



Approved
BBS 1st Dec. 2022

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIRST SESSION – 2022
DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ON THE APPROVAL HEARINGS OF:

1. ENG. PETER KIPLAGAT TUM, CBS, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR MEDICAL SERVICES AND
2. DR. JOSEPHINE NJERI MBURU-WAHOGO, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR HEALTH STANDARDS AND PROFESSIONAL MANAGEMENT

THE NATIONAL ASSEMBLY	
DATE:	01 DEC 2022
TABLED BY:	CHAIR, DC - HEALTH
CLERK AT THE TABLE:	HON. (CDR.) ROBERT PUKOSKI MP
	BENSON INZOFU
	THURSDAY

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER 2022

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LIST OF ABBREVIATIONS AND ACRONYMS

CBS	-	Chief of the Burning Spear
DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
H.E.	-	His Excellency
HELB	-	Higher Education Loans Board
KRA	-	Kenya Revenue Authority
ODM	-	Orange Democratic Movement
ORPP	-	Office of the Registrar of Political Parties
PAPAA	-	Public Appointments (Parliamentary Approval) Act
PWD	-	Persons with Disability
UDA	-	United Democratic Alliance

ANNEXURES

- Annexure 1: Adoption List
- Annexure 2: Minutes
- Annexure 3: Message from H.E. the President nominating the fifty-one (51) Principal Secretaries
- Annexure 4: Communication from the Speaker
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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Health during the approval hearings of Eng. Peter Kiplagat Tum, CBS, nominee for appointment as Principal Secretary, State Department for Medical Services and Dr. Josephine Njeri Mburu-Wahogo, nominee for appointment as Principal Secretary, State Department for Health Standards and Professional Management as requested by H.E. the President and communicated to the House by the Speaker on Thursday, 3rd November 2022.

Pursuant to Article 155(3)(b) of the Constitution, Section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and Standing Order 45(1), H.E. the President notified the National Assembly of the nomination of fifty-one principal secretaries to various State Departments vide a letter dated Wednesday, 2nd November 2022. The Hon Speaker vide a communication made on Thursday, 3rd November 2022 conveyed to the House the Message from H.E. the President and subsequently referred names of the nominees, their curricula vitae, and the Public Service Commission report on their recruitment to the Departmental Committee on Health for approval hearings. While referring the matter to the Committee, the Speaker directed that the Committee undertakes the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4th November 2022.

In compliance with Article 118 (b) of the Constitution and section 6 (4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Clerk of the National Assembly placed an advertisement in the print media on Friday, 4th November 2022 informing the public of the nomination, date, time and place of the approval hearing. He also invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominees in conformity with section 6 (9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The memoranda were to be received on or before Friday, 11th November 2022 at 5.00 p.m. (East African Time). At the close of the submission deadline, the Committee had not received any memorandum for or against the nominees' suitability.

The Clerk of the National Assembly also wrote to Kenya Revenue Authority (KRA), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and Office of the Registrar of Political Parties (ORPP) seeking references and background checks relating to the suitability of the nominee.

The nominees appeared before the Committee on Monday, 14th November 2022 for vetting. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues and matters of leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominees; the constitutional or statutory requirements relating to the office in question and suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the respective State Departments.

Committee Observation and Recommendation

The Committee having held approval hearings of the nominees regarding their suitability, observed that due process was followed in the recruitment process as provided for under Article 155(3) (a) of the Constitution and the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011). The Committee therefore recommends that the National Assembly **APPROVES** the nomination of Eng. Peter Kiplagat Tum, CBS, nominee for appointment as Principal Secretary, State Department for Medical Services and Dr. Josephine Njeri Mburu-Wahogo, nominee for appointment as Principal Secretary, State Department for Health Standards and Professional Management.

Acknowledgements

The Committee registers its appreciation to the Office of the Speaker, the Office of the Clerk of the National Assembly, the Office of the Director, Departmental Committees and the Committee Secretariat for the logistical support extended during the vetting process.

In addition, the Committee thanks the nominees for their cooperation during the vetting process. Finally, the Committee appreciates KRA, EACC, DCI, HELB and ORPP for providing references and background checks relating to the suitability of the nominees.

I acknowledge and appreciate Members of the Committee for their patience, sacrifice and commitment which enabled the Committee to complete the task within the required timelines.

On behalf of the Departmental Committee on Health, and pursuant to Article 155(3)(b) of the Constitution and Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and provisions of Standing Orders 45(4) and 199(6), it is my pleasant duty to present the Report of the Committee on the approval hearings of Eng. Peter Kiplagat Tum, CBS, nominee for appointment as Principal Secretary, State Department for Medical Services and Dr. Josephine Njeri Mburu-Wahogo, nominee for appointment as Principal Secretary, State Department for Health Standards and Professional Management for debate and adoption by the House.

HON. (DR.) ROBERT PUKOSE, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON HEALTH

CHAPTER ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

- 1) The Departmental Committee on Health is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216(5)** whose function pursuant to the **Standing Order 216 (5)** are as follows:
 - a) *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - b) *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - ba) *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - c) *To study and review all legislation referred to it;*
 - d) *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - e) *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - f) *Vet and report on all appointments where the constitution or any other law requires the national Assembly to approve, except those understanding Order 204 (Committee on appointments);*
 - g) *To examine treaties, agreements and conventions;*
 - h) *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - i) *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - j) *To examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects under the Committee

- 2) In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of Health, Medical care and health insurance including universal health coverage.
- 3) In executing its mandate, the Committee oversees the Ministry of Health.

1.3 Committee Membership

- 4) The Departmental Committee on Health was constituted by the House on 27th October 2022 and comprises of the following Members:

Chairperson

Hon. (Dr.) Robert Pukose, MP
Endebes Constituency

UDA Party

Vice-Chairperson

Hon. Ntwiga, Patrick Munene MP
Chuka/Igambang'ombe Constituency

UDA Party

Members

Hon. Owino Martin Peters , MP
Ndthiwa Constituency

ODM Party

Hon. Muge Cynthia Jepkosgei, MP
Nandi (CWR)

UDA Party

Hon. Wanyonyi Martin Pepela, MP
Webuye East Constituency

Ford Kenya Party

Hon. Kipngok Reuben Kiborek , MP
Mogotio Constituency

UDA Party

Hon. Nyikal James Wambura , MP
Seme Constituency

ODM Party

Hon. Kibagendi Antoney, MP
Kitutu Chache South Constituency

ODM Party

Hon. Sunkuli Julius Lekakeny Ole , MP
Kilgoris Constituency

Jubilee Party.

Hon. Maingi Mary , MP
Mwea Constituency

UDA Party

Hon. Mathenge Duncan Maina , MP
Nyeri Town Constituency

UDA Party

Hon. Lenguris Pauline , MP
Samburu (CWR)

UDA Party

Hon. Oron Joshua Odongo, MP
Kisumu Central Constituency

ODM Party

Hon. (Prof.) Jaldesa Guyo Waqo, M.P
Moyale Constituency

UPIA Party

Hon. Mukhwana Titus Khamala, MP
Lurambi Constituency

ANC Party

1.4 Committee Secretariat

5) The Committee is facilitated by the following Secretariat:

Mr. Hassan Abdullahi Arale
Clerk Assistant II/Head of Secretariat

Mr. Gladys Jepkoech Kiprotich
Clerk Assistant III

Ms. Marlene Ayiro
Principal Legal Counsel II

Mr. Hiram Kimuhu
Fiscal Analyst III

Mr. Yakub Ahmed
Media Relations Officer II

Ms. Pricillah Saidi
Research Officer III

Ms. Salat Abdi Ali
Senior Serjeant-At-Arms

Mr. Rahab Chepkilim
Audio Recording Officer

CHAPTER TWO

BACKGROUND INFORMATION

2.1 Legal Framework

6) Article 155 of the Constitution provides that:

155. (1) There is established the office of Principal Secretary, which is an office in the public service.

(2) Each State department shall be under the administration of a Principal Secretary.

(3) The President shall—

(a) nominate a person for appointment as Principal Secretary from among persons recommended by the Public Service Commission; and

(b) with the approval of the National Assembly, appoint Principal Secretaries.

(4) The President may re-assign a Principal Secretary.

(5) A Principal Secretary may resign from office by giving notice, in writing, to the President.

7) In light of this, H.E. the President nominated fifty-one (51) persons for appointment as Principal Secretaries to various State Departments. The President nominated the following persons for appointment as Principal Secretaries for State Departments of Medical Services and Health Standards and Professional Management:

(i) Eng. Peter Kiplagat Tum, CBS: Nominee for Principal Secretary, Medical Services; and

(ii) Dr. Josephine Njeri Mburu-Wahogo: Nominee for Principal Secretary, Health Standards and Professional Management

8) The Departmental Committee on Health has been assigned the role of conducting the vetting of the aforesaid nominees.

9) The following Articles of the Constitution and statues were paramount to the Committee as it executed this mandate:

(i) Article 10 of the Constitution on the national values and principles of governance;

(ii) Article 77 of the Constitution on membership to political parties;

(iii) Article 78 of the Constitution on dual citizenship;

(iv) Article 232 of the Constitution on values and principles of public service;

(v) Chapter 6 of the Constitution on leadership and integrity;

(vi) The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);

(vii) The Leadership and Integrity Act (No. 19 of 2012);

(viii) The Public Service (Values and Principles) Act (No. 1A of 2015); and

(ix) The Public Officer Ethics Act (No. 4 of 2003).

The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

10) Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides for issues which the relevant House of Parliament (in this case, the National Assembly) is supposed to consider in relation to any nomination. The issues are:

(i) *the procedure used to arrive at the nominee;*

(ii) *any constitutional or statutory requirements relating to the office in question; and*

(iii) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

11) Although the Constitution does not specifically provide for the qualifications for appointment (or nomination) of a Principal Secretary, the schedule to the PAPAA provides for the criteria to guide the Committee. The criteria includes:

- (i) Education, employment record;
- (ii) Public office, political activities and affiliations;
- (iii) Deferred income or future benefits;
- (iv) Sources of income, tax status, statement of net worth;
- (v) Potential conflicts of interest;
- (vi) Pro bono or charity work;
- (vii) Whether the nominee has been charged in a court of law or convicted;
- (viii) Adverse mention in an investigatory report of a Parliamentary Committee or Commission.

12) During the approval hearing, section 6 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) provides important points, viz:

- (i) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7), PAPAA);
- (ii) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8), PAPAA);
- (iii) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (section 6(9), PAPAA); and
- (iv) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 6(10), PAPAA).

Chapter 6 of the Constitution (Leadership and Integrity)

13) There are important provisions in Chapter 6 of the Constitution worth pointing out. Article 73 of the Constitution provides that the authority assigned to a State officer (a Principal Secretary being a state officer under Article 260 of the Constitution) is a public trust to be exercised in accordance to the Constitution; and in a manner that demonstrates respect for the people, brings honour to the nation and dignity to the office and promotes public confidence in the integrity of the office. A State officer shall also have the responsibility to serve the people, rather than the power to rule them.

14) The guiding principles of leadership and integrity are listed as: selection based on personal integrity, competence and suitability; objectivity and impartiality in decision making; selfless service based solely on public interest; accountability to the public for decisions and actions; and discipline and commitment in service to the people.

The Leadership and Integrity Act (No. 19 of 2012);

15) The Leadership and Integrity Act provides a number of obligations for State officers. These include: to respect and abide by the Constitution and the law, public trust, performance of duties in an honest and accountable manner, professionalism, financial integrity, not to engage in activities that amount to abuse of office, not to misuse public resources, not accepting gifts

that may compromise the officer's duties, wrongful or unlawful acquisition of property, conflict of interest etc.

Article 232 of the Constitution on Values and Principles of Public Service

- 16) Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women, the members of all ethnic groups and persons with disabilities.

Article 10(2) of the Constitution on national values and principles of governance

- 17) Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.

The Public Service (Values and Principles) Act (No. 1A of 2015)

- 18) Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including, being honest; displaying high standards of integrity, transparency, accountability, respect to others, objectivity, patriotism, observance of rule of law. (Applies in future upon appointment)

The Public Officer Ethics Act (No. 4 of 2003).

- 19) The Public Officer Ethics Act provides for certain obligations to be observed by a public officer. These include professionalism, carrying out duties in accordance with the law, prohibition from unjust enrichment, avoiding conflict of interest, not using the public office as a venue for soliciting or collecting harambees; not acting for foreigners; care of property; political neutrality, not practicing nepotism or favouritism, giving impartial advice, conducting private affairs in a way that maintains public confidence, prohibition from sexual harassment, submission of declaration of income, assets and liabilities once every two years (section 26). (This applies in future after appointment)

2.2 Qualifications for appointment as Principal Secretary

- 20) In conducting the Approval hearing, the Committee was guided by Article 155 (3) (b) of the Constitution, section 47 of the Public Service Commission Act (No. 10 of 2017) and Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).

2.3 Message from H.E. the President

- 21) H.E. the President on **2nd November 2022** communicated the names of the nominees for appointment to the positions of Principal Secretaries, Medical Services and Health Standards and Professional Management to the Speaker for approval by the National Assembly pursuant to Article 155 (3). The Speaker in his communication from the Chair issued on **Tuesday, 3rd November 2022** and pursuant to Standing Order 42 referred the names to the Departmental Committee on Health to conduct approval hearings and report within twenty-eight (28) days.

2.4 Speaker's Communication and Committal to the Committee

- 22) Pursuant to the provisions of Standing Order 42, the Speaker of the National Assembly on **Tuesday, 3rd November 2022** communicated to the House the message from H.E. the President regarding the nominees for appointment as Principal Secretaries for various State Departments. The Speaker informed the House that H.E. the President was seeking approval of the National Assembly on the said nominations before the nominees' appointment.
- 23) In accordance with Standing Order 45(1), the Speaker read the Message from H.E. the President and referred the names of the nominees, their curricula vitae and report of the Selection Panel on the recruitment process to the Departmental Committee on Health to conduct approval hearings.
- 24) While referring the matter to the Committee, the Speaker directed that the Committee undertakes the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4th November 2022.
- 25) In addition, the Speaker directed that approval hearings should commence on Monday, 14th November 2022 and end on Friday, 18th November 2022. Thereafter, the reports should be tabled in the House not later than Tuesday, 22nd November 2022 so as to enable the House to consider the reports within the statutory timelines.

2.5 Notification to the Public

- 26) Section 6(9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides that *"any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated"*.
- 27) The Clerk of the National Assembly on **Friday, 4th November 2022** placed a notification in the print media informing the general public of the intention of the Committee to conduct approval hearings, as provided for by Article 118 (1) and (2) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), which allows public participation in committee proceedings. The notification gave provision for the submission of memoranda, by way of written statements on oath (*affidavit*) on the suitability or otherwise of the nominees, by **Friday, 11th November 2022 at 5.00 pm (East African Time)**. At the close of the submission deadline, the Committee had not received any memorandum for or against the suitability of the nominees.

2.6 Notification to the Nominee

- 28) The Clerk of the National Assembly vide an advert placed in the print media on Friday, 4th November 2022 and letters Ref. NA/DDC/DC-H/VETT/2022/001 and Ref. NA/DDC/A&L/VETT/2022/002 informed the nominees of the nomination by H.E. the President and requested them to appear for vetting by the Departmental Committee on Health on **Monday, 14th November 2022** in Committee Room 9, Main Parliament Buildings. The Clerk of the National Assembly further requested the nominees to come with their clearance certificates from the Kenya Revenue Authority (KRA), the Higher Education Loans Board

(HELB), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI) and Office of the Registrar of Political Parties (ORPP).

2.7 Clearance Requirements

- 29) The Clerk of the National Assembly wrote to the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI) requesting for tax, education loans, integrity, affiliation to political parties and criminal record status of the nominees. The following institutions wrote back to the National Assembly clearing the nominees, KRA (letter Ref. KRA/5/1002/5(8179) dated 14th November, 2022); DCI (letter Ref. DCI/CRO/SEC/6/7/2/A/VOL.XI/208 dated 10th November 2022); EACC (Letter Ref: EACC.7/10/5 VOL XXI (70) dated 11th November, 2022); ORPP (Letter Ref: RPP/ORG/34 VOL.VI (41) dated 10th November, 2022 and HELB (letter Ref. HELB/RR/112009/190 dated 10th November, 2022).

2.8 Report of the Selection Panel on the Nomination of Principal Secretaries

- 30) Pursuant to Article 155 (3) (a) of the Constitution, the Public Service Commission invited applications from suitably qualified persons for the position of Principal Secretary. The advertisement was published in the print media, Kenya Gazette No. 10536 and on the Public Service Commission's Website on 7th September 2022 with a closing date of 20th September 2022.
- 31) On 20th September 2022, the Commission extended the advertisement period by seven (7) days. The advertisement period lapsed on 27th September 2022 with a total of nine thousand one hundred and fifty-four (9,154) persons submitting applications for consideration.
- 32) Four hundred and seventy-seven (477) candidates were shortlisted from 3rd to 6th October 2022 and a further review done on 7th October 2022 to bring the shortlist to five hundred and eighty-five (585) candidates so as to cater for gender, marginalised/minority groups and PWDs pursuant to Article 232 (1) (h) of the Constitution. Interviews for the shortlisted persons were conducted from 12th to 22nd October 2022.
- 33) The Public Service Commission adhered to all the provisions of the Constitution in the process of advertising, shortlisting and interviewing the candidates including, merit, gender, ethnic and regional balance.

2.9 Committee proceedings

- 34) The Committee having received the names of the nominees was obligated to conduct approval hearings and make determination of the nominees' suitability or otherwise within twenty-eight (28) days as provided for in section 8 (1) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
- 35) The Committee held seven (7) sittings during which it examined and reviewed the nominees' certificates, testimonials as well as conducted approval hearings.
- 36) The Committee set out to prepare its report after the approval hearing, but the same was stopped via a communication from the Speaker dated 6th November 2022 following a Constitutional Petition No. E186 of 2022 (Dr. Magare Gikenyi versus the President of the

Republic of Kenya and 55 others) and in Constitutional petition No. E 192 of 2022 (Law Society of Kenya versus the National Assembly and 4 others) where conservatory orders temporarily staying the vetting process pending inter-parte hearings were granted.

- 37) The court on 29th November, 2022 dismissed the consolidated petitions for being prematurely before the Court. The court upheld the argument by the respondent in their preliminary objection that there was need for the petitioners to exhaust all statutory mechanisms and that the doctrine of separation of powers should have been considered.
- 38) The Speaker in a communication directed the Committees to revert to the vetting process from Wednesday, 22nd November 2022, and conclude the process as soon as possible.

CHAPTER THREE

APPROVAL HEARINGS

- 39) The Committee held its first meeting to consider this subject matter on 8th November, 2022 at 10:00 am, where it considered its rules of procedure during the exercise and agreed on a framework for the approval hearing. The Committee was in this process guided by the relevant provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act and the National Assembly Standing Orders. In the same meeting, the Committee invited both nominees to appear before it on 14th November, 2022 as scheduled and communicated. The Committee held a subsequent meeting on Wednesday, 16th November, 2022 to draft, and consider its Report. The Report of the Committee contains its recommendation based on the information gathered during the course of the vetting and approval hearing of the Nominees.
- 40) The Committee conducted approval hearings for the nominees on **Monday, 14th November 2022**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Public Service Commission Act and the National Assembly Standing Orders. Thereafter the Committee proceeded to consider the submissions of the nominees and analyzed documents received from the Nominees, Eng. Peter Kiplagat Tum and Dr. Josephine Njeri Mburu-Wahogo, the Nominees for the position of Principal Secretaries for Medical Services and Health Standards and Professional Management in the Ministry of Health respectively.
- 41) The Committee examined the nominees using the guidelines provided in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committee also considered the following in vetting the nominees:
- (i) Academic qualifications
 - (ii) Employment record and work experience
 - (iii) Professional association
 - (iv) Public office, political activities and affiliations
 - (v) Potential conflict of interest
 - (vi) Suitability to the position
 - (vii) Tax compliance
 - (viii) Vision and leadership
 - (ix) Integrity
 - (x) Expectations and key priorities.

3.1 ENG. PETER KIPLAGAT TUM, CBS

42) Eng. Peter Kiplagat Tum, CBS was orally interviewed by the Committee and responded to questions on various issues during vetting as follows:

3.1.1 Personal Background

43) Eng. Peter Kiplagat Tum, CBS is a Kenyan citizen of identity card number 3276913 and was born in Nandi County in 1962.

3.1.2 Educational Background

44) Eng. Tum, holds a Master of Science in Energy Management from the University of Nairobi (2009-2013), a Degree in Industrial Technology from Egerton University (2004-2006), a Post-Graduate Diploma in Medical Electronics and Medical Equipment Management from the University of London (1996-1997), a Higher Diploma with full technological certificates in Electrical Installation from Kenya Polytechnic (now Technical University of Kenya) (1985-1987) and several professional certifications gained locally and abroad. He received his Advanced Certificate of Education, (A' Level) from Chavakali High School and Kenya Certificate of Secondary Education (KCSE) from Kameloi Secondary School (1981-1982).

45) In addition he presented several professional certifications gained locally and abroad. He stated that he undertook a Strategic Leadership Development Programme (SLDP) at the Kenya School of Government, Performance Appraisal Course offered by the Directorate of Personnel Management, Leadership and Development Programme facilitated by MSH USAID, Implementation of Quality Management Systems (ISO 9001-2000) offered by THE Kenya Bureau of Standards, Training of Trainers (T.O.T) course on Anti-Corruption by the Kenya Anti-Corruption Commission and Application of Informatics in Health Care Technology at the Medical Research Council in Cape Town South Africa among others. Copies of all academic and professional certifications that Eng. Peter Kiplagat Tum presented to the Committee are herein annexed as (Annex)

3.1.3 Work Experience/Career Progression

46) Eng. Tum indicated that he was a member of several committees in his professional capacity, among them the Kenya Medical Training College (KMTC) College Quality Assurance committee, the Disciplinary Committee, the Examination Board, the Anti-Corruption Committee, the Tender Committee where he served as Vice-Chairperson and; Vice-Chairperson of the Association of Medical Engineering of Kenya.

47) In relation to his experience, Mr. Tum submitted that, he was a long-serving public servant with more than 15 years' of experience in leadership and management within the Public Service. He indicated that he joined the public service in 1990 as a Medical Engineering Technologist and meticulously rose through the ranks in the same ministry to his current position as the Principal Secretary, Ministry of Labour. He also served as the Principal Secretary, Ministry of Health from 2nd March 2018 to 4th March 2019, the Chief Executive Officer of the KMTC from November 2015 to March 2018. He also worked as the Principal of the Nauru KMTC from 2010 to April 2015, Head of Department (Medical Engineering) from 2000 to 2011 and Head of Maintenance Unit at the Mbagathi Hospital in 1992 to 1997. Eng. Tum exuded confidence that this steady experience and being an informed insider positions him as the right person with the grasp and understanding of the operations and management of the Ministry of Health and the health sector in general.

3.1.4 Professional Associations and Affiliations

- 48) Eng. Peter Kiplagat Tum chaired and is a member of several Committees in his professional capacity. He is a registered Engineer with a good grasp of how government works and understands the functions of government.
- 49) Eng. Peter Kiplagat Tum, CBS, is professionally affiliated with the Association of Medical Engineering of Kenya (AMEK) from November, 2002 where he became the Vice-Chairperson from 2002 to 2004.

3.1.5 Honors and Awards

- 50) Eng. Peter Kiplagat Tum has received two state commendations namely the Chief of the Order of the Burning Spear (CBS) on 12th December, 2021 and Order of the Grand Warrior (OGW) on 12th December, 2016.

3.1.6 Clearance Requirements

- 51) The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.
- 52) The nominee submitted to the Committee all the documents required as per the letter sent by the Clerk of the National Assembly (*annex*) and a duly filled vetting questionnaire. The Committee was satisfied that the Nominee had complied with and acquired the clearances required from Kenya Revenue Authority, the Directorate of Criminal Investigations, the Higher Education Loans Board, the Ethics and Anti-Corruption Commission and the Office of the Registrar of Political Parties. The Nominee further submitted, and was also evident from the documents he submitted that he had not been charged in a court of law nor convicted, neither was he adversely mentioned in an investigatory report of a Parliamentary Committee or Commission. The Nominee further submitted originals of his national identity card and his passport to proof his Kenyan citizenship. He further indicated that held no other citizenship.

Potential Conflict of Interest

- 53) Eng. Tum indicated that, he had no family members or other persons, parties, categories obligations or financial arrangements that are likely to present potential conflicts of interest if he assumed the position of Principal Secretary. He added that he will avoid entering into situations where his actions might create a conflict, whether actual, potential or perceived, without disclosing such information. He added that in situations where there may be a reasonably perceived conflict of interest he would appoint an independent third party to oversee the integrity of the process.

3.1.7 Other Issues under Consideration

- 54) To examine suitability or otherwise of the Nominee, the Committee posed several questions to the Nominee on his knowledge in the health sector. The Nominee answered as follows-

Public trust and why he accepted the nomination

- 55) The Nominee indicated that, he was a person of integrity and he abhors corruption. He further stated that he has held the position of Principal Secretary before and no allegations of improprieties have been levelled against him.

On how the nominee was going to reduce the gap between the services provided in private health facilities and services provided in public facilities

56) The Nominee admitted that the system of provision of health care services in public facilities was deplorable. He further stated that the county was yet to meet the WHO Standards. He indicated that he would commence by getting the right personnel, ensuring that the health information and technology was working and responsive to the needs of the citizens and also leverage on the financing from NHIF in accordance with the manifesto of Kenya Kwanza.

On how he was going to restore public confidence in the health sector especially after the apparent failure of certain initiatives after billions of public money were invested in some ventures such as the purchase of the Managed Equipment Services

57) The Nominee stated that the Managed Equipment Services was a good idea. He further indicated that before the signing of any new contract, he will review the existing contract and seek legal advice from the Office of the Attorney General on the same.

On the specific skills, experience and attributes he was bringing to the docket

58) In response, the Nominee stated that he had over 30 years' experience in public service, and has encountered challenges that have strengthened him to tirelessly serve the nation. He also stated that, he had the tenacity and mind to see things and put teams together that would deliver on public services.

On responsiveness to oversight institutions and on the doctrine of separation of powers, the nominee was asked how he was going to deal with oversight institutions.

59) In his response, the Nominee stated that, he had a clear understanding of the doctrine of separation of powers and each distinct arm of government had its functions and roles which to a certain extent were complimentary. He also indicated that he would honour parliamentary summons at all times as he understood the parliamentary oversight role over his Ministry.

On handling human resource in the health sector, and on devolution which has turned the medical practice into tribal cocoons.

60) He confirmed this problem exists and was an operational problem that he was going to work with all stakeholders including the county governments to address the same.

On his role in improving health care in remote areas.

61) In his response, the Nominee noted that health care financing was discriminatory in nature and indigents are not able to afford medical care. He stated that he was going to ensure that money ring-fenced to healthcare services will reach the intended areas and further ensure that funds should be used to carry out the relevant function that it had been allocated to.

On manufacturing of medicines and medical equipment

62) The Nominee indicated that he will promote the manufacturing of medical equipment and other healthcare products within the country by providing the enabling environment for investors for instance by offering tax rebates and the necessary infrastructure. He will also ensure cost effectiveness of the products so that the industry will create jobs and contribute to the achievement of the Big Four Agenda.

On Universal Health Coverage (UHC)

63) He expressed confidence that he will provide the leadership, managerial and technical stewardship to deliver 100% coverage for all households. He stated that for UHC to be successfully implemented, three important components namely human resource, accessibility

and financing must be decisively and comprehensively addressed. He will strive to achieve the same by doing the following:

- (i) Assembling a competent and passionate team that will work closely under him to coordinate, guide and implement all the identified projects and programmes necessary to meet the objective
- (ii) Deliberately seeking to broaden the engagement and collaboration between the Ministry, Parliament and the County Governments to move faster and together
- (iii) Carrying out comprehensive skills audit especially of medical doctors so as to identify the existing skills gaps and optimize the existing pool of skills through an elaborate and equitable distribution mechanism aimed at improving the current 0.9 doctors to 1000 patients ratio
- (iv) Initiating and accelerating the necessary reforms in NHIF so as to provide a strong foundation for the implementation of UHC by delivering a minimum package especially for the vulnerable, poor, the elderly and the young.
- (v) Enhancing the efficiency of commodity supplies by reforming and improving the capacity of the Kenya Medical Supplies Agency (KEMSA)
- (vi) Seeking to enhance resource allocation to critical institutions like Kenya Medical Research Institute (KEMRI) so that it has both the human and financial capacity to deliver cutting-edge research on emerging diseases. He added that there was need for KEMRI to be physically present in all the 47 counties.
- (vii) Working closely with development partners to maximize their support
- (viii) Leveraging on Information Communication Technology (ICT) to ensure that the service delivery and disease surveillance are synchronized throughout the country.

On Human Resources within the Health Sector

64) The Nominee indicated that having been at the helm of the Kenya Medical Training College, he understood this issue well and responded as follows-

- (i) The health function is majorly a devolved function. This invites the National and County governments to develop a mechanism of ensuring that there is structured communication between the two levels
- (ii) Human Resources for Health (HRH) should be a national government function, this is necessitated by the fact that training, skills matching, equitable distribution of personnel and emerging health issues will be better handled and managed from a centralized and coordinated point. In addition, commodity movement and health financing should be an exclusive function of the national government
- (iii) It is clear that industrial action in the sector has become a national government problem although county governments exclusively employ doctors and nurses. Honest conversations should be held with County Governments and mitigating mechanisms developed to assuage their fears about re-assigning some of the health functions to the national government.
- (iv) There is need to train and employ more community health workers. Experience has shown that these community health workers fit very well within the communities they come from especially in the rural areas.
- (v) More incentives should be given to nurses so as to motivate them.

On Vision and Leadership

- 65) The Nominee indicated that his main goals and vision which he wishes to be remembered for is to deliver Universal Health Coverage within the next five years by closely working with Ministry officials, the Departmental Committee on Health and the County Governments to ensure the delivered UHC packages are accessible at the lowest units of administration in the country. He further intends to provide managerial and technical leadership at Afya house and get rid of the cartels alleged to be existing at Afya House.

3.2 DR. JOSPHINE NJERI MBURU-WAHOGO

66) Dr. Josephine was orally interviewed by the Committee and responded to questions during vetting as follows:

3.2.1 Personal Background

67) Dr. Josephine Mburu is a Kenyan citizen of identity card number 8473145 and was born in Thika in Kiambu County in 1967.

3.2.2 Educational Background

68) Dr. Josephine Mburu is a Doctor of Philosophy (PhD) in Public Health from Jomo Kenyatta University of Agriculture and Technology (JKUAT) (2010-2020). She holds a Master of Public Health (MPH) from Kenyatta University College with a Major in Epidemiology and a Minor in Health Services Management (Project Management) (2003-2009). She also has a Higher National Diploma in Microbiology from Kenya Medical Training College-Nairobi obtained in 2002, a Diploma in Medical Lab Sciences from Kenya Medical Training college-Nairobi obtained in 1996-1999 and a Certificate in Medical Lab Sciences from Kenya Medical Training College-Kakamega obtained in 1986-1988. she sat for her 'A' level examinations at Mary hill High School in 1985 and 'O' level examinations at St. Francis Primary School in 1981.

3.2.3 Work experience/career progression

69) Dr. Josephine Mburu is currently a lecturer at Kenya Medical Training College (KMTC), Nairobi and serves as a practical instructor in the clinical area during rotation and also conducts and assesses students' areas in research. She has also worked in the following capacities. As the Acting Head of National Public Health Labs (MOH) from April 2021 to August 2021, the Head of Microbiology Unit (National TB Lab, Public Health Bacteriology and Oncology) from December 2016 to February 2021, the Head of the National Tuberculosis Reference Laboratory Unit from October 2013 to November 2016, the Acting Chief Medical Laboratory Technologists from 2012 to 2013, the Deputy Chief Medical Laboratory Technologist from 2011 to 2012, the Head/Manager at the Central Reference TB Laboratory (National Public Health Labs) from 2006 to 2011, the Deputy Lab in charge-Quality Control Bacteriology (National Public Health Labs) from 2000 to 2005. She has also worked at the Microbiology Department (National Public Health Labs) from 1994 to 1999, the Kiambu District Hospital Integrated Laboratory from 1992 to 1994 and the Gatundu District Hospital Integrated Laboratory from 1988 to 1992.

3.2.4 Professional Associations & Affiliations

70) Dr. Josephine Mburu is affiliated to the Association of Kenya Medical Laboratory Scientific Officers.

3.2.5 Honors and Awards

71) Dr. Josephine Mburu has not received any awards.

3.2.6 Clearance Requirements

72) The Committee confirmed that the Nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

The Nominee submitted to the Committee all the documents required as per the letter sent by the Clerk of the National Assembly (*annex*) and a duly filled vetting questionnaire. The Committee was satisfied that the Nominee had complied with and acquired the clearances

required from Kenya Revenue Authority, Directorate of Criminal Investigations, Higher Education Loans Board, Ethics and Anti-Corruption Commission and the Office of the Registrar of political parties. The Nominee further submitted, and was also evident from the document she submitted, that she had not been charged in a court of law nor convicted, neither was she adversely mentioned in an investigatory report of a Parliamentary Committee or Commission. The Nominee further submitted originals of her national identity card to prove her Kenyan citizenship and indicated that she holds no other citizenship.

3.2.7 Other issues under consideration

73) To determine her suitability, the Committee asked the Nominee the following oral questions in the following thematic areas:

Potential Conflict of Interest

74) The Nominee stated that she has no immediate associations that are likely to present potential conflict of interest should she assume the position of the Principal Secretary in the State Department for Health Standards and Professional Management.

Integrity

75) The Nominee has neither been charged in a court of law nor mentioned in any investigatory reports of Parliament. She has also never been dismissed or otherwise removed from office.

Suitability to the position

76) The Nominee was asked what made her accept the nomination as Principal Secretary in the State Department for Health Standards and Professional Management to which she stated that, it is her greatest honour to serve her country in this capacity and that she has the necessary qualification and experience which will enable her to serve the country.

On leveraging on her experience or training in running the State Department for Health Standards and Professional Management

77) The Nominee explained that her training and experience in the health sector for 34 years since 1988 will enable her identify the challenges and gaps in health system and enable her to find solutions to these gaps. She also added that her training will enable her to perform her duties effectively with the support of the technical officers at the State Department.

On adherence to the Hippocratic Oath by medical practitioners/ Restoration of public confidence in doctors and nurses serving in public hospitals in light of the many cases of medical negligence and the fact that unprofessional doctors and nurses are never held accountable

78) The Nominee indicated that there is need to examine all the processes and structures in the health system. She further mentioned that she will ensure good referral systems and conduct public participation in all decisions that the State Department will make.

She added that she will work closely with her counterpart in the State Department of Medical Services in dealing with issues of medical negligence.

On patient complaints over high hospital bills owing to the taxation of hospital equipment some of which had been exempted from taxation by the Finance Bill, 2021

79) On issues of taxation of medical equipment, the Nominee said that she will have to consult with the higher levels of the government on this matter

On regulation of all practitioners in the health sector

- 80) The Nominee stated that there are forty-two (42) Cadres of practitioners and professionals in the health sector out of which only ten (10) are regulated. She will ensure that everyone working in these health cadres will be registered by the relevant regulatory bodies. She will also ensure that cadres with similar functions are merged to prevent duplicity of roles.

On effect of trends in technology on the provision of health services as the use of technology is largely unregulated e.g. the operation of eye machines in establishments selling eye glasses The Nominee stated that such issues have been rife in the public domain and that Regulations should be developed to regulate such establishments. She emphasized that it is important to regulate all practitioners in the health sector through policy guidelines and standard operating procedures which must then be implemented.

On mitigation of strikes by health workers which have a severe effect in developing nations such as Kenya

- 81) The Nominee explained that strikes are mainly as a result of salaries dispute which she will address in collaboration with the Salaries and Remuneration Commission (SRC). She also noted that strikes are also caused by poor work environments, nepotism and delayed promotions that causes conflicts and lowers the morale of healthcare workers. She will further ensure harmonization of the functions of different health workers across the Board which will address some of the root causes of the strikes.

On implementation of policies and standards set by the Ministry of Health at the grass roots

- 82) She acknowledged that the issue of implementation of standards and policies has been bothering her since she was nominated as the Principal Secretary in the State Department of Health Standards and Professional Management. She stated that health functions were devolved but the services were not and hence she will conduct extensive stakeholder consultation so as to come up with an acceptable formula that will enable the effective implementation of health policies and standards to the lowest levels in the country. She also acknowledged that the National Assembly Departmental Committee on Health will be of great importance to help her in the formulation and implementation of the necessary legislation.

On understanding of the role of knowledge management in the health sector

- 83) The Nominee explained that knowledge management in the health sector entailed the sharing of knowledge with different teams through interaction and exchange of knowledge and best practices.

On understandings of the provisions of the Health Act, 2017

- 84) The Nominee stated that the Health Act provides for a governance structure that is assigned clear roles and responsibilities. She explained that there are several regulations which are under consideration to holistically operationalize the Health Act. The Health Act also allows for the merging of all the regulatory bodies into one so as to consolidate the numerous pieces of legislations that exist in the sector.

On improving interaction between the State Department for Health Standards and Professional Management and Parliamentary Committees in the execution of Parliament's constitutional role of representation, oversight and legislation on behalf of the people of Kenya

- 85) The Nominee indicated that she intends to improve her interactions with Parliamentary Committees by having a seamless working relationship with them and will be engaging

Parliament at every level of policy formulation and in any other area where she will require parliamentary intervention.

On ownership of private facilities by health workers employed in the public sector; Referral of patients seen at public hospitals to the doctor's private facilities

86) The Nominee stated that she will discourage health workers from setting up facilities near the public premises where they are working.

On vision and leadership

87) The Nominee stated that she will implement the Kenya Kwanza vision on health care and ensure that, there is integrity and honesty in the State Department and that her main goals and vision which she wishes to be remembered for is to deliver Universal Health Coverage within the next five years by closely working with the Ministry officials, the Departmental Committee on Health and County Governments so as to ensure that the delivered UHC is felt at the lowest units of administration in the country.

CHAPTER FOUR

COMMITTEE OBSERVATIONS AND FINDINGS

- 88) The Committee observations were guided by Article 155 of the Constitution, section 47 of the Public Service Commission Act and section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:
- (i) the procedure used to arrive at the nominee;
 - (ii) any constitutional or statutory requirements relating to the office in question; and
 - (iii) suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is made.

COMMITTEE OBSERVATIONS ON ENG. PETER KIPLAGAT TUM, CBS

- 89) In making these observations on the suitability of Eng. Peter Kiplagat Tum, CBS for appointment to the Position of Principal Secretary State Department of Medical Services in the Ministry of Health, the Committee took into account the following-
- (i) The provisions of the Constitution and the Public Appointments (Parliamentary Approval) Act with regard to the process of appointment of the Principal Secretary in the Republic of Kenya;
 - (ii) The views received from the public;
 - (iii) The vetting questionnaire filled and returned by the Nominee;
 - (iv) The academic and professional certificates submitted to the Committee; and
 - (v) The oral submissions made by the Nominee before the Committee during the approval hearing;
- 90) The Committee observed as follows-
- (i) That the Nominee has complied with and submitted all the clearance certificates and letters from all the relevant institutions as required;
 - (ii) That No affidavit was received from the public against Eng. Peter Kiplagat Tum; and
 - (iii) That the Nominee has methodically progressed to achieve enviable academic qualifications.
- 91) The Nominee has worked in the public service since 1990 to date as he now serves as the Principal Secretary in the Ministry of labour. This long fete in the public service has given him vast knowledge and understanding of the public sector.
- 92) The Nominee's knowledge and understanding on the subject matter of health was exemplary, the Nominee is a Kenyan citizen and does not hold dual citizenship and hence meets the requirements to hold the office of Principal Secretary. Cumulatively, the nominee's academic qualification, professional training and hands on experience met the threshold required for the position of Principal Secretary.
- 93) The Nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity. He has been issued compliance and clearance letters by all the relevant institutions namely the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board

(HELB), the Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission and the Office of the Registrar of Political parties (ORPP).

- 94) The Nominee has not been charged in a court of law nor convicted, neither was he adversely mentioned in an investigatory report of a Parliamentary Committee or Commission in accordance with the provisions of Article 75(1) of the Constitution, he has no potential conflict of interest and has made pledge to avoid any situation that will compromise his position as a Principal Secretary.
- 95) The Nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment; and that he does not hold office in any political party in accordance with the provisions of Article 77(2) of the Constitution; and that he has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship).
- 96) The Nominee is generally fit to hold the office of Principal Secretary and complied with all the necessary legal, constitutional, statutory, academic, professional and ethical requirements to hold the position of Principal Secretary.

COMMITTEE OBSERVATIONS ON DR. JOSEPHINE NJERI MBURU-WAHOGO

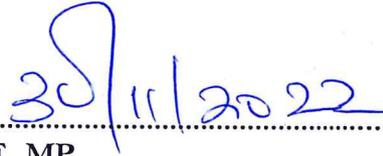
- 97) In making these observations on the suitability of Dr. Josephine Njeri Mburu-Wahogo for appointment to the Position of Principal Secretary for the State Department of Health Standards and Professional Management in the Ministry of Health, the Committee took into account the following-
 - (i) The provisions of the Constitution and Public Appointments (Parliamentary Approval) Act with regard to the process of appointment of the Principal Secretary in the Republic of Kenya;
 - (ii) The views received from the public;
 - (iii) The vetting questionnaire filled and returned by the Nominee
 - (iv) The academic and professional certificates submitted to the Committee; and
 - (v) The oral submissions made by the Nominee before the Committee during the approval hearing.
- 98) The Committee observed as follows-
 - (i) That the Nominee has complied with and submitted all the clearance certificates and letters from all the relevant institutions as required;
 - (ii) That no affidavit was received from the public against Dr. Josephine Njeri Mburu-Wahogo;
 - (iii) That the Nominee has methodically progressed to achieve enviable academic qualifications;
 - (iv) The Nominee has worked in the Ministry of Health for the last 34 years (1988 to date) rising through the ranks to her current position as a lecturer at the Kenya Medical Training College;
 - (v) Her vast knowledge and experience in the operations and management of the affairs of the Ministry of health were acquired during her long service in the Ministry;
 - (vi) The Nominee's knowledge and understanding on the subject matter of health was exemplary although her strength was seen to be in the academic and routine managerial processes.

- (vii) In accordance with Article 78(1) (2) of the Constitution, the nominee is a Kenyan citizen and does not hold dual citizenship hence meets the requirements to hold the office of Principal Secretary;
- (viii) Cumulatively the Nominee's academic qualification, professional training and hands on experience met the threshold required for the position of Principal Secretary;
- (ix) The Nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity. She has been issued with compliance and clearance letters from all the relevant institution namely the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board(HELB), the Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission and the Office of theRegistrar of Political parties (ORPP);
- (x) The Nominee has not been charged in a court of law nor convicted, neither was she adversely mentioned in an investigatory report of a Parliamentary Committee or Commission;
- (xi) In accordance with the provisions of Article 75(1) of the Constitution, she has no potential conflict of interest and has made pledge to avoid any situation that will compromise her position as a Principal Secretary;
- (xii) The nominee satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment; and that she does not hold office in any political party in accordance with the provisions of Article 77(2) of the Constitution; and that, she has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship).
- (xiii) The Nominee is generally fit to hold the office of Principal Secretary and complied with all the necessary legal, constitutional, statutory, academic, professional and ethical requirements to hold the position of Principal Secretary.

**CHAPTER FIVE
RECOMMENDATION**

99) Having considered the suitability, capacity and integrity of the Nominees, and pursuant to Article 155(3)(b) of the Constitution, Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that, the National Assembly **APPROVES** the appointments of:

- (i) Eng. Peter Kiplagat Tum, CBS, to the position of Principal Secretary for the State Department for Medical Services; and
- (ii) Dr. Josephine Njeri Mburu-Wahogo, to the position of Principal Secretary for the State Department of Health Standards and Professional Management.

SIGNED.......... DATE..........
HON. (DR.) ROBERT PUKOSE, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON HEALTH

 THE NATIONAL ASSEMBLY PART II	
DATE:	01 DEC 2022
	THURSDAY
TABLED BY:	HON. (DR) ROBERT PUKOSE, MP CHAIR, DC - HEALTH
CLERK-AT THE-TABLE:	BENSON INZO FU

Annexure 1: Adoption List



KENYA NATIONAL ASSEMBLY

13TH PARLIAMENT- FIRST SESSION (2022)

DIRECTORATE OF THE DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON HEALTH

**ADOPTION OF THE REPORT ON THE APPROVAL OF THE NOMINEES OF
PRINCIPAL SECRETARIES FOR STATE DEPARTMENT FOR MEDICAL SERVICES
AND STATE DEPARTMENT FOR HEALTH STANDARDS AND PROFESSIONAL
MANAGEMENT MINISTRY OF HEALTH**

- 1. ENG. PETER KIPLAGAT TUM, CBS NOMINEE FOR STATE DEPARTMENT FOR MEDICAL SERVICES**
- 2. DR. JOSEPHINE NJERI MBURU-WAHOGO NOMINEE FOR STATE DEPARTMENT FOR HEALTH STANDARDS AND PROFESSIONAL MANAGEMENT**

DATE..... 30/11/2022

VENUE..... WESTON HOTEL, NAIROBI

NO.	NAME	SIGNATURE
1.	The Hon. Dr. Pukose Robert, M.P.- Chairman	Virtual [Signature]
2.	The Hon. Ntwiga Patrick Munene, M.P.- Vice-Chairman	Munene.
3.	The Hon. Maingi Mary, M.P.	Virtual
4.	The Hon. Muge Cynthia Jepkosgei, M.P	—
5.	The Hon. Kipngor Reuben Kiborek, M.P.	[Signature]
6.	The Hon. Wanyonyi Martin Pepela, M.P	Virtual

7.	The Hon. Mathenge Duncan Maina, M.P.	Virtual
8.	The Hon. Lenguris Pauline, M.P.	Virtual
9.	The Hon. Oron Joshua Odongo, M.P.	/
10.	The Hon. Dr. James Nyikal Wambura, M.P.	/
11.	The Hon. Kibagendi Antoney, M.P.	/
12.	The Hon. Sunkuli Julius Lekakeny ole, EGH, EBS M.P.	
13.	The Hon. Prof. Jaldesa Guyo Waqo, M.P.	
14.	The Hon. Titus Khamala, M.P.	
15.	The Hon. Owino Martin Peters, M.P.	Virtual

Annexure 2: Minutes

MINUTES OF THE ELEVENTH (11TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD ON WEDNESDAY 30TH NOVEMBER, 2022, IN WESTON HOTEL, NAIROBI AT 2.30 P.M.

PRESENT

1. The Hon. Dr. Pukose Robert, M.P -**Chairperson.- Zoom**
2. The Hon. Ntwiga Patrick Munene, M.P -**Vice-Chairperson.**
3. The Hon. Titus Khamala, M.P
4. The Hon. Sunkuli Julius Lekakeny Ole, EGH, EBS, M.P
5. The Hon. Prof. Jaldesa Guyo Waqo, M.P.
6. The Hon. Kipngor Reuben Kiborek, M.P
7. The Hon. Owino Martin Peters, M.P.- **Zoom**
8. The Hon. Wanyonyi Martin Pepela, M.P- **Zoom**
9. The Hon. Mathenge Duncan Maina, M.P.- **Zoom**
10. The Hon. Lenguris Pauline, M.P- **Zoom**
11. The Hon. Mary Maingi, MP.- **Zoom**

ABSENT WITH APOLOGIES

1. The Hon. Dr. Nyikal James Wambura, M.P.
2. The Hon. Oron Joshua Odongo, M.P.
3. The Hon. Kibagendi Antony, M.P.
4. The Hon. Muge Cynthia Jepkosgei, M.P.

COMMITTEE SECRETARIAT

- | | | |
|-------------------------------|---|----------------------------------|
| 1. Mr. Hassan A. Arale | - | Clerk Assistant II |
| 2. Ms. Pricillah Saidi | - | Research Officer III |
| 3. Ms. Faith Chepkemai Rotich | - | Legal Counsel II |
| 4. Ms. Angela Cheror | - | Public Communication Officer III |
| 5. Mr. Benson Kimanzi | - | Assistant Serjeant at Arms |
| 6. Ms. Rahab Chepkilim | - | Audio Officer |

MIN. NO. NA/DC-H/2022/50: PRELIMINARIES/INTRODUCTION

The meeting was called to order at thirty minutes past two o'clock with a word of prayer by the Hon. Patrick Ntwiga Munene, M.P. Members of Parliament then introduced themselves, the Secretariat.

MIN. NO. NA/DC-H/2022/51: CONSIDERATION AND ADOPTION OF THE REPORT ON THE APPROVAL OF APPOINTMENT OF ENG. PETER KIPLAGAT TUM, CBS FOR PRINCIPAL SECRETARY STATE DEPARTMENT OF MEDICAL SERVICES AND DR JOSEPHINE NJERI MBURU-WAHOGO FOR PRINCIPAL SECRETARY STATE DEPARTMENT FOR HEALTH STANDARDS AND PROFESSIONAL MANAGEMENT IN THE MINISTRY OF HEALTH.

COMMITTEE OBSERVATIONS AND FINDINGS

- 1) The Committee observations was guided by Article 155 of the Constitution, section 47 of the Public Service Act and section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:
 - (i) the procedure used to arrive at the nominee;
 - (ii) any constitutional or statutory requirements relating to the office in question; and
 - (iii) Suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is made.

COMMITTEE OBSERVATIONS ON ENG. PETER KIPLAGAT TUM, CBS

- 2) In making these observations on the suitability of Eng. Peter Kiplagat Tum, CBS for appointment to the Position of Principal Secretary state department of medical services Ministry of Health, the Committee took into account the following-
 - (i) The provisions of the Constitution and Public Appointments (Parliamentary Approval) Act with regard to the process of appointment of the Principal Secretary in the Republic of Kenya;
 - (ii) The views received from the public;
 - (iii) The vetting questionnaire filled and returned by the Nominee
 - (iv) The academic and professional certificates submitted to the committee and;
 - (v) The oral submissions the Nominees made before the committee during the approval hearing
 - (vi) That, the Nominee has complied with and submitted all the clearance certificate and letters from all the relevant institutions as required
 - (vii) That, No affidavit was received from the public against on Eng. Peter Kiplagat Tum.
 - (viii) That, the nominee has methodically progressed to achieve enviable academic qualifications
- 3) The Nominee has worked in the Ministry of Health for the last 29 years (1990 to 2019) rising through the ranks to become the Chief Executive Officer of the Kenya Medical Training College and finally the principal secretary in the same Ministry from 2018 to 2019. His vast knowledge and experience in the operations and management of the affairs of the Ministry of health acquired during his long service in the Ministry.
- 4) The Nominee's knowledge and understanding on subject matter of health was exemplary, the nominee is a Kenyan citizen and does not hold dual citizenship hence meets the requirement to hold the office of Principal Secretary Cumulatively the nominee's academic qualification, professional training and hands on experience met the threshold required for the position of Principal Secretary.
- 5) The nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity. He has been issued compliance and clearance letters by all the relevant institution such as the Directorate of Criminal Investigations (DCI) Higher Education

Loans Board (HELB), Kenya Revenue Authority (KRA), Ethics and Anti-corruption Commission and the Registrar of Political parties (RPP).

- 6) The Nominee has not been charged in a court of law nor convicted, neither was he adversely mentioned in an investigatory report of a Parliamentary Committee or Commission in accordance with the provisions of Article 75(1) of the Constitution, he has no potential conflict of interest and has made pledge to avoid any situation that will compromise his position as a Principal Secretary.
- 7) The nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment; and that he does not hold office in any political party in accordance with the provisions of Article 77(2) of the Constitution; and that he has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship)
- 8) The Nominee is suitable to hold the office of the Principal Secretary and has complied with all the necessary legal, constitutional, statutory, academic, profession and ethical requirements to hold the position of Principal Secretary.

COMMITTEE OBSERVATIONS ON DR JOSEPHINE NJERI MBURU-WAHOGO

- 9) In making these observations on the suitability of Dr. Josephine Njeri Mburu-Wahogo for appointment to the Position of Principal Secretary for the state department of Health standards and professional Management Ministry of Health, the Committee took into account the following-
 - (i) The provisions of the Constitution and Public Appointments (Parliamentary Approval) Act with regard to the process of appointment of the Principal Secretary in the Republic of Kenya;
 - (ii) The views received from the public;
 - (iii) The vetting questionnaire filled and returned by the Nominee
 - (iv) The academic and professional certificates submitted to the Committee and;
 - (v) The oral submissions the Nominee made before the Committee during the approval hearing
- 10) The Committee observed as follows-
 - (i) That the Nominee has complied with and submitted all the clearance certificate and letters from all the relevant institutions as required
 - (ii) That no affidavit was received from the public against Dr. Josephine Njeri Mburu-Wahogo.
 - (iii) That the nominee has methodically progressed to achieve enviable academic qualifications
 - (iv) The Nominee has worked in the Ministry of Health for the last 34 years (1988 to date) rising through the ranks to her current position as a lecturer in Kenya Medical Training College.
 - (v) Her vast knowledge and experience in the operations and management of the affairs of the Ministry of health were acquired during her long service in the Ministry.

- (vi) The Nominees knowledge and understanding on subject matter of health was exemplary with strength in the academic and routine managerial processes.
- (vii) In accordance with Article 78(1) (2) of the Constitution, the nominee is a Kenyan citizen and does not hold dual citizenship hence meets the requirement to hold the office of Principal Secretary
- (viii) Cumulatively the nominee's academic qualification, professional training and hands on experience met the threshold required for the position of Principal Secretary.
- (ix) The nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity. She has been issued with compliance and clearance letters from all the relevant institution such as the Directorate of Criminal Investigations (DCI) Higher Education Loans Board (HELB), Kenya Revenue Authority (KRA), Ethics and Anti-corruption Commission and the Registrar of Political parties (RPP).
- (x) The Nominee has not been charged in a court of law nor convicted, neither was she adversely mentioned in an investigatory report of a Parliamentary Committee or Commission
- (xi) In accordance with the provisions of Article 75(1) of the Constitution, she has no potential conflict of interest and has made pledge to avoid any situation that will compromise her position as a Principal Secretary
- (xii) The nominee satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment; and that she does not hold office in any political party in accordance with the provisions of Article 77(2) of the Constitution; and that, she has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), 76(financial probity), 77(restriction of State Officers) and 78(2) (dual citizenship)
- (xiii) The Nominee is suitable to hold the office of the Principal Secretary and has complied with all the necessary legal, constitutional, statutory, academic, profession and ethical requirements to hold the position of Principal Secretary.

RECOMMENDATION

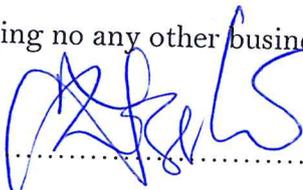
Having considered the suitability, capacity and integrity of the nominees, and pursuant to Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that, the National Assembly **APPROVES** the appointments of:

- (i) Eng. Peter Kiplagat Tum, CBS, to the position of Principal Secretary for the State Department for medical services; and
- (ii) Dr. Josephine Njeri Mburu-Wahogo to the position of Principal Secretary for the state department of Health Standards and professional Management.

After it was proposed by Hon. Prof. Jaldesa Guyo Waqo, M.P and seconded by Hon. Kipngor Reuben Kiborek, M.P.

MIN. NO. NA/DC-H/2022/52: ADJOURNMENT OF THE MEETING

There being no any other business, the Chairperson adjourned the meeting at exactly 3.30 PM.

Sign.......... Date.....30/11/2022.....

HON. DR. ROBERT PUKOSE, M.P - CHAIRPERSON

