmacy from a training institution recognised by the Board;

“pharmacovigilance” means the practice of monitoring the effects of medical drugs after they have been licensed for use, especially in order to identify and evaluate previously unreported adverse reactions, and includes the science and activities relating to the detection, assessment, understanding and prevention of adverse effects or any other possible drug related problem;

“post market surveillance” means the practice of monitoring the safety and quality of a pharmaceutical drug or medical device after it has been released on the market and is an important part of the science of pharmacovigilance;

“practicing license” means a license issued under section 9A.

(b) by deleting the proposed amendments to section 3 and substituting therefor the following new amendments—

s. 3 Delete and substitute therefor the following new section—

Establishment
of the
Pharmacy and
Poisons
Board.

- 3.(1) There is established a Board which shall consist of—
- (a) a Chairperson who shall be appointed by the President and who shall—
 - (i) be a pharmacist of good standing with a degree in pharmacy; and
 - (ii) have at least fifteen years’ experience in the pharmaceutical sector;
 - (b) the Director of pharmaceutical services;

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- (c) the Principal Secretary in the ministry for the time being responsible for finance or his representative;
- (d) one pharmaceutical technologist with expertise in community pharmacy, nominated by the Council of Governors and appointed by the Cabinet Secretary;
- (e) two pharmaceutical practitioners representing the pharmacy training institutions, of which one shall be a pharmacist and one shall be a pharmaceutical technologist;
- (f) three pharmaceutical practitioners appointed by the Cabinet Secretary, of whom—
 - (i) one shall be a pharmaceutical technologist nominated by the Kenya Pharmaceutical Association; and
 - (ii) two shall be pharmacists nominated by the Pharmaceutical Society of Kenya, and one of whom shall have expertise in industrial pharmacy;
- (g) one person with knowledge and skill in finance or audit appointed by the Cabinet Secretary;
- (h) the Chief Executive Officer, who shall be an ex officio member; and
- (i) one medical practitioner nominated by the Kenya Medical Association and appointed by the Cabinet Secretary.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) A person shall not qualify for appointment as a member of the Board under subsection (1)(e) and (f) unless such person is the holder of a minimum of a diploma in the relevant field from an institution recognized in Kenya and has at least five years managerial experience.

- (c) in the proposed new section 3B—
 - (i) by deleting the words “health products” appearing in the proposed new subsection (1) and substituting therefor the words “pharmaceutical products”;
 - (ii) by deleting the words “health products” appearing in the proposed new subsection (2) and substituting therefor the words “pharmaceutical products”;
 - (iii) by deleting the words “government and government agencies” appearing in the proposed new subsection (2)(a) and substituting therefor the words “national and county governments”;
 - (iv) by deleting the proposed new subsection (3)(f) and substituting therefor the following new subsection—

“(f) establish or prescribe the different categories of pharmacy business and the scope of practice of persons registered or enrolled in terms of this Act, or the services or acts which shall for purposes of this Act be deemed to be services or acts specially pertaining to pharmacists or pharmaceutical technologists, and the conditions under which those services may be provided or the acts which may be performed;”

(v) by deleting the word “private” appearing in the proposed new subsection (3)(h);

(d) by deleting the proposed amendment to section 4(5) and substituting therefor the following new proposed amendment—

s. 4(5) Delete the word “registrar” and substitute therefor the words “Chief Executive Officer”.

(e) in the proposed amendments to section 5—

(i) by deleting the word “ten” appearing in the proposed new subsection (4)(d) and substituting therefor the word “fifteen”;

(ii) by inserting the word “once” immediately after the word “reappointment” appearing in the proposed new subsection (5);

(f) by deleting the proposed amendment to section 6(1) and substituting therefor the following new proposed amendment—

s. 6 Delete and substitute therefor the following new section—

Register of pharmaceutical practitioners. 6. The Registrar shall keep a register of pharmaceutical practitioners in the prescribed form.

(g) by inserting the following new amendment immediately after the proposed amendment to section 6(1)—

s. 8(2) Delete subsection (2) and substitute therefor the following new subsection—

“(2) Any person who satisfies the Board that he holds a diploma in pharmacy from any college recognised by the Board in Kenya shall, subject to this Act, be entitled to have his or her name entered in the register.

(h) by inserting the following new amendment immediately after the proposed new amendment to section 8(2)—

New section Insert the following new sections immediately after section 9—

Practising license. 9A. (1) The Registrar shall issue, in accordance with rules made under this Act, a practising license authorizing registered pharmaceutical practitioners to practice as pharmacists or pharmaceutical technologists.

(2) Every practicing license shall expire at the end of the practising year in which it was issued.

(3) The practicing year shall be from 1st January to 31st December.

(4) Any pharmaceutical practitioner who practices without a valid practicing license in line with subsection (1) commits an act of professional misconduct.

Application
for practising
license.

9B. A person wishing to be issued with a practising license under section 9A shall make an application to the Registrar in the prescribed form and such application shall be accompanied by the prescribed fee.

Issue of
practising
license.

9C. (1) Where an application for a practising license is made by a person in accordance with section 9B, the Registrar shall issue a practicing license if satisfied that the person—

- (a) is registered under section 6 of this Act;
- (b) has undertaken continuous professional development in the preceding year as prescribed by the Board; and
- (c) meets such other requirements as may be prescribed.

(2) For the purposes of this Act, a person shall be deemed to engage in the practice of pharmacy if the person—

- (a) engages in, conducts or carries on the dispensing, manufacture, compounding of any drugs or medicines, or offers any form of pharmaceutical care or pharmaceutical services within Kenya; or
- (b) advertises or represents himself or herself by a title, sign, display, declaration, or other item to be a pharmacist or pharmaceutical technologist.

(3) For purposes of this Act, it shall be a requirement for every practising pharmacist and pharmaceutical technologist, practicing in their private capacity, government, faith based institutions, non-governmental organizations, training institutions, research organizations or any other institution, to have a valid practising license.

Refusal to
issue or
renew a
license.

9D. The Board may deny or refuse to issue or renew a license under this Act if it determines after due process, that the applicant has failed to comply with the requirements of this Act or its rules.

Renewal,
cancellation
and
suspension
of license.

9E. (1) A pharmacist or pharmaceutical technologist issued with a license under this Act may apply for renewal of the license in the prescribed form at least thirty days before the date of expiry thereof.

(2) A pharmacist or pharmaceutical technologist who fails to renew a license within the prescribed period shall, when applying for a renewal, be required to pay such late application fee as shall be prescribed.

Continuous
professional
development.

9F. For purposes of maintaining a level of competence in his or her ongoing practice, every pharmacist and pharmaceutical technologist shall undertake appropriate Continuous Professional Development as prescribed by the Board.

- (i) by inserting the following new amendment immediately after the proposed new section 9F—

New
section

Insert the following new section immediately after section 12—

Enquiries and
Disciplinary
Committee.

12A. (1) The Board shall establish an Enquiries and Disciplinary Committee which shall enquire into any matter arising under section 12 of this Act.

(2) Where on the recommendations of the Enquiries and Disciplinary Committee the Board is satisfied that a pharmacist or pharmaceutical technologist is in breach of any of the terms or conditions of practice prescribed by the Board, the Board may—

- (a) issue the pharmacist or pharmaceutical technologist with a letter of admonishment;
- (b) impose a fine as may be prescribed in regulations;
- (c) suspend the registration or enrolment of the pharmacist or pharmaceutical technologist for a specified period not exceeding five years; or
- (d) remove the name of the pharmacist or pharmaceutical technologist from the Register as may be appropriate.

(3) The Board may order a pharmacist or pharmaceutical technologist to reimburse costs and expenses incurred in connection with a disciplinary hearing and such costs shall be a civil debt recoverable summarily by the Board.

- (j) in the proposed amendment to section 20, by deleting the words “pharmacist or enrolled pharmaceutical technologist” appearing in the proposed new subsection (1B) and substituting therefor the words “pharmaceutical practitioner”;

- (k) by deleting the proposed amendments to section 23 and substituting therefor the following new proposed amendments—

s. 23

Delete the word “pharmacist” appearing in subsection (1) and substitute therefor the words “pharmaceutical practitioner.

Insert the following new subsection immediately after subsection (1)—

(1B) The following conditions shall apply to a premise license issued under this Act—

- (a) where operations are conducted at more than one location, each branch shall be licensed separately by the Board;
- (b) each pharmacy shall have a pharmacist or pharmaceutical technologist-in-charge as appropriate;
- (c) the license shall be issued subject to a satisfactory inspection of the premise by the Board;
- (d) a community pharmacy license shall only be issued in the name of a pharmacist or pharmaceutical technologist;
- (e) no person shall be licensed for more than one category of premise license;

- (f) no premise shall be licensed for more than one category of premise license; and
- (g) a clinic or hospital pharmacy shall be under the control of a pharmacist or a pharmaceutical technologist of such experience as may be prescribed.

Delete the words "thirty thousand shillings" appearing in subsection (6) and substitute therefor the words "one million shillings".

- (l) in the proposed new section 23A, by deleting the words "seize all the stock held and" appearing in subsection (3);
- (m) by inserting the following new amendment immediately after the proposed new section 23A—
 - S. 24 Delete the words "a pharmacist" and substitute therefor the words "pharmaceutical practice".

- (n) by deleting the proposed new section 25A;
- (o) by deleting the proposed new section 25B and substituting therefor the following new subsection—

Clinical
trials.

25B. (1) A pharmaceutical product shall not be used for clinical trial unless an approval is granted by the Board with the approval of the relevant ethics body.

(2) Any person who intends to commence a clinical trial on a pharmaceutical product shall make an application to the Board in the prescribed form and the application shall be accompanied by the study protocol in the prescribed format and the prescribed fee.

(3) The study protocol submitted under subsection (2) shall include a post-trial access program to ensure access of investigational medicinal substances by participants in a trial before grant of marketing authorization by the Board.

(4) The Board shall prescribe guidelines for evaluation of applications made under subsection (2) to be implemented for accelerated evaluations during emergency situations, epidemics and outbreaks.

(5) A person granted an approval under section 25B (1), shall put up a robust quality assurance system to ensure that the clinical trial is carried out so as to ensure the integrity of data generated, the safety and well-being of study participants.

(6) The Board shall carry out inspections of the clinical trials so as to ensure compliance of the clinical trials with the prescribed requirements.

- (p) in the proposed amendment to section 27, by inserting the following new proposed amendment—

- s. 27(4) Delete subsection (4) and substitute therefor the following new subsection—
- (4) No license shall be issued or renewed under this section unless the person applying for or holding such license is or has a registered pharmaceutical practitioner in control of the distribution of the poisons and the registered pharmaceutical practitioner is resident in Kenya.
- (q) by deleting all the proposed amendments to section 35A(5);
- (r) by deleting the proposed amendment to section 35D;
- (s) by deleting the proposed amendment to section 35E;
- (t) by deleting the proposed amendment to section 35F;
- (u) by deleting the proposed amendment to section 35G;
- (v) by deleting the proposed amendment to section 35H;
- (w) by deleting the proposed amendment to section 35I;
- (x) by deleting the proposed amendment to section 35J;
- (y) by deleting the proposed amendment to section 35K;
- (z) by inserting the following new amendment immediately before the proposed amendment to section 44(1)—
- S. 40(4) Delete subsection (4).
- (aa) By deleting the proposed amendment to section 44 and substituting therefor the following new amendment—
- s.44(1) Insert the following new paragraphs immediately after paragraph (mm)—
- (mm)—
- (mma) the standards and practice of pharmacy;
- (mmb) pharmacy education and training;
- (mmc) continuing professional development for all practicing pharmacists and pharmaceutical technologists;
- (mmd) criteria for issuance of pharmaceutical representatives permits;
- (mme) pharmacovigilance, post market surveillance and Good Manufacturing Practice;
- (4) in the proposed amendments to the **Medical Practitioners and Dentists Act, Cap. 253**—
- (a) by deleting the proposed amendments to section 2 and substituting therefor the following new proposed amendments—
- s. 2 Delete the definition of “Board” and substitute therefor with the following new definition—
- “Council” means the Kenya Medical and Dental Council constituted under section 3;
- Delete the definition of “register” and substitute therefor with the following new definition -
- “register” means the register of medical practitioners, dental practitioners and health institutions for public and private practice which the Council is required by section 5 to keep;

Insert the following new definitions in proper alphabetical sequence -

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“assessment” means the determination of the suitability for registration under the Act by means of oral or written examination or both”;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to health;

“community oral health” means the provision of curative, preventive and promotive oral health care”;

“community oral health officer”, means a person who has undergone the prescribed course of training in an approved institution, and holds a diploma, higher diploma or degree in community oral health;

“general practice” means the practice of general medicine or dentistry other than specialist practice as defined in the Act;

“health facility” has the meaning assigned to it in the Health Act;

“health institution” means a facility that is operated or designed to provide in-patient or out-patient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventative or other health service for public and private use by medical and dental practitioners;

“intern” means a person holding a medical or dental degree or its equivalent recognized by the Council or a person who has passed the internship qualifying examination, who is undergoing a prescribed period of internship in a recognized institution;

“internship” means a prescribed period of employment during which a medical or dental graduate works under supervision to fulfil registration requirements;

“internship qualifying examination” means a written or oral examination or both which determines the suitability of foreign trained graduates who holds a degree recognized by the Board to undergo internship”;

“licence” means an annual practicing licence issued under section 12 of this Act;

“pre-registration examination” means a written or oral examination or both which determines the suitability for registration under section 6(3) of the Act”

“professional misconduct” means a serious digression from established or recognized standards or rules of the profession, that includes a breach of such codes of ethics or conduct as may be prescribed for the profession from time to time;

“specialist” means a medical practitioner or dentist who has completed an approved post graduate training programme in a particular field of medicine or dentistry, and who has thereafter gained sufficient experience and demonstrated to the Council’s satisfaction adequate knowledge and skill, in his chosen field;

“specialist practice” means the practice of medicine or dentistry in a specialized field;

(b) in the proposed new section 3A—

(i) by deleting the proposed new subsection (1) and substituting therefor the following new subsection—

3A.(1) The Council shall consist of—

(a) a chairperson who shall be appointed by the President and who shall—

(i) be a specialist medical or dental practitioner of good standing with a degree in medicine; and

(ii) have at least ten years’ experience, five of which shall be in a managerial position;

(b) the Director General for Health or a designated representative;

(c) four persons appointed by the Cabinet Secretary, nominated as follows—

(i) one person who shall be a representative of universities in Kenya which have the power to grant a qualification which is registerable under this Act;

(ii) one person who shall be a representative of the Kenya Medical Association;

(iii) one person who shall be a representative of Kenya Dental Association; and

(iv) one person who shall be a representative of oral health practitioners;

(d) three persons appointed by the Cabinet Secretary, as follows—

(i) one person who shall be nominated by Kenya National Commission on Human Rights;

(ii) one person who shall be a representative of the private sector in health; and

(iii) one person with knowledge and expertise in finance or audit.

(e) the Chief Executive Officer who shall be the Registrar and an ex officio member and also the secretary to the Council.

(ii) by inserting the following new subsection immediately after the proposed new subsection (9)–

(10) Pursuant to nominations in paragraphs (1) (c) and (d), each organization shall present two nominees one of whom shall be appointed by the Cabinet Secretary taking into account ethnic diversity, gender, disability, skills mix and regional balance.

(c) in the proposed new section 4A, by deleting the proposed subsection (1) and substituting therefor the following new subsection–

(1) The Council shall constitute the following committees—

- (a) training, assessment, registration and human resources committee;
- (b) disciplinary and ethics committee whose mandate shall include—
 - (i) conducting inquiries into complaints submitted to it;
 - (ii) regulating professional conduct;
 - (iii) ensuring fitness to practice and operate;
 - (iv) promoting mediation and arbitration between parties; and
 - (v) at its own liberty, recording and adopting mediation agreements or compromise between parties, on the terms agreed;
- (c) inspections, licensing, finance and general purposes committee; and
- (d) audit and risk committee.

(d) in the proposed new section 4C, by inserting the following new subsection immediately after subsection (1)–

(1A) A person shall be qualified to be appointed as the Chief Executive Officer if the person-

- (a) possesses a masters degree or its equivalent from a university recognised in Kenya;
- (b) has at least ten years professional and administrative experience in matters related to health; and
- (c) meets the requirements of Chapter Six of the Constitution.

(e) in the proposed amendment to section 6–

(i) by inserting the following new paragraph immediately after subsection (5)(e)–

“(f) has passed an examination prescribed by the Council;”

(ii) in subsection (5), by inserting the words “as is prescribed in regulations” immediately after the words “under this Act” appearing in the proviso;

(f) by deleting the proposed deletion of section 9(1);

(g) by inserting the following new amendment in the proposed amendment to section 9(2)–
s. 9(2) Delete the word “Board” and substitute therefor the word “Council”.

(h) by deleting the proposed new section 11A and substituting therefor the following new section–

New section Insert the following new section immediately after section 11A–

Recognition of
specialist
practice. **11B.** (1) The Council may recognize a medical or dental practitioner as a specialist in any of the fields under the Act or the rules thereunder.

(2) A medical or dental practitioner shall be recognized as a specialist if the medical or dental practitioner—

- (a) is a holder of a post graduate qualification equivalent to masters of medicine or dental surgery awarded after a period of training recognized by the Council; and
- (b) has at least two years' experience after obtaining the post graduate qualification under the supervision of a recognized specialist.

(3) The Council may recognize a medical or dental practitioner as a sub-specialist in any of the fields under the Act or the rules thereunder.

(4) A medical or dental practitioner shall be recognized as a sub-specialist if the medical or dental practitioner—

- (a) possesses a basic specialist qualification in his or her discipline;
- (b) has at least six months training;
- (c) has at least one year experience under the supervision of a recognized sub-specialist.

(i) in the proposed amendment to section 12, by deleting the words “of the end” appearing immediately after the words “the end” in the proposed new subsection (6);

(j) by deleting the proposed amendment to section 16;

(k) in the proposed amendment to section 22—

(i) in the proposed new subsection (1), by deleting the words “shall be” appearing immediately after the words “or in writing”;

(ii) in the proposed new subsection (3), by inserting the word “shillings” immediately after the words “five million”;

(iii) in the proposed new subsection (4), by deleting the word “and” appearing immediately after the word “commits” and substituting therefor the word “an”;

(iv) in the proposed new subsection (5), by inserting the words “which premises is not licensed as a health institution” immediately after the words “health institution”;

(l) by deleting the proposed amendment to section 23 and substituting therefor the following new proposed amendments—

s. 23 Delete the opening sentence and substitute therefor the following new opening sentence—

“The Cabinet Secretary may, after consultation with the Council, make rules generally for the better carrying out of the provisions of this Act, and any such rules may, without prejudice to the generality of the foregoing—”

Insert the following new paragraphs immediately after paragraph (d)–

(e) provide for indemnity for clients against loss or damage arising from claims in respect of any liability incurred by a practitioner or a health institution or the employee of a practitioner or health institution;

(f) provide for the training, registration, licensing and regulation of community oral health officers; and

(g) provide for the process and criteria for registration and licensing of foreign doctors.

(5) by deleting the proposed amendments to the **Food, Drugs and Chemical Substances Act, Cap. 254**;

(6) in the proposed amendments to the **Nurses Act, Cap. 257**–

(a) by inserting the following new proposed amendment immediately before the proposed amendments to section 2–

s. 1 Insert the words “and Midwives” immediately after the word “Nurses”.

(b) in the proposed amendments to section 2–

(i) by deleting the words “or midwife” appearing in the proposed definition of the term “nurse”;

(ii) in the definition of the term “specialist” by inserting the following new paragraph immediately after paragraph (l)–

(la) nephrology nursing;

(c) by deleting the proposed amendment to section 4 and substituting therefor the following new proposed amendment–

s. 4 Delete and substitute therefor the following new section–

Membership of
the Council.

4. (1) The Council shall consist of the following persons appointed by the Cabinet Secretary–

(a) a chairperson who shall–

(i) be a holder of a diploma or Bachelor's degree in nursing from a university recognized in Kenya; and

(ii) have at least ten years' experience in leadership and management;

(b) the Director of Nursing Services or a representative appointed in writing by the Director of Nursing Services;

(c) one person nominated by the National Nurses Association of Kenya;

(d) one person nominated by other professional associations of Kenya representing nurses and midwives;

(e) one representative of midwives involved in clinical practice;

- (f) one representative of accredited mid-level institutions involved in the training of nurses and midwives in Kenya;
- (g) one representative of accredited universities involved in training of nurses and midwives in Kenya;
- (h) two persons nominated by the Cabinet Secretary to represent the public;
- (i) the Chief Executive Officer who shall be the Registrar and shall be appointed in accordance to section 11 of this Act and shall be an *ex officio* member of the Council.

(2) Appointments under subsection (1)(h) shall take into consideration gender and regional balance, and the mix of skills and competencies required for the achievement of the organization's long-term goals and notified in the Kenya gazette.

(3) A member appointed under paragraph(1)(b) shall be an *ex officio* member of the Council.

(4) A member of the Council including the chairperson shall be a Kenyan citizen of good professional standing and meet the requirements of chapter six of the Constitution.

(5) A member of the Council appointed under this Act must be a holder of a relevant diploma or degree obtained from a university or institution recognized by the Council.

(6) A member of the Council except the *ex officio* members shall hold office for a term of three years and may be eligible for reappointment for one further term.

(7) There shall be a Corporation Secretary who shall be appointed by the Council through a competitive process.

(8) Pursuant to nominations in paragraphs (c),(d), (e), (f) and (g) of subsection (1), each organization shall present two nominees one of whom shall be appointed by the Cabinet Secretary taking into account ethnic diversity, gender disability, skills mix and regional balance.

- (d) in the proposed new section 4A, by deleting the words "and shall be the secretary to the Board" appearing at the end of the sentence;
- (e) in the proposed amendment to section 5(1), by inserting the words "Chapter 6 of" immediately after the words "provisions of" in the proposed new paragraph (c);

- (f) by deleting the proposed amendment to section 7(2) and substituting therefor the following new amendment—
- s. 7(2) Delete and substitute therefor the following new subsection—
“(2) The chairperson may at any time convene a special meeting of the Council and shall do so within fifteen days of a written requisition of the meeting signed by at least five members.”
- (g) in the proposed amendment to section 9(1), by deleting the proposed amendment to delete the words “nursing commodities” in paragraph (i);
- (h) by deleting the proposed amendment to section 10(2);
- (i) in the proposed amendment to section 11(1), by inserting the words “or midwife” immediately after the word “nurse” in the proposed new paragraph (a);
- (j) by deleting the proposed amendment to section 11(4) and substituting therefor the following new amendment—
- s.11(4) Delete the word “may” appearing in subsection (4) and substitute therefor the word “shall”.
- (k) by deleting the proposed amendment to section 11(5) and substituting therefor the following new amendment—
- s. 11(5) Delete subsection (5) and substitute therefor the following new subsection—
“(5) The officers appointed under this section shall be paid such remuneration and allowances as the Council may from time to time determine.”
- (l) by deleting the proposed amendment to section 12 and substituting therefor the following new amendment—
- s. 12 Delete and substitute therefor the following new section—
Registers to be kept. **12.** (1) The Registrar shall compile and keep a register of nurses and midwives in the prescribed form.
- (2) Every person eligible to be registered as a nurse or midwife may apply in the prescribed form to the Registrar for registration and every such application shall be accompanied by the prescribed fee.
- (3) Subject to payment of a retention fee, there shall be entered and maintained in the appropriate register the name and address of every person entitled to be registered under this Act together with his or her professional qualifications and such other particulars as may be prescribed by the Council.
- (4) Every person registered under this Act who has obtained a higher degree or qualification other than the qualification in respect of which he has been registered, shall be entitled to have that higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, upon paying the prescribed fee.

(m) by deleting the proposed amendments to section 17 and substituting therefor the following new proposed amendments—

s. 17

Delete and substitute therefor the following new section—

Private practice. **17.** (1) A person may engage in private practice as a nurse or a midwife if that person is—

- (a) a citizen of Kenya or a foreign national;
- (b) registered and licensed to practice in Kenya;
- (c) a holder of a valid practicing license issued under this Act;
- (d) of professional good standing, as may be prescribed by the Council;
- (e) has paid the fee as prescribed by the Council;
- (f) meets such other requirements as may be prescribed by the Council; and
- (g) a holder of such other nursing or midwifery qualification as may be prescribed.

(2) A person is not qualified to operate a clinic in community nursing or midwifery services as a private practitioner unless such person has at least three years post qualification experience in community nursing or midwifery and is in active practice in Kenya.

(3) Despite the provisions of sub sections (1) and (2), a person is not qualified to operate a nursing home, maternity home or a nursing and maternity home as a private practitioner unless such person has been in active practice for at least five years in Kenya.

(4) If a license is due for renewal and the licensee has not made an application within the thirty days from the date of expiry, the licensee shall not engage in private practice until a renewal license is issued.

(5) An application to engage in private practice or renewal shall be made to the Council in the prescribed form, accompanied with the prescribed fee.

(6) A person who has made an application to engage in private practice shall be issued with such license by the Council upon satisfying such requirements for issuance with a licence under this Act.

(7) A practising certificate shall be valid from the date on which it is issued and shall expire on the thirtieth day of December of every year unless its holder ceases to be a registered person under this Act.

(8) A person who contravenes the provisions of this section commits an offence and is liable upon conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or both.

- (n) by deleting the proposed amendment to paragraph 2(2) of the Schedule.
- (7) in the proposed amendments to the **Kenya Medical Training College Act, Cap. 261**—
- (a) in the proposed amendments to section 2, by deleting the words “in charge of” appearing in the definition of the term “Cabinet Secretary” and substituting therefor the words “responsible for”;
- (b) by deleting the proposed amendment to section 4(2) and substituting therefor the following new proposed amendment—
- s. 4(2) Delete and substitute therefor the following new subsection—
- “(2) The common seal of the College shall be kept in the custody of the Corporation Secretary and shall be authenticated by the signature of the Chief Executive Officer.”
- (c) by inserting the following new amendment immediately after the proposed amendment to section 7(b)—
- (c) Delete the words “constituent training centre” and substitute therefor the word “campus”
- (d) by inserting the following new amendment immediately after the proposed amendment to section 7(d)—
- (e) Delete the word “Board” and substitute therefor the word “Council”
- (e) in the proposed amendment to section 8(1)—
- (i) in the opening sentence, by inserting the words “who shall be the Secretary to the Board” immediately after the words “Chief Executive Officer”;
- (ii) in the proposed new paragraph (a), by inserting the word “masters” immediately after the words “hold a”;
- (f) in the proposed amendment to section 8(3), by inserting the words “business development and” immediately before the word “resource” appearing in the proposed new paragraph (d);
- (g) by deleting the proposed amendment to section 8(4) and substituting therefor the following new amendment—
- s. 8(4) Delete and substitute therefor the following new subsection—
- “(4) The Chief Executive Officer shall hold office for a term of four years and shall be eligible for reappointment for one further term of four years subject to satisfactory performance of duties.”
- (h) by deleting the proposed amendment to section 8(5) and substituting therefor the following new amendment—
- s. 8(5) Delete and substitute therefor the following new subsection—
- “(5) There shall be a Corporation Secretary to the Board who shall be appointed by the Board, on such terms and conditions of service as the Board may determine.”
- (i) by deleting the proposed amendment to section 9(1) and substituting therefor the following new amendment—

s. 9(1) Delete and substitute therefor the following new subsection—

9. (1) The Board shall comprise the following—

- (a) a chairperson appointed by the President who shall—
 - (i) have a minimum of a bachelors' degree in a relevant field from a university recognised by the Board; and
 - (ii) have at least ten years' experience in leadership and management;
- (b) the Chief Executive Officer who shall be an ex-officio member;
- (c) the Principal Secretary in the Ministry for the time being responsible for health or their designated representative;
- (d) the Principal Secretary in the Ministry for the time being responsible for national treasury or their designated representative
- (e) the Director General of Health or their designated representative;
- (f) three independent members appointed by the Cabinet Secretary taking into consideration gender balance, regional balance and skills mix; and
- (g) one person with knowledge and expertise in finance or audit appointed by the Cabinet Secretary.

(j) in the proposed new subsections in section 9—

- (i) by deleting the word "chairman" wherever it appears in the proposed new subsection (1B) and substituting therefor the word "chairperson";
- (ii) by deleting the word "chairman" appearing in the proposed new subsection (1D) and substituting therefor the word "chairperson";
- (iii) by deleting the word "chairman" appearing in the proposed new subsection (1E) and substituting therefor the word "chairperson";

(k) by deleting the proposed amendment to section 9(3) and substituting therefor the following new amendment—

s. 9(3) Delete and substitute therefor the following new subsection—

"(3) The office of a member of the Board of Directors shall become vacant—

- (a) if, not being an ex officio member—
 - (i) he resigns from office by writing to the appointing authority;
 - (ii) he is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
 - (iii) he is absent, without permission of the Board of management, from three consecutive meetings;
- (b) if the Board of Management is satisfied that such member is, by reason of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon death;
- (d) upon adjudication of bankruptcy by a court of competent jurisdiction;
- (e) upon conviction of an offence related to fraud; or
- (f) upon the conviction for offence under this Act."

- (l) by deleting the proposed new section 9A;
- (m) in the proposed amendment to section 10(2), by deleting the word "Board" appearing in the proposed new paragraph (f) and substituting therefor the word "Council";
- (n) in the proposed amendment to section 11—
 - (i) in the proposed new paragraph (1)(b), by deleting the word "the" and substituting therefor the word "four";
 - (ii) by deleting the proposed new paragraph (1)(c) and substituting therefor the following new paragraph—
 - (c) one head of the faculties of the College appointed by the Board;
 - (iii) by deleting the proposed new paragraph (1)(d) and substituting therefor the following new paragraph—
 - (d) one head of each campus appointed by the Board;
 - (iv) by deleting the proposed new subsection (3) and substituting therefor the following new subsection—

“(3) Notwithstanding any other provision of this Act, the Board of Directors shall not initiate any action in respect of any of the matters mentioned in subsection (2) (a), (b) or (c), except upon receipt of a report or proposal of the Academic Council thereunder and except in consultation with the Academic Council.”
- (o) in the proposed amendment to section 14(1), by deleting the word "may" and substituting therefor the word "shall";
- (p) by deleting the proposed amendment to section 14(2) and substituting therefor the following new amendment—
 - s. 14(2) Delete and substitute therefor the following new subsection—

“(2) In the event of the simultaneous incapacity of the Chief Executive Officer and the Deputy Directors, the Cabinet Secretary, after consultation with the Board of Directors, shall appoint a member of the Academic Council to perform the functions of the Chief Executive Officer during such incapacity.”
- (q) in the proposed amendment to section 16(1), by deleting the second proposed amendment;
- (r) in the proposed amendment to section 17(4), by deleting the words "a college" appearing in the proposed new subsection (5) and substituting therefor the words "the College";
- (s) by deleting the proposed amendment to section 19(2) and substituting therefor the following new amendment—
 - s. 19(2) Delete.
- (t) by deleting the proposed amendments to section 20(2) and substituting therefor the following new amendment—
 - s. 20(2) Delete and substitute therefor the following new subsection—

“(2) Any person who, except with the written consent of the Board of Directors, uses the words "Kenya Medical Training College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling or profession commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.”

- (8) by deleting the proposed amendment to the Narcotic Drugs and Psychotropic Substances Act, No. 4 of 1994;
- (9) in the proposed amendments to the Nutritionists and Dieticians Act, No. 18 of 2007—
- (a) in the proposed amendment to section 2—
- (i) by inserting the words “records of” immediately after the word “keeping” in the definition of the term “indexing”;
- (ii) in the definition of the term “internship”, by deleting the expression “s specialized are” and substituting therefor the words “a specialized area”;
- (b) in the proposed amendment to section 3, by deleting the proposed new subsection (2) and substituting therefor the following new subsection—
- “(2) Notwithstanding any other provisions of this Act, a person registered and licensed under this Act shall engage in private practice only if he holds a diploma or a degree and has completed one-year internship or has a minimum three years’ experience in nutrition and dietetics.”
- (c) by deleting the proposed amendment to section 5(2) and substituting therefor the following new amendment—
- s. 5(2) Delete and substitute therefor the following new subsection—
- (2) The Council shall consist of—
- (a) a chairperson who shall be appointed by the Cabinet Secretary and who shall—
- (i) be a holder of a bachelors’ degree in nutrition or dietetics; and
- (ii) have at least ten years of professional experience after the first degree of which two years shall be at leadership and managerial level;
- (b) one qualified nutritionist or dietician professional with a minimum of a diploma in good standing from private practice who shall be appointed by the Cabinet Secretary;
- (c) the Director of Nutrition and Dietetics Services in the Ministry responsible for health or their designated representative;
- (d) one representative of the Consumers Federation of Kenya, who shall be a holder of at least a Bachelors’ degree;
- (e) one representative of faculties teaching nutrition and dietetics at public universities who shall be competitively sourced and who shall be a holder of at least a Masters’ degree;
- (f) one representative from public and private middle level colleges, offering courses in nutrition or dietetics;
- (g) the Director General for health or their designated representative;
- (h) one member with technical knowledge and competencies on finance who shall be appointed by the Cabinet Secretary; and
- (i) the Chief Executive Officer as an ex-officio member.
- (d) by deleting the proposed new subsections after section 5(4) and substituting therefor the following new amendment—

New
subsections

Insert the following new subsections immediately after subsection (4)–
“(5) Pursuant to nominations in paragraphs (d), (e) and (f) of subsection (2), each organization shall present two nominations one of whom will be appointed by the Cabinet Secretary taking into account ethnic diversity, gender disability, skill mix and regional balance.

(6) The appointments under subsection (2) shall consider gender, regional and ethnic balance.

(7) The Council shall establish a maximum of four committees to deal with matters of training, registration, finance and human resource, audit and risk policies management for proper administration of the Act, but may establish such other ad hoc committees as may be necessary to carry out the functions of the Council.

(8) The Council shall regulate its own procedures in accordance with the First Schedule.”

- (e) in the proposed new section 7, by deleting the words “ad hoc”;
- (f) in the proposed new section 8, by inserting the words “the Council in consultation with the” immediately after the words “from time to time by”;
- (g) in the proposed new section 9–
 - (i) by deleting the word “appointed” appearing in the proposed new subsection (1) and substituting therefor the word “recruited”;
 - (ii) by deleting the word “five” appearing in the proposed new subsection (3) and substituting therefor the word “four”;
 - (iii) in the proposed new subsection (4), by deleting the words “and in consultation with the council shall be spokesperson of the Institute”;
- (h) by deleting the proposed amendment to section 12 and substituting therefor the following new amendment–
 - s. 12 Delete the word “Board” wherever it appears and substitute therefor the word “Committee”.
- (i) in the proposed new section 13–
 - (i) by deleting the word “may” appearing in the opening sentence;
 - (ii) by deleting the proposed new paragraph (f) and substituting therefor the following new paragraph–
 - (f) develop regulations for internship programmes for students of nutrition and dietetics during pre-service training;
- (j) by deleting the proposed amendments to section 25(2) and substituting therefor the following new amendments–
 - s. 25(2) Delete paragraph (c) and substitute therefor the following new paragraph–
 - (c) one member of the Accreditation Committee;
 Delete the word “Board’ appearing in paragraph (e) and substitute therefor the word “Committee”
- (k) in the proposed new subsection (2B) of section 25, by inserting the words “Council in consultation with the” immediately after the words “determined by the”;

- (l) in the proposed new subsection (6) of section 25, by deleting the word “instate” and substituting therefor the word “Committee”;
- (m) in the proposed new section 30, by inserting the following new subsection immediately after subsection (4)–
 - (5) The annual accounts of the Council shall be prepared, audited and reported upon, in accordance with the provisions of Articles 226 and 229 of the Constitution and the law relating to public audit.
- (n) by inserting the following new amendment immediately after the proposed amendment to section 30–
 - s. 31 Delete.
- (o) in the proposed new First Schedule–
 - (i) by deleting paragraph 3(2)(b);
 - (ii) by deleting the proposed paragraph 5(e);
- (10) in the proposed amendments to the **Kenya Medical Supplies Authority Act, No. 20 of 2013**–
 - (a) by deleting the proposed amendment to section 5(1)(a) and substituting therefor the following new amendment–
 - s. 5(1)(a) Delete and substitute therefor the following new paragraph–
 - (a) a chairperson appointed by the President and who shall–
 - (i) have at least a university degree in a relevant discipline;
 - (ii) have at least fifteen years’ experience in matters relating to healthcare or business management;
 - (iii) satisfy the requirements of Chapter Six of the Constitution.
 - (b) in the proposed new paragraph 5(1)(e), by deleting the words “County Governments” and substituting therefor the words “Council of Governors”;
 - (c) by deleting the proposed amendment to section 5(2) and substituting therefor the following new amendment–
 - s.5(2) Delete.
 - (d) in the proposed new subsection 5(3)–
 - (i) by deleting the words “in a relevant discipline” appearing in paragraph (a) and substituting therefor the words “in Pharmacy, Medicine, Business Management, Finance, Supply Chain Management or any other related field from a recognized University”;
 - (ii) by deleting the proposed new paragraph (d);
 - (e) by inserting the following new amendment immediately after the proposed amendment to section 5(3)–
 - New subsection Insert the following new subsection immediately after subsection (6)–
 - “(7) The persons referred to in subsection (1) (e) shall be appointed by the Cabinet Secretary, taking into account regional balance, gender and skills mix.”
 - (f) by deleting the proposed amendment to section 8(3)(b);
 - (g) in the proposed new section 9A–
 - (i) by deleting the words “and appointed by the Cabinet Secretary” appearing in the proposed new subsection (1);

(ii) by deleting the words “shall be the secretary to the Board” appearing in the proposed new subsection (2);

(11) in the proposed amendments to the Counsellors and Psychologists Act, No. 14 of 2014—

(a) by inserting the following new amendment immediately after the proposed amendment to section 2—

s. 4(1)

Delete and substitute therefor the following new subsection—

(1) The Board shall be composed of—

(a) a chairperson appointed by the Cabinet Secretary who shall have—

(i) a minimum of a bachelors’ degree in a relevant field; and

(ii) at least fifteen years’ experience in counselling or psychology;

(b) the Director General of Health or their designated representative;

(c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance;

(d) two persons, who shall be counsellors or psychologists, representing training institutions appointed by the Cabinet Secretary, of whom—

(i) one shall represent middle level colleges; and

(ii) one shall represent institutions of higher learning;

(e) two persons, one representing counsellors and the other representing psychologists, nominated by registered counsellors and psychologists;

(f) one person from minorities and marginalized groups who shall be a counsellor or a psychologist and shall be nominated by the Cabinet Secretary; and

(g) the Registrar, who shall be an ex-officio member and the secretary to the Board.

(b) by deleting the proposed amendment to section 4(1)(b);

(c) by deleting the proposed amendment to section 4(1)(e);

(d) by deleting the proposed amendment to section 4(1)(f);

(e) by deleting the proposed amendment to section 4(5) and substituting therefor the following new amendment—

s. 4(5)

Delete the word “five” appearing in paragraph (a) and substitute therefor the word “fifteen”

(f) in the proposed new section 4(6), by deleting the word “shall” appearing immediately after the words “subsection (1)”;

(g) by inserting the following new amendment immediately after the proposed amendment to section 4(6)—

New
subsections

Insert the following new subsections immediately after subsection (6)–

“(7) Pursuant to nominations in paragraphs (d) and (e) of subsection (1), each organization shall present two nominations one of whom shall be appointed by the Cabinet Secretary.

(8) The members of the Board appointed under paragraphs (d), (e) and (f) of subsection (1) shall hold office for a term of three years and shall be eligible for reappointment in accordance with the procedure set out for one further term.”

(h) by inserting the following new amendment immediately after the proposed amendment to section 6–

(i)

s. 9(3)

Delete and substitute therefor the following new subsection–

(3) The Registrar shall serve–

(a) according to terms and conditions determined by the Board; and

(b) for a term of four years renewable once subject to satisfactory performance.

(j) in the proposed amendment to section 23(a), by deleting the words “a masters” and substituting therefor the words “a diploma”;

(k) in the proposed amendment to section 23(b), by deleting the words “a masters” and substituting therefor the words “a diploma”;

(l) by deleting the proposed amendment to the Second Schedule and substituting therefor the following new amendment–

Second
Schedule

Delete and substitute therefor the following new Schedule–

1. The Board shall establish the following committees for the effective discharge of its functions–

(a) Examination and Registration Committee;

(b) Continuing Education Committee;

(c) Disciplinary Committee; and

(d) Finance and Administration Committee.

2. Despite paragraph 1, the Board may establish such other ad hoc committees as may be necessary for the effective carrying out of the functions of the Board.

(m) by inserting the following new amendment immediately after the proposed amendment to the Third Schedule–

Fourth
Schedule

Delete.

(12) in the proposed amendments to the **Physiotherapists Act, No. 20 of 2014**–

(a) in the proposed amendment to section 2, by inserting the words “also referred to as physical therapy” immediately after the word “physiotherapy” in the definition of the term “physiotherapy”;

(b) by inserting the following new amendment immediately after the proposed amendment to section 6(1)(b)–

(c)

s.6(1)(d) Delete and substitute therefor the following new paragraph–

“(d) one person with disability nominated by the National Council for Persons With Disabilities;”

- (d) by deleting the proposed new paragraphs (da) in section 6(1);
- (e) by deleting the proposed new paragraphs (db) in section 6(1);
- (f) by inserting the following new amendment immediately before the proposed amendment to section 13(1)–

New subsections Insert the following new subsections immediately after subsection 6(2)–

“(3) Pursuant to section 6 (1) (e), the Kenya Society of Physiotherapists shall present two nominees from each of the categories given in (i), (ii), (iii) and (iv), one of whom will be appointed by the Cabinet Secretary taking into account diversity, gender and skills mix and regional balance.

(4) The members of the Council appointed under subsections(1) (a) and (e) shall hold office for a term of three years and shall be eligible for reappointment for one further term.”

- (g) by inserting the following new amendment immediately before the proposed amendment to section 13(1)–

s. 10(2) Delete and substitute therefor the following new subsection–

(2) A person shall not be appointed under this section unless such person–

- (a) holds a degree in physiotherapy from a university recognized in Kenya and is a Kenyan citizen;
- (b) is registered as a physiotherapist under this Act; and
- (c) at least ten years' post qualification working experience.

- (h) by deleting the proposed amendment to section 13(1);

- (i) in the proposed amendments to section 19(1)–

- (i) by deleting the proposed new paragraph (d) appearing in the proposed new subsection (1A);

- (ii) by inserting the following new proviso immediately after paragraph (c)–

“unless such institution is established under the Kenya Medical Training College Act, established or accredited under the Universities Act, 2012 or the Technical and Vocational Education and Training Act, 2013, and is approved and recognized by the Council for that purpose in accordance with this Act.”

- (j) by inserting the following new amendment immediately after the proposed amendment to section 19(1)–

- (k)

s. Insert the words “and in the official Council website” immediately after the 22(3)(a) words “publish in the Gazette”

- (13) in the proposed amendments to the **Health Records and Information Managers Act, No. 15 of 2016**–

- (a) in the proposed amendments to section 2—
- (i) by deleting the proposed definition of the term “Manager” and substituting therefor the following new proposed definition—
“Manager” means an officer trained in health records and information and charged with the responsibility of managing health records and information for health services which includes—
 - (i) consulting in clinical coding;
 - (ii) coding for insurance firms;
 - (iii) capacity building in disease classifications and health information management;
 - (iv) appraisal of medical documentations and audits;
 - (v) medical data analytics and research;
 - (vi) use of e-health applications;
 - (vii) development of strategic documents and policies in health records and information management services;
 - (viii) advice on medical legal issues;
 - (ix) advice on retrieval and disposal of medical records;
 - (x) management of bed bureaus; or
 - (xi) consultancy in administrative statistics and big data analytics.
 - (ii) by deleting the proposed amendment to the definition of the term “Committee”;
- (b) by inserting the following new amendments immediately after the proposed amendment to section 6(1)(a)—
- s.6(1) Delete paragraph (d) and substitute therefor the following new paragraph—
- (d) in consultation with institutions offering training on health records and information technology, prescribe syllabuses of instruction;
- Delete paragraph (e) and substitute therefor the following new paragraph—
- (e) recommend to the Cabinet Secretary the institutions to train in health records and information technology;
- Delete paragraph (f) and substitute therefor the following new paragraph—
- (f) with the approval of the Cabinet Secretary, make provision for proficiency examination for persons seeking registration or enrolment under this Act.
- (c) by deleting the proposed amendment to section 7(1)(a) and substituting therefor the following new amendment—
- s. 7(1)(a) Delete and substitute therefor the following new paragraph—
- (a) a chairperson appointed by the Cabinet Secretary from among persons nominated from the public sector with knowledge and expertise in health and who shall—
 - (i) have a minimum of a bachelors’ degree in a relevant field; and
 - (ii) ten years’ relevant experience;
- (d) by deleting the proposed amendment to section 7(1)(c) and substituting therefor the following new amendment—

- s. 7(1)(c) Delete and substitute therefor the following new paragraph—
 (c) two representatives, one from middle level training colleges and one from universities offering training in health records and information technology;
- (e) by deleting the proposed amendment to section 7(1)(f);
- (f) by deleting the proposed amendment to section 7(1)(h);
- (g) by inserting the following new amendment immediately before the proposed amendment to section 7(3)—
 s. 7(2) Delete and substitute therefor the following new subsection—
 (2) The Registrar shall be the Chief Executive Officer and the Secretary to the Board.
- (h) in the proposed amendment to section 7(3), by inserting the words “but may establish such other ad hoc committees as may be necessary for the carrying out of the functions of the Board” immediately after the word “functions”;
- (i) by inserting the following new amendment immediately after the proposed new subsection 7(4)—
 New subsection (5) Pursuant to subsections (1) (c), (d) and (e), the organizations shall present two nominations from each of the categories, one of whom shall be appointed by the Cabinet Secretary taking into account gender balance, regional balance and skills mix.
- (j) by inserting the following new amendments immediately before the proposed amendment to section 15(1)(a)—
 s.9 Delete subsection (1).
- (k) in the proposed amendment to section 19(1), by inserting the words “or the Technical and Vocational Education and Training Act” immediately after the words “Universities Act” appearing in the proviso;
- (l) by deleting the proposed amendment to section 21(3);
- (m) by deleting the proposed amendment to section 24(6);
- (14) in the proposed amendments to the **Clinical Officers (Training, Registration and Licensing) Act, No. 20 of 2017**—
- (a) by deleting the proposed amendments to section 4(1) and substituting therefor the following new amendment—
 s. 4(1) Delete and substitute therefor the following new subsection—
 (1) The Council shall consist of the following persons—
 (a) a chairperson appointed by the President and who shall have—
 (i) a relevant bachelors’ degree from a recognised university; and
 (ii) at least ten years’ relevant experience;
 (b) the Director General for health or his or her designated representative;
 (c) the Chief Clinical Officer;

- (d) one clinical officer elected by members of faculty of Clinical Medicine from Kenya Medical Training College;
 - (e) one clinical officer representing the Kenya Clinical Officers Association who shall be nominated by the Association and appointed by the Cabinet Secretary;
 - (f) two clinical officers representing universities training clinical officers elected amongst the teaching staff;
 - (g) the Registrar who shall be an ex-officio member and secretary to the Council;
 - (h) two clinical officer's, one in public practice and the other in private practice from each gender nominated by the Cabinet Secretary;
 - (i) one person with knowledge and expertise in finance or audit appointed by the Cabinet Secretary; and
 - (j) one person representing the public nominated by consumer organisations and appointed by the Cabinet Secretary.
- (b) by deleting the proposed new subsection (5) in section 4;
- (c) in the proposed amendment to section 15(1), by deleting the proposed new subsection (1A) and substituting therefor the following new subsection—
- (1A) A person shall be qualified for appointment as Registrar if that person—
 - (a) holds a bachelors' degree from a university recognized in Kenya;
 - (b) has at least fifteen years' experience; and
 - (c) is registered as a clinical officer under this Act.
- (d) by deleting the proposed amendment to section 15(6) and substituting therefor the following new amendment—
- s. 15(6)(a) Insert the words "and in the official Council website" immediately after the word "Gazette"
- (e) in the proposed amendment to the title to Part IV, by deleting the word "PRIVATE";
- (f) in the proposed amendment to section 20—
- (i) by deleting the word "private" appearing in the proposed new subsection (8) and substituting therefor the word "any";
 - (ii) by deleting the word "invasive" appearing in subsection (9)(e);
 - (iii) by deleting the words "and specialty" appearing in the closing sentence in the proposed new subsection (9);
- (g) by inserting the following new amendment immediately after the proposed amendment to section 20—
- New section
- Insert the following new section immediately after section 23—
- Professional indemnity. 23A. Every clinical officer shall in each year take a professional indemnity cover and every health institution shall in each year insure the health institution against professional liability of its staff.

(d) by deleting the proposed amendment to section 5(1)(e) and substituting therefor the following new amendment—

s.5(1)(e) Delete and substitute therefor the following new paragraph—

“(e) three persons recruited and appointed by the Cabinet Secretary, one of whom shall at least hold a degree in pharmacy and two shall be from among persons who—

- (i) have at least a university degree in a relevant discipline;
- (ii) have at least ten years’ experience in management or in the health sector; and
- (iii) satisfy the requirements of Chapter Six of the Constitution.”

(e) by inserting the following new amendment immediately after the proposed amendment to section 5(1)(e)—

New paragraph Insert the following new paragraph immediately after paragraph 5(1)(e)—

(eb) one person recruited by the Council of Governors and appointed by the Cabinet Secretary from among persons who—

- (i) have at least a university degree in a relevant discipline;
- (ii) have at least ten years’ experience in management or in the health sector; and
- (iii) satisfy the requirements of Chapter Six of the Constitution.”

(f) by deleting the proposed amendment to section 5(2) and substituting therefor the following new amendment—

s.5(2) Delete.

(g) by deleting the proposed amendment to section 5(3) and substituting therefor the following new amendment—

s.5(3) Delete.

(a) by inserting the following new amendment immediately after the proposed amendment to section 5(3)—

New subsection Insert the following new subsection immediately after subsection (6)—

“(7) The persons referred to in subsection (1) (e) shall be appointed by the Cabinet Secretary, taking into account regional, gender and skills balance.”

(h) by deleting the proposed amendment to section 13(2) and substituting therefor the following new amendment—

- s. 13(2) Delete and substitute therefor the following new subsection—
- “(2) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chief Executive Officer and the Corporation Secretary and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signature of the Chief Executive Officer or the signature of the Corporation Secretary upon delegation by the Chief Executive Officer.”

3) Notice is given that the Member for Makueni (Hon. Daniel Maanzo) intends to move the following amendments to the Health Laws (Amendment) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Kenya Medical Training College Act, Cap. 261—**

(a) in the proposed new section 8—

- (i) by deleting the opening sentence in the proposed new subsection (1) and substituting therefor the following new opening sentence—

“(1) There shall be a Chief Executive Officer who shall be appointed by the Board and will be eligible for re-appointment upon satisfactory performance, and who shall have the following minimum qualifications—”

- (ii) by deleting the proposed amendment to subsection (5) and substituting therefor the following new amendment—

(5) Delete and substitute therefor the following new subsection—

“(5) The Board shall appoint a corporation secretary, who shall be the secretary to the Board, on such terms and conditions of service as the Board may determine.”

4) Notice is given that the Member for Mathare (Hon. Anthony Oluoch) intends to move the following amendments to the Health Laws (Amendment) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Medical Practitioners and Dentists Act, Cap. 253—**

(a) in the proposed new section 4 by—

- (i) deleting paragraph (m) and substituting therefor the following new paragraph—

“(m) regulate health institutions and take disciplinary action for any form of misconduct by a health institution;”

(ii) deleting paragraph (o) and substituting therefor the following new paragraph—
“(o) issue certificate of status to medical and dental practitioners and health institutions;”

5) **Notice is given that the Member for Bomachoge Chache (Hon. Ondieki Miruka) intends to move the following amendments to the Health Laws (Amendment) Bill, 2018 at the Committee Stage—**

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Kenya Medical Training College Act, Cap. 261—**

(b) in the proposed new section 8—

(iii) by deleting the opening sentence in the proposed new subsection (1) and substituting therefor the following new opening sentence—

“(1) There shall be a Chief Executive Officer who shall be appointed by the Board and will be eligible for re-appointment upon satisfactory performance, and who shall have the following minimum qualifications—”

(iv) by deleting the proposed amendment to subsection (5) and substituting therefor the following new amendment—

(5) Delete and substitute therefor the following new subsection—

“(5) The Board shall appoint a corporation secretary, who shall be the secretary to the Board, on such terms and conditions of service as the board may determine.”;

(c) by deleting the proposed amendment to section 19(2).

6) **Notice is given that the Member for Endebess (Hon. Robert Pukose) intends to move the following amendments to the Health Laws (Amendment) Bill, 2018 at the Committee Stage—**

SCHEDULE

THAT the Schedule to the Bill be amended—

(1) in the proposed amendments to the **Pharmacy and Poisons Act, Cap. 244—**

(a) in the proposed amendments to section 2, by inserting the following new definition in its proper alphabetical sequence—

“specialist pharmacist” means a registered pharmacist who has completed an approved postgraduate training programme in a particular field of pharmaceutical sciences, and who has gained sufficient experience and demonstrated to the Board’s satisfaction, adequate knowledge and skill in his chosen field”;

- (b) in the proposed new section 3(1)(a) by inserting the words “and who shall have at least fifteen years’ experience in the pharmaceutical sector” immediately after the word “President”;
- (c) in the proposed new section 3A, by deleting the word “may” appearing in the opening sentence and substituting therefor the word “shall”;
- (d) by deleting the proposed amendment to section 35A(5);

(2) in the proposed amendments to the **Clinical Officers (Training, Registration and Licensing) Act, No. 20 of 2017** in the proposed amendment to section 20—

- (a) by deleting the word “invasive” appearing in the proposed new subsection (9)(e); and
- (b) by deleting the words “and specialty” appearing in the closing sentence in the proposed new subsection (9).

7) Notice is given that the Member for Mavoko Constituency (Hon. Patrick Makau) intends to move the following amendments to the Health Laws (Amendment) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Pharmacy and Poisons Act, Cap. 244** by deleting paragraph (b) in the proposed new section 5(4) and substituting therefor the following new paragraph—

“(b) holds a masters’ degree in any field of pharmacy and is registered to practice pharmacy in Kenya;”

8) Notice is given that the Member for Kanduyi (Hon. Wafula Wamunyinyi) intends to move the following amendments to the Health Laws (Amendment) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Counsellors and Psychologist Act, No. 14 of 2014** by deleting the proposed amendments to—

- (a) section 2;
- (b) section 15;
- (c) section 16;
- (d) section 17;
- (e) section 18;
- (f) section 19;
- (g) section 20;
- (h) section 21; and
- (i) section 22.

The House resolved on Wednesday, February 14, 2018 as follows-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, shall be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

ADJOURNMENTIII. **NOTIFICATION OF RECESS (OCTOBER 26 – NOVEMBER 5, 2018)**

Pursuant to the provisions of Standing Order 28(3) relating to *Calendar of the Assembly*, the Speaker notifies that upon rise of the House today at the appointed time, regular sittings will resume on **Tuesday, November 6, 2018 at 2:30 p.m.**

(Thereafter, the House to adjourn without question put)

NOTICE PAPER

Tentative business for

Tuesday, November 06, 2018

(Published pursuant to Standing Order 38(1))

It is **notified** that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Tuesday, November 06, 2018:-

A. THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

(If not concluded on Thursday, October 25, 2018)

B. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)

(The Leader of the Majority Party)

Second Reading

C. THE KENYA ACCREDITATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2018)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, October 25, 2018)

D. COMMITTEE OF THE WHOLE HOUSE

The Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017)
(The Leader of the Majority Party)

E. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2018)

(The Leader of the Majority Party)

Second Reading

**F. THE COUNTY GOVERNMENTS (AMENDMENT)(No.2) BILL
(SENATE BILL NO. 7 OF 2017)**

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

**G. THE NATIONAL FLAGS, EMBLEMS AND NAMES (AMENDMENT)
BILL (SENATE BILL NO. 8 OF 2017)**

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading



...../*Appendix*

APPENDIX

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

Question No.

053/2018 The Member for Nakuru Town East Constituency (Hon. David Gikaria, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

Could the Cabinet Secretary explain why Mr. David Gicheru Kinuthia, a former employee of the Ministry of Agriculture, has not been paid his retirement and gratuity benefits to-date since his retirement in 1995?

(To be replied before the Departmental Committee on Labour and Social Welfare)

057/2018 The Member for Kwale County (Hon. Zuleikha Hassan, MP) to ask the Cabinet Secretary for Lands: -

- a) Why are buyers of land in Kwale County given Title Deeds to ancestral land while indigenous owners who have been living on it for generations are denied the same and are subjected to evictions?
- b) What steps is the Ministry taking to resolve land issues in Kwale County?

(To be replied before the Departmental Committee on Lands)

067/2018 The Member for Mandera East Constituency (Hon. Omar Mohamed Maalim, MP) to ask the Cabinet Secretary for Defence: -

- a) How many people or households have been directly affected by ongoing construction of the border wall between Kenya and Somalia, and will they be compensated?
- b) What was the initial design of the said border wall?
- c) To what extent will the border wall deter militants from entering into Kenya?
- d) Who was awarded the contract for the border wall and what challenges has the project faced which may have resulted in delays?
- e) What is the cost implication of the construction of the border wall to the Tax payer?

(To be replied before the Departmental Committee on Defence and Foreign Relations)

079/2018

The Member for Bomet Central Constituency (Hon. Ronald Tonui, MP) to ask the Cabinet Secretary for Education: -

- a) Which firm was awarded the tender for the construction of the Library, Hostels, Tuition and Administration Block projects for Bomet University College?
- b) Provide a list of the other bidders and their quotations at the tendering process?
- c) Confirm whether the tender awarded was for joint construction of Bomet University College and Mama Ngina University in Kiambu County?
- d) Why was Prof. Ayiro appointed as the Vice Chancellor in an acting capacity in total disregard to the recommendations of the University Council?
- e) What is the role of the Vice Chancellor in the award of the said tender?
- f) Confirm whether the Public Procurement Oversight Authority was involved in the award of the tender?
- g) Provide details on whether the contractor has been paid for works done and state the amount paid.

(To be replied before the Departmental Committee on Education and Research)

104/2018

The Member for Kwanza Constituency (Hon. Ferdinand Wanyonyi, MP) to ask the Cabinet Secretary for Education: -

- a) Could the Cabinet Secretary provide a list of all teachers who lost their lives in North Eastern Counties in the last 5 years? and,
- b) What compensation has been provided to families of the said teachers?

(To be replied before the Departmental Committee on Education and Research)

107/2018

The Member for Igembe Central (Hon. Iringo Kubai, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries: -

- a) Why was the Miraa Task Force Report Implementation Committee not gazetted?
- b) How have funds allocated to support miraa farming in the year 2017/2018 been utilized and how much has been set aside in the Financial Year 2018/2019 for the same?

- c) What activities have been undertaken by the Implementation Committee on Miraa and how much has been utilized for this purpose?
- d) What measures has the Ministry put in place to ensure cultivation of Miraa and other related programmes are sustained?

(To be replied before the Departmental Committee on Agriculture and Livestock)

109/2018

The Member for Tharaka Constituency (Hon. George Gitonga MP) to ask the Cabinet Secretary for Tourism and Wildlife: -

- a) Is the Cabinet Secretary aware that livestock bandits and rustlers have been given free access and hideout in Meru National Park with the sole aim of staging frequent and uncontrolled livestock expeditions into Tharaka Constituency?
- b) Why are livestock stolen and driven through Meru National Park never traced or recovered despite the Park being a KWS controlled zone?
- c) What action is the Cabinet Secretary taking to ensure the residents who lost their livestock, were impoverished and suffered damage are compensated?
- d) What measures has the Ministry put in place to ensure that Meru National Park is not used as hideout by livestock bandits and rustlers?

(To be replied before the Departmental Committee on Environment and Natural Resources)

112/2018

The Member for Kuria East Constituency (Hon. Marwa Maisori, MP) to ask the Cabinet Secretary for Tourism and Wildlife: -

- a) When will the family of Mr. John Merengo of Kuria East Constituency be compensated following the death of their daughter through a snake bite?
- b) Provide a list of all victims of snakebites from Kuria East Constituency, and state when they are expected to be compensated?

(To be replied before the Departmental Committee on Environment and Natural Resources)

113/2018

The Member for North Mugirango Constituency (Hon. Joash Nyamache Nyamoko, MP) to ask the Cabinet Secretary for Education: -

- a) Is the Ministry aware that four schools, Kea and Etono boarding primary schools; and Misambi and St. Francis Gekendo Secondary schools on diverse dates, had their dormitories razed down by fire leading to loss of property and disruption of learning?
- b) Has the Ministry conducted investigations into the cause of the fires in schools and when will the outcome of such investigations be made public?
- c) How does the Ministry intend to assist the affected schools in putting up or rebuilding the burnt facilities?
- d) What mechanisms has the Ministry put in place to ensure that such incidences are eradicated?

(To be replied before the Departmental Committee on Education and Research)

124/2018

The Member for Starehe Constituency (Hon. Charles Njagua, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- a) Could the Cabinet Secretary explain the measures undertaken by the Ministry to contain the increased influx of foreigners?
- b) What steps has the Ministry undertaken to ensure the said foreigners are not licensed to take up jobs that are meant for locals?

(To be replied before the Departmental Committee on Administration and National Security)

126/2018

The Member for Embakasi Central Constituency (Hon. Benjamin G. Mwangi, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- a) Could the Cabinet Secretary state the cause of the increased insecurity in Kayole, Embakasi Central Constituency?
- b) What action has the Ministry taken on police officers who collaborate with criminal gangs and drug peddlers at the expense of safeguarding lives of innocent residents?
- c) Is the Ministry conducting security assessments, such as performance appraisals and security performance assessment tests in

Kayole?

- d) Why are police officers conducting random arrests of innocent citizens who have to secure their release by giving out money without being taken to court?
- e) What challenges, if any, are experienced by the security forces in maintaining security for residents of Embakasi Central Constituency? and,
- f) When will security forces free Kayole from illegal criminal gangs, and assure residents and Kenyans at large that it is a secure place to work and live in?

(To be replied before the Departmental Committee on Administration and National Security)
