

## **SPECIAL ISSUE**

*Kenya Gazette Supplement No. 167 (National Assembly Bills No. 42)*

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REPUBLIC OF KENYA

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# **KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2022**

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**NAIROBI, 28th October, 2022**

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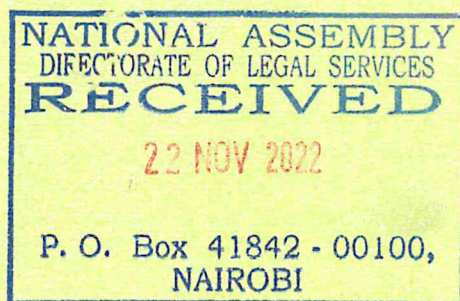
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# THE HEALTH (AMENDMENT) (NO. 2) BILL, 2022

## A Bill for

### AN ACT of Parliament to amend the Health Act

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Health (Amendment) (No. 2) Act, 2022.

Short title.

2. The Health Act (in this Act referred to as the “principal Act”) is amended by inserting the following new section immediately after section 79—

Insertion of a new section in Act No.21 of 2017.

Referrals outside the country.

**79A.** (1) The Cabinet Secretary shall develop policy guidelines on the mechanisms for referral of patients to health institutions—

- (a) within the country; and
- (b) outside the country.

(2) Despite subsection (1), the policy guidelines for referral mechanisms developed under subsection (1) shall provide for consultations with—

- (a) the body responsible for the registration and licensing of medical practitioners and dentists; and
- (b) the National Hospital Insurance Fund.

(3) The policy guidelines referred to in this section shall ensure that adequate measures are taken to establish whether the health institutions to which a patient is referred within or outside the country possess the adequate health equipment and health personnel.

(4) A public health facility that refers a patient to a health institution outside the country shall ensure that adequate consultations are undertaken with the Kenyan mission in the country in which the referral is made to establish the credibility of the health institution.



## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of the Objects and Reasons for the Bill**

The principal object of this Bill is to amend the Health Act No. 21 of 2017 to introduce a new section which provides for the development of policy guidelines to regulate the referral of patients to health institutions both within and outside the country.

The new section will ensure that the relevant stakeholders are involved in the process of developing such policy guidelines so as to ensure that the process of referral to hospitals outside the country is not subjected to abuse.

### **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

### **Statement of how the Bill concerns county governments**

The Bill does not concern county governments in terms of Article 109(5) of the Constitution as it does not contain provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

Health policy is a function of the National government as provided in Part 1 of the Fourth Schedule to the Constitution.

### **Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 21st October, 2022.

**DIDMUS WEKESA BARASA,**  
*Member of Parliament.*