LEGAL NOTICE NO. 1

THE PUBLIC FINANCE MANAGEMENT (MACHAKOS COUNTY HEALTH SERVICES MANAGEMENT FUND) REGULATIONS, 2015

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THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the powers conferred by Section 116 of the Public Finance Management Act, 2012, the Machakos County Executive Committee Member for Finance and Revenue Collection makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (MACHAKOS COUNTY HEALTH SERVICES MANAGEMENT FUND) REGULATIONS, 2015

PART I—PRELIMINARY

1. These Regulations may be cited as the Public Finance Management (Machakos County Health Services Management Fund) Regulations, 2015.

2. In these Regulations, unless the context otherwise requires—

"Board" means the Machakos County Health Fund Management Board established under Regulation 12;

"Chief Officer" means the Machakos County Chief Officer responsible for matters relating to health;

"Committee" means a Hospital Management Committee or a Health Facility Management Committee;

"County" means Machakos County;

"County Assembly" means the Machakos County Assembly;

"County Executive Committee Member" means the County Executive Committee Member responsible for matters relating to health;

"Financial Year" means the period of twelve months ending on the 30th June every year;

"Fund" means the Machakos County Health Services Management Fund established under regulation 3;

"Gazette" means a gazette published by the authority of the County government or a supplement of such gazette;

"Governor" means the Governor of Machakos County;

"Health Facility" means a health institution gazetted as a Level 2 or Level 3 hospital and includes a Dispensary or a Health Center;

"Hospital" means a health institution gazetted as such and includes a Level 4 or Level 5 Hospital;

PART II—ESTABLISHMENT OF THE FUND

3. There is established a Fund to be known as the Machakos County Health Service Management Fund.
4. The object and purpose of the Fund is to ensure—
   (a) hospitals and health facilities have better access to financial resources;
   (b) hospitals and health facilities are more responsive to medical and public health emergencies;
   (c) equitable distribution of financial resources based on workload and catchment population;
   (d) the delivery of quality health care services

5. The Fund shall consist of—
   (a) monies appropriated by the County Assembly for that purpose;
   (b) sums received as contributions, donations, gifts or grants;
   (c) refunds and capitations from any institution duly paid into the Fund;
   (d) monies paid into the Fund as fees or charges;
   (e) monies earned or realized from any investment of the Fund;
   (f) such other monies as may be payable or vested in the Fund.

PART III—MANAGEMENT OF THE FUND

6. (1) The Fund shall be administered by the Chief Officer in charge of matters relating to health.
   (2) The Machakos County Public Service Board may second such staff as may be necessary for the efficient discharge of the function of Fund under these Regulations.
   (3) In administering the Fund the Chief Officer shall—
      (a) be secretary to the Board;
      (b) be responsible for the day to day activities of the Fund;
      (c) supervise the administration of the Fund; and
      (d) may recommend to the Board the imposition of necessary conditions on the administration of the Fund;

7. The Chief Officer shall cause to be kept books of accounts and other books and records in relation to the Fund.

8. (1) The Chief Officer shall, within three months after the end of a financial year, prepare a statement of accounts of the Fund’s for that financial year and submit it to the County Assembly.
   (2) Every statement of account prepared under this regulation shall include details of the balances between the assets and liabilities of the Fund and shall indicate the financial status of the Fund as at the end of the financial year concerned.

9. (1) The Chief Officer shall cause to be opened a bank account for every Hospital and Health Facility.
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(2) The Chief Officer or a representative of the Chief Officer shall be a mandatory signatory for the bank accounts of every Hospital and Health Facility.

(3) As soon as is practicable, the officer in-charge of a Hospital or a Health Facility shall cause to be banked in the Fund revenue account, all monies received as user fees.

(4) Every withdrawal from the bank account of a Hospital or Health Facility shall be from a specific vote duly budgeted for and specifically authorized.

10. (1) The Executive Committee Member, in consultation with the Board, shall determine the user fees payable by members of the public for different health services provided by Hospitals and Health Facilities.

(2) The Executive Committee Member shall cause the user fees to be published in the Gazette.

(3) The Hospitals and Health Facilities shall only provide health services to the members of the public who pay the prescribed user fees.

(4) The person in-charge of a Hospital or a Health Facility may, upon investigation and for documented reasons, wave the user fees payable by a particular person.

(5) The Executive Committee Member in consultation with the Board may from time to time review the user fees.

11. With the authority of the relevant Committee, an officer in-charge of a Hospital or Health Facility may utilize the Fund to—

(a) purchase medical supplies;
(b) maintain the Hospitals and Health Facilities;
(c) purchase basic Hospital equipment;
(d) hire temporary professional or other staff for the Hospital or Health Facility;
(e) improve the capacity of staff to offer health services including training and continuous professional development;
(f) pay for basic administrative expenses;
(g) undertake any other activity that is authorized by the relevant Committee.

PART IV—ESTABLISHMENT OF THE BOARD AND HOSPITAL AND HEALTH FACILITY MANAGEMENT COMMITTEES

12. (1) There is established a Board to be known as the Machakos County Health Fund Management Board.

(2) The Board shall consist of—

(a) the Executive Committee Member responsible for matters relating to health, who shall be the chairperson;
(b) the Chief Officer responsible for matters relating to health who shall be an ex officio member and the secretary to the Board;

(c) the Executive Committee Member responsible for matters relating to finance;

(d) the Executive Committee Member responsible for matters relating to water;

(e) the Executive Committee Member responsible for matters relating to public works;

(f) the Executive Committee Member responsible for matters relating to energy.

13. (1) The function of the Board are to—

(a) mobilize resources for the Fund;

(b) determining and reviewing the user charges for different health services provided by the Hospitals and Health Facilities;

(c) approve annual budgets and workplans received from Hospitals and Health Facilities and forward them to the Chief Officer;

(d) ensure equitable distribution of resources among the Hospitals and Health Facilities;

(e) receive and approve annual reports and forward them to the Chief Officer;

(f) determine, approve and review the policies for administering the Fund;

(g) build the capacity of Hospital and Health Facility management Committees on proper application of the Fund;

(h) improve health service provision in Hospitals and Health Facilities;

(i) establish networks and partnerships with local, national and international institutions and organizations for purposes of achieving the objectives of the Fund including research, fund raising and information sharing;

(j) undertake such other activities as are necessary for the effective application of the Fund.

14. (1) There is established for each Hospital a committee to be known as the Hospital Management Committee.

(2) The Committee shall consist of—

(a) one person with experience in matters relating to governance, leadership, management or social policy who ordinarily resides in the Sub-County who shall be the chairperson;
(b) the person in-charge of the Hospital who shall be the secretary;

(c) the Sub-County Medical Officer of Health;

(d) the Sub-County Administrator;

(e) one person with experience in matters of finance and accounting who ordinarily resides in the sub-county;

(f) one person with experience in matters of public health and medical services who ordinarily resides in the sub-county;

(g) three persons representing civil society organizations involved in health matters in the Sub-County;

(3) The persons referred to in paragraphs (2) (a), (2) (e), (2) (f) and (2) (g) shall be nominated and appointed by the Executive Committee Member in charge of matters relating to health.

(4) A person is qualified to be appointed as a member of the Committee under paragraphs (2) (a), (2) (e), (2) (f) and (2) (g) if that person has a minimum of post-secondary qualifications.

(5) In nominating person referred to in paragraphs (2) (a), (2) (e), (2) (f) and (2) (g) the County Executive Committee Member shall—

(a) take into consideration regional and gender balance in the Committee.

(b) ensure public participation by making extensive consultations with the relevant stakeholders, community leaders and members of the public.

(6) The persons referred to in paragraphs (2) (a), (2) (e), (2) (f) and (2) (g) shall serve for a renewable term of one year.

15. The functions of the Committees are to—

(a) oversee and provide leadership in the administration of the Hospitals' funds;

(b) oversee the opening and operation of a bank account for the Hospital;

(c) cause to be prepared annual work plans and budgets for the Hospital;

(d) cause to be prepared, strategic plans for the Hospital and oversee their implementation;

(e) mobilize resources for the Hospital;

(f) receive quarterly and annual reports from the officer in charge of the Hospitals and approve such reports for forwarding to the Chief Officer;

(g) cause to be kept basic books of accounts of the Hospital;

(h) undertake such other activities as are necessary for the effective application of the Fund.
16. (1) There is established for each Health Facility a committee to be known as the Health Facility Management Committee.

(2) The Committee shall consist of—

(a) one person with experience in matters relating to governance, leadership, management or social policy who ordinarily resides in the Sub-County, who shall be the chairperson;

(b) the person in-charge of the Health Facility who shall be the secretary;

(c) the County officer in-charge of matters relating to health in the ward;

(d) the officer in-charge of county administration in the ward;

(e) one person with experience in matters of finance and accounting who ordinarily resides in the Ward;

(f) one person with experience in matters of public health and medical services who ordinarily resides in the Ward;

(g) three persons representing civil society organizations involved in health matters in the Ward;

(3) The persons referred to in paragraphs (2) (a), (2) (e), (2) (f) and (2) (g) shall be nominated and appointed by the Executive Committee Member in charge of matters relating to health.

(4) A person is qualified to be appointed as a member of the Committee under paragraphs (2) (a), (2) (e), (2) (f) and (2) (g) if that person has a minimum of post-secondary qualifications.

(5) In nominating persons referred to in paragraphs (2) (a), (2) (e), (2) (f) and (2) (g) the County Executive Committee Member shall—

(a) take into consideration regional and gender balance in the Committee.

(b) ensure public participation by making extensive consultations with the relevant stakeholders, community leaders and members of the public.

(6) The persons referred to in paragraphs (2) (a), (2) (e), (2) (f) and (2) (g) shall serve for a renewable term of one year.

17. The functions of the Committees are to—

(a) oversee and provide leadership in the administration of the Health Facility funds;

(b) oversee the opening and operation of a bank account for the Health Facility;

(c) cause to be prepared annual work plans and budgets for the Health Facility;

(d) cause to be prepared, strategic plans for the Health Facility and oversee their implementation;
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(e) mobilize resources for the Health Facility;

(f) receive quarterly and annual reports from the officer in charge of the Health Facility and approve such reports for forwarding to the Chief Officer;

(g) cause to be kept basic books of accounts of the Health Facility;

(h) undertake such other activities as are necessary for the effective application of the Fund.

18. (1) A member of any of the Committees may resign from the Committee by giving a notice in writing addressed to the County Executive Committee member responsible for matters relating to health.

(2) A person shall cease to be a member of any Committee if that person—

(a) is absent from three consecutive meetings of the Committee without prior notice to the chairperson and without good cause;

(b) ceases to be a member of the organization he or she represents;

(c) ceases to be resident in the respective Sub-county or Ward;

(d) is in serious violation of these Regulations or any other law;

(e) is convicted of a criminal offence;

(f) commits acts of gross misconduct;

(g) suffers physical or mental incapacity to perform the functions of the Committee; or

(h) is declared bankrupt;

(i) dies;

(j) is removed by the County Executive Committee member.

19. (1) The meetings of the Board and the Committees shall be convened by the secretary in consultation with the respective chairperson.

(2) The Board and each Committee shall have at least four meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.

(4) A meeting of the Board and the Committees shall be presided over by the respective chairperson or in the absence of the chairperson by a member elected by the members present for that purpose.

20. The Board or any Committee may establish such sub-committees as may be necessary for the fulfillment of their respective responsibilities.

21. A member of the Board or the Committees shall be paid such allowances as may be determined by the County Executive Committee Member after consultation with Salaries and Remuneration Commission.
22. (1) The quorum for meetings of the Board shall be three members.

(2) The quorum for meetings of any Committee shall be five members.

23. A question before the Board or a Committee shall be decided by a majority vote of the members present and voting.

24. The Hospital and Health Facility Management Committees existing immediately before the coming into effect of these Regulations shall stand dissolved upon the constitution of new Committees under these Regulations.

25. Upon consultation with the Board, the County Executive Committee Member may dissolve any Committee.

Made on the 10th July, 2015.

ELIZABETH NZYOKA,
County Executive Committee Member for Finance and Revenue Collection.