



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 16, 2016

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. Presiding - the Third Chairperson
4. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

The Health Records and Information Managers Bill, 2015 (National Assembly Bill No. 24) of 2015

Clauses 3 & 4 - agreed to

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended—

- (a) by renumbering the existing clause 5 as clause "5(1)"
- (b) in sub clause (1) by inserting the words "in consultation with the Cabinet Secretary to" immediately before the words "enter into agreement" appearing in paragraph (d)
- (c) by deleting sub-clause (3) and substituting therefor the following new sub clause—

"(3) The terms and conditions of service of the members of the Board shall be determined by the Board in consultation with the Cabinet Secretary and upon the advice of the Salaries and Remuneration Commission."

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Clause 6 - amendment proposed –

THAT, clause 6 of the Bill be amended—

(a) by inserting the following new sub clauses immediately after sub clause (2) —

“(3) The Board shall meet at least four times and not more than twelve times in every financial year.

(4) The chairperson may at any time convene a special meeting of the Board and shall upon a written request signed by at least four members, convene a special meeting within fifteen days of such a request.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to

Clause 7 - amendment proposed –

THAT, clause 7 of the Bill be amended—

(a) by renumbering the existing provision as sub clause (1);

(b) in sub clause (1) by—

(i) deleting paragraph (c);

(ii) deleting paragraph (h) and substituting therefor the following new paragraph —

“(h) two Managers, one in public practise and the other in the private practise appointed by the Cabinet Secretary.”

(iii) deleting the words “two other members” appearing in paragraph (i) and substituting therefor the words “one other member.”

(c) by inserting the following new sub clauses immediately after sub clause (1) —

“(2) The Registrar who shall be a registered Manager, shall be the Secretary to the Board.”

“(3) The Board may appoint functional committees on finance, standards and education, registration and licensing, human resource, discipline and ethics for the effective performance of its functions.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clause 8 - agreed to

Clause 9 - amendment proposed –

THAT, the Bill be amended by deleting clause 9 and inserting the following new clause —

“9. (1) The Board shall elect from among its members a chairperson and vice-chairperson who shall serve for a term of three years.”

(2) The vice chairperson shall in the absence of the chairperson discharge the duties of the chairperson.

(3) In the absence of both the chairperson and the vice chairperson, the members present shall elect a member to preside at the meeting.

(4) Where a chairperson or vice chairperson for any reason vacates office before the term expires, a new chairperson shall be elected in the manner specified in sub section (1) in a meeting first scheduled immediately after the vacation of the office holder.

(5) notwithstanding the provisions of this subsection, the Cabinet Secretary may, if at any time it appears to him that the Board has failed to carry out any of its functions under this Act in the national interest, revoke or annul the appointment, nomination or election of any member of the Board and may himself nominate a new member in the place of that member for the remainder of the period of office of that member.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to

Clause 10 - amendment proposed –

THAT, clause 10 of the Bill be amended by deleting the expression “3” and substituting therefor the word “three”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to

Clauses 11 & 12 - agreed to

Clause 13 - amendment proposed –

THAT, clause 13 of the Bill be amended—

(a) by deleting the word “rolls” appearing in sub clause (3).

(b) by deleting sub clause (4).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to

Clause 14 - amendment proposed –

THAT, clause 14 of the Bill be amended by deleting paragraph (b).

(Chairperson, Departmental Committee on Health)

Proposed amendment withdrawn;

Clause 14 - agreed to

Clause 15 - amendment proposed –

THAT, clause 15 of the Bill be amended—

(a) in sub clause (1) by deleting the word “Registrar” and substituting therefor the word “Board.”

(b) in sub clause (3) by inserting the words “Upon the recommendation of the Board” immediately after the words “The Registrar shall”

(c) by inserting the following new sub clause immediately after sub clause (4) —

“(5) A fee to be known as a retention fee, may be prescribed for payment annually or at such intervals as the Board may deem appropriate by any person whose name appears on a register as a condition of maintaining the name thereon.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to

Clauses 16 & 17 - agreed to

Clause 18 - amendment proposed –

THAT, clause 18 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) A person, being in charge of a training institution in Kenya shall not —

- (a) admit persons for training for the purpose of qualifying for registration under this Act;
- (b) conduct a course of training or administer the examination prescribed for the purposes of registration under this Act; or
- (c) issue any document or statement implying that the holder thereof has undergone a course of training or passed the examinations prescribed by the Board for purposes of registration;

unless the training is to be conducted by the Kenya Medical Training College or an institution approved and accredited by the Kenya Medical Training College or is established or accredited under and the Universities Act 2012.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to

Clause 19 - amendment proposed –

THAT, clause 19 of the Bill be amended in sub clause (5) by deleting the words “shall be liable to” and substituting therefor the words “shall be liable on.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to

Clauses 20, 21 & 22 - agreed to

Clause 23 - amendment proposed –

THAT, clause 23 of the Bill be amended by deleting the word “enrolled” wherever it appears.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23 - as amended agreed to

Clause 24 - amendment proposed –

THAT, clause 24 of the Bill be amended by deleting the word “enrolled” wherever it appears.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to

Clause 25 - agreed to

Clause 26 - amendment proposed –

THAT, clause 26 of the Bill be amended in sub clause (1) by —

(a) deleting paragraph (c) and substituting therefor the following new paragraphs —

“(c) a representative of the Attorney-General.”

(b) deleting (d) and substituting the following paragraph after paragraph —

“(d) a representative appointed by the Institute of Certified Public Secretaries.”

(c) inserting the following new paragraph immediately after paragraph (e) —

“(f) the Registrar who shall be an ex-officio member of the Committee.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 26 - as amended agreed to

Clauses 27 & 28 - agreed to

Clause 29 - amendment proposed –

THAT, clause 29 of the Bill be amended in sub clause (6) by deleting the words “of the” appearing immediately before the words “appeal to the High Court.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 - as amended agreed to

Clauses 30 & 31 - agreed to

Clause 32 - amendment proposed –

THAT, clause 32 of the Bill be amended by—

(a) deleting sub clause (1).

(b) in sub clause (2) by—

(i) inserting the word granted immediately after the “been”

(ii) deleting the words “may either on its own motion or” appearing in sub clause (2).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 32 - as amended agreed to

Clause 33 - amendment proposed –

THAT, clause 33 of the Bill be amended by deleting paragraph (i) and substituting therefor the following new paragraph—

“(i) is convicted of a crime under any other law.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 33 - as amended agreed to

Clauses 34 & 35 - agreed to

Clause 36 - amendment proposed –

THAT, clause 36 of the Bill be amended in sub clause (2) by deleting the words “those members of the Board who require to be elected” appearing in paragraph (j) and substituting therefor the words “the chairperson and the vice chairperson.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to

Clauses 37, 38 & 39 - agreed to

Schedule - agreed to

New Clause 14A - amendment proposed –

THAT, the Bill be amended in **Part III** by inserting the following new clause immediately after clause 14—

Person
eligible to be
registered.

“14 A. (1) A person shall be eligible for registration under this Act as a health records and information manager if the person—

- (a) is the holder of at least a diploma or a degree in health records and information management which is recognised by the Board;
- (b) after obtaining that qualification, has engaged in training employment under the supervision of a registered health records and information manager for such period, being not less than six months, as the Board may approve;
- (c) the Board shall approve the suitability for registration of a person under paragraphs (a) and (b) through such examinations as may be administered by the Board from time to time;

(Chairperson, Departmental Committee on Health)

Motion made and Question proposed –

THAT, the New Clause 14A be read a Second Time
Debate arising;

Amendment to amendment proposed –

THAT, the proposed New Clause 14A be further amended by deleting the words “or a Degree” appearing immediately after the word “Diploma”

(Chairperson, Departmental Committee on Health)

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 14A be part of the Bill

Question put and agreed to;

New Clause 18A – amendment proposed -

THAT, the Bill be amended by inserting the following new Clause 18A immediately after Clause 18 -

Limitation of powers on approval or accreditation of university academic programmes

Limitation of powers on approval or accreditation of university academic programmes

18A (1) If there is a conflict between the provisions of this Act and the provisions of the Universities Act in matters relating to approval or accreditation of academic programmes offered by universities or any other part, the provisions of the Universities Act shall prevail.

(2) Despite the provisions of this Act, the approval or accreditation of any academic programme offered at a university shall be the exclusive mandate of the Commission for University Education established under the Universities Act to be exercised in accordance with the Universities Act at the exclusion of any other person or body, but the Commission shall consult with the Board before approving an academic programme in the field of health record and information management,

(Hon. Makali Mulu)

Motion made and Question proposed –

THAT, the New Clause 18A be read a Second Time

Debate arising;

Further amendments proposed

- (i) THAT, the Bill be further amended by deleting the word “any” appearing between the words “of” and “the” in the New Clause 18A(1);

Question on the further amendment proposed

Debate arising

Question put and agreed to

- (ii) THAT, the Bill be further amended by inserting the word “to” appearing between the words “relating” and “approval” in the New Clause 18A(1);

Question on the further amendment proposed

Debate arising

Question put and agreed to

Motion made and Question proposed –

THAT, the New Clause 18A be part of the Bill

Question put and agreed to

New Clause 18B – amendment proposed -

THAT, the Bill be amended by inserting the following new Clause 18B immediately after Clause 18-

18B. Limitation of approval powers of the Board

The supervisory or approval powers of the Board as provided for in this Act shall not apply to a university granted a Charter under the universities Act, 2012.

(Hon. Victor Munyaka)

Proposed further amendment dropped

New Clause 37A – amendment proposed -

THAT, the Bill be amended by inserting the following new Clause 18B immediately after Clause 36 -

Protection from personal liability

37A (1) No matter or thing done by a member of the Board or any officer, employee or agent of the Board shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Board, render the member, officer, employee or agent or any person acting under the directions personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Board of the liability to pay lawful compensation or damages to any person for injury to the person or property.

(Hon. Makali Mulu)

Motion made and Question proposed –

THAT, the New Clause 37A be read a Second Time

Debate arising;

Question put and agreed to

Motion made and Question proposed –

THAT, the New Clause 37A be part of the Bill

Question put and agreed to

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended by inserting the following new definition in its proper alphabetical sequence—

‘public practice’ means the practice of health records and

information management in a public health facility;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

5. **HOUSE RESUMED** - The Third Chairperson in the Chair

The Health Records and Information Managers Bill, 2015 (National Assembly Bill No. 24) of 2015

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said Report

(Chairperson, Departmental Committee on Health)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Health Records and Information Managers Bill, 2015 (National Assembly Bill No. 24) of 2014 be now read a Third Time

(Chairperson, Departmental Committee on Health)

Debate arising;

Question put and agreed to;

Bill read a Third Time and **passed**.

6. **MOTION – ACCESSIBILITY TO PUBLIC BUILDINGS BY PERSONS WITH DISABILITY**

Motion made and Question proposed -

THAT, aware that Article 54 (c) of the Constitution provides that a person with disability is entitled to reasonable access to all places, public transport and information; further aware that Section 21 of the Persons with Disability Act, 2003 provides that persons with disabilities are entitled to a barrier-free and disability-friendly environment to enable them have access to buildings, roads and other social amenities, assistive devices and other equipment to promote their mobility; concerned that over the years, persons with disabilities have not been given the right to enjoy all their fundamental freedoms; cognizant of the fact that accessibility is vital in increasing the mobility of these individuals and reducing the ratio of dependency on people; this House **resolves** that the Government **provides Parliament with a clear plan of action with timelines for making** the necessary structural design adjustments to all public buildings, Government Ministries, departments and agencies

(Hon. Isaack Mwaura – 17.02.2016)

Debate interrupted on Wednesday, February 17, 2016 (Morning Sitting) resumed;

Amendment proposed:

THAT, the Motion be amended by deleting all the words appearing immediately after the words “this House” and substituting therefor the following –

“urges that the Government develops a clear plan of action to ensure the necessary structural adjustments to all public buildings and that the National Construction Authority only approves designs for new public structures that are compliant with the minimum accessibility standards (KS 21542) for persons with disabilities.”

(Hon. Zuleikha Hassan, M.P.)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to

Debate on the Motion as amended arising;

Mover replied;

Question of the Motion as amended put and agreed to.

Resolved accordingly:

THAT, aware that Article 54 (c) of the Constitution provides that a person with disability is entitled to reasonable access to all places, public transport and information; further aware that Section 21 of the Persons with Disability Act, 2003 provides that persons

with disabilities are entitled to a barrier-free and disability-friendly environment to enable them have access to buildings, roads and other social amenities, assistive devices and other equipment to promote their mobility; concerned that over the years, persons with disabilities have not been given the right to enjoy all their fundamental freedoms; cognizant of the fact that accessibility is vital in increasing the mobility of these individuals and reducing the ratio of dependency on people; this House **“urges** that the Government develops a clear plan of action to ensure the necessary structural adjustments to all public buildings and that the National Construction Authority only approves designs for new public structures that are compliant with the minimum accessibility standards (KS 21542) for persons with disabilities.”

7. **MOTION - DECENTRALIZATION OF REGISTRATION OF NATIONAL IDENTIFICATION CARDS**

Motion made and Question proposed –

THAT, aware that devolution was meant to devolve governance and public services across the country, including access to basic services like acquisition of identity cards, passports, birth certificates, voters cards, among others; further noting that currently all registration of national identity cards only happens at one centre in Nairobi; cognizant of the fact that this delays the acquisition of identity cards, thus denying Kenyans their right to employment, ability to vote, access to public funds like Uwezo Fund and other crucial services, this House resolves that the Government decentralizes the registration of national identification cards **and passports** to the county level to expedite the process and allow Kenyans to access public services in a timely manner.

(Hon. Chrisantus Wamalwa - 02.03.2016)

Debate interrupted on Wednesday, March 02, 2016 (Morning Sitting) resumed;

(Change of Chair from the Third to the Fourth Chairperson)

Mover replied;

Question deferred to another day;

8. **MOTION - IMPROVING MANAGEMENT OF CANCER IN THE COUNTRY**

Motion made –

THAT, aware that cancer is a leading cause of death globally with more than 70% of all cancer deaths occurring in developing countries; further aware that in Kenya, the disease ranks third among the main causes of death after infections and cardiovascular diseases and accounts for up to 18,000 deaths annually, with over 82,000 new cases reported annually; noting that over one-third of cancer patients experience clinical anxiety and depression, profoundly affecting the families psychologically and economically; cognizant of the fact that some of the patients travel up to 600 kilometers to Kenyatta National Hospital (KNH), the only public hospital that hosts most of the oncologists in Kenya; further cognizant of the fact that the remaining small number of oncologists are mainly based in Nairobi; deeply concerned that only a few patients get admission or outpatient treatment due to monetary constraints; this

House resolves that the Government mitigates the situation by offering scholarships to at least one (1) Medical Masters student per County to study oncology, and signing contractual agreements with them to serve in designated cancer treatment and management centres; building partnerships with existing medical institutions in local public universities for provision of training opportunities; and emphasizing on the use of telemedicine and E-Medicine to eliminate distance barriers and improve access to medical services.

(Hon. Gladys Wanga)

And the time being One O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

9. HOUSE ROSE - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, March 16, 2016 at 2.30 p.m.

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