



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, SEPTEMBER 30, 2020 AT 2:30 PM**

1. The Senate assembled at thirty minutes past two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **PETITIONS**

- i) Pursuant to Standing Order 230(2) (a), the Senator for Nandi County (Sen. Samson Cherarkey, MP) presented to the Senate a Petition on behalf of Mr. Elkana Kitur, regarding delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year, 2020.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and subsequently, committed the Petition to the Standing Committee on Education, pursuant to Standing Order 232(1).

- ii) Pursuant to Standing Order 230(2) (a), the Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) presented to the Senate a Petition on behalf of residents of Mkamenyi Village in Voi Sub-County Taita Taveta County, concerning alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and subsequently, committed the Petition to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232(1).

- iii) Pursuant to Standing Order 230(2) (a), the Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) presented to the Senate a Petition on behalf of residents of Msambweni Village in Voi Sub-County of Taita Taveta County, concerning alleged impending evictions of Msambweni residents by a private company.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and subsequently, committed the Petition to the Standing

Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232 (1).

4. **STATEMENTS**

**a) Pursuant to Standing Order 47 (1)**

Nominated Senator (Sen. Rose Nyamunga, MP) made a statement concerning the medical cover to teachers under the AON Minet Kenya Medical Insurance Scheme.

In the statement, the Senator informed the House that teachers were frustrated by the poor and restrictive medical services offered by M/S. AON Minet Kenya citing that most teachers expressed concern on the very low capitation on outpatient services, restrictions on hospitals that they are allowed to visit for treatment, delays in approval, inconvenient hours of operation offered at between 8.00 am and 5.00 pm, and limited services under dental where only tooth extraction services are provided.

The Senator lauded the decision to introduce a medical cover for teachers but stressed that the glaring challenges must be addressed urgently with particular emphasis on the ongoing global COVID-19 pandemic and the fear of an impending second wave of the virus. The Senator reiterated the Government's obligation to offer quality and affordable health care and as such, the Teachers Service Commission should ensure that teachers are afforded quality healthcare.

Following concerns raised by Senators on the plight of teachers under the medical scheme, the Speaker referred the matter to the Standing Committee on Education pursuant to Standing Order 47(3).

**b) Pursuant to Standing Order 48(1)**

- i) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding work injury compensation awarded to Boru Halakhe vide Nairobi High Court Petition No. 7 of 2012.
- ii) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding compensation of Mr. Peter Otieno by Sarova Hotels Ltd.
- iii) Nominated Senator (Sen. (CPA.) Farhiya Haji, MP) sought a statement from the Standing Committee on Finance and Budget regarding pending bills and payment to suppliers by the County Government of Wajir.
- iv) Nominated Senator (Sen. Petronila Were-Lokorio, MP) sought a statement from the Standing Committee on Health regarding the state of affairs at the Busia County Referral Hospital.

- v) Nominated Senator (Sen. Fatuma Dullo, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning alleged insecurity at the border between Isiolo and Garissa Counties.

**c) Pursuant to Standing Order 51 (1) (a)**

Nominated Senator (Sen. Mary Seneta, MP), a member of the Standing Committee on Health, made a statement, on behalf of the Chairperson, Standing Committee on Health, regarding the death of a patient at the M. P. Shah Hospital, Nairobi, due to alleged negligence as sought by Sen. Beth Mugo, MP.

Thereupon, the Senator informed the House that in carrying out its investigations, the Standing Committee on Health held meetings with members of the family of the deceased patient, the Ministry of Health, the Kenya Medical Practitioners and Dentists Council (KMPDC), the management of M. P. Shah Hospital, and the National Hospital Insurance Fund (NHIF), aimed at clarifying the circumstances that led to the death of the patient, as well as understanding the broader legal, policy, regulatory and structural factors that may have contributed to her unfortunate and untimely death.

Further, the Senator informed the House that the Committee discovered that at the time of arrival at the hospital, the Late Ms. Virginia Asaph was conscious and stable, and the medical officer on duty who first attended to the patient, correctly and promptly diagnosed the patient. However, the emergency treatment required to be administered to the patient was delayed due to financial constraints and medical intervention was only conducted on the patient upon confirmation of payment. This unfortunate situation meant that the condition of the patient deteriorated which resulted in her death.

The Senator stated that the Committee recommended that the conduct of M. P. Shah Hospital in respect of its provision of emergency treatment to the deceased be investigated further and resolved to refer the case to the Kenya Medical Practitioners and Dentists Council, and that the Ministry of Health expedites the passage and publication of the Emergency Medical Policy, 2020-2030, the Emergency Medical Care Strategic Plan 2020-2050 and the Emergency Medical Care Regulations in accordance with sections 15 and 112 of the Health Act respectively.

**d) Pursuant to Standing Order 51 (1) (b)**

The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries made a statement relating to the activities of the Committee.

5. **SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Sectional Properties Bill (National Assembly Bills No. 23 of 2019) be now read a Second Time.

*(The Senate Majority Whip – 8.09.2020)*

Debate arising;

There being no other Senator wishing to contribute;

The Mover replied;

Raising a Point of Order pursuant to Standing Order 61(3), the Mover (Sen. Irungu Kang'ata, MP), requested the Temporary Speaker (Sen. Rose Nyamunga, MP) to defer putting of the Question to another day.

And the Temporary Speaker (Sen. Rose Nyamunga, MP) acceding to the request, deferred putting of the Question to Thursday, 1<sup>st</sup> October, 2020.

6. **\*THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 5 OF 2020)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Community Health Services Bill (Senate Bills No. 5 of 2020) be now read a Second Time.

*(Sen. (Dr.) Agnes Zani, MP – 04.08.2020)*

Debate interrupted on Tuesday, 4<sup>th</sup> August, 2020, resumed;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Rose Nyamunga, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

7. **SENATE ROSE** – at thirty Minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Thursday, October 01, 2020 at 2:30 p.m.*