

PARLIAMENT OF KENYA



NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

THE DEPARTMENTAL COMMITTEE
ON
HEALTH

REPORT ON THE CONSIDERATION OF THE COUNSELLORS,
PSYCHOLOGISTS AND PSYCHOTHERAPISTS BILL, 2013

PARLIAMENT BUILDINGS
NAIROBI

APRIL 2014

Approved for tabling
SNA
30/4/14



1.0 INTRODUCTION

The Departmental Committee on Health is established pursuant to the provisions of Standing Order No. 216(5) of the Kenya National Assembly and in line with Article 124 of the Constitution (2010) which provides for the establishment of the Committees by Parliament. The mandate and functions of the Committee is to:-

- i) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- ii) Study the programme and policy objectives of the Ministries and departments and the effectiveness of the implementation;*
- iii) Study and review all legislation referred to it;*
- iv) Study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- v) 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;*
- vi) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and*
- vii) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

Health is a devolved function and as such the National Assembly Committee on Health has its subject matter in line with the provided functions of the National Government as prescribed in the Fourth Schedule of the Constitution.

The Committee comprises:-

The Hon. Dr. Rachel Nyamai, M.P.	-	Chairperson
The Hon. Dr. Robert Pukose, MP	-	Vice Chairperson
The Hon. Alfred Agoi, M.P.		
The Hon. Christopher Nakuleu, M.P.		
The Hon. David Karithi, M.P.		
The Hon. Dr. Dahir Duale Mohamed, M.P.		
The Hon. Dr. David Eseli, M.P.		
The Hon. Dr. Enoch W. Kibunguchy, M.P.		
The Hon. Dr. James Murgor, M.P.		
The Hon. Dr. James Nyikal, M.P.		
The Hon. Dr. James O. Gesami, M.P.		
The Hon. Dr. Naomi Shaban, M.P.		
The Hon. Dr. Patrick Musimba, M.P.		
The Hon. Dr. Patrick Musimba, M.P.		
The Hon. Dr. Stephen Wachira, M.P.		
The Hon. Dr. Susan Musyoka, M.P.		
The Hon. Eng. Stephen Mutinda Mule, M.P.		

The Hon. Fred Outa, M.P.
The Hon. Hassan Aden Osman, M.P.
The Hon. James Gakuya, M.P.
The Hon. John Nyaga Muchiri, M.P.
The Hon. Joseph O. Magwanga, M.P.
The Hon. Kamande Mwangi, M.P.
The Hon. Leonard Sang, M.P.
The Hon. Masoud Mwahima, M.P.
The Hon. Michael Onyura, M.P.
The Hon. Mwinga Gunga, M.P.
The Hon. Paul Koinange, MP
The Hon. Raphael Milkau Otaalo, M.P.
The Hon. Zipporah Jesang, M.P.

The Counselors, Psychologists and Psychotherapists Bill, sponsored by Hon. Wafula Wamunyinyi, MP was published on 8th November, 2013 and subsequently tabled in the House for First Reading on Tuesday, 4th December, 2013 and thus referred to the Departmental Committee on Health for consideration pursuant to Standing Order No. 127 and Article 118 of the Constitution. In processing the Bill, the Committee invited the stakeholders who appeared before it and made their specific recommendations.

2.0 THE OBJECTS OF THE COUNSELLORS, PSYCHOLOGISTS AND PSYCHOTHERAPISTS BILL

Mr. Speaker, Sir,

The principle object of the Bill is to establish a legal framework for the training, registration, licensing, practice and standards of Counselors, Psychologists and Psychotherapists in Kenya.

The Bill also provides for the establishment of various bodies, among them are the Counselors, Psychologists and Psychotherapists Board, the Council as the governing organ of the Institute and the establishment of the Kenya Institute of Counselors, Psychologists and Psychotherapists as a body drawing its membership from practitioners in these three professions. In addition to providing for the creation of the three bodies, the Bill provides for their functions.

3.0 DELIBERATIONS ON THE COUNSELLORS, PSYCHOLOGISTS AND PSYCHOTHERAPISTS BILL

Mr. Speaker, Sir,

In processing the Bills, the Committee called for memoranda from the stakeholders pursuant to Article 118(b) of the Constitution and Standing Order 127(3). The Committee held a meeting with the following stakeholders in the process:

1. Ministry of Health
2. Attorney General's Office

3. Kenya Law Reform Commission
4. Commission for the Implementation of the Constitution
5. Kenya Psychological Association
6. Kenya Counseling & Psychological Association
7. Kenya Association of Professional Counsellors
8. Amani Counseling Centre

In principle, the Committee and stakeholders were in agreement with the contents of the Bill. However the Committee sought to make amendments to the following **key** areas:

- i. **The Title of the Bill:** The Bill to be referred to as " The Counselors and Psychologists Bill, 2013
- ii. **Justification for the Institute:** The sponsor of the Bill and the stakeholders were of the opinion that other laws of Parliament had provided for similar institutes for example The Accountants Act, Cap 531 and The Certified Public Secretaries of Kenya Act, Cap 534.

However, the Committee took note of the overlapping functions of the Board and the Institute. The Committee therefore recommends that the Institute be deleted from the Bill and its functions be streamlined with those of the Board.


- iii. **Registration of Counsellors and Psychologists:** The Committee recommends for a minimum of a bachelor's degree for one to be registered as a counselor or psychologist. The Bill proposes to have Master's degree as the minimum academic qualification for psychologists.
- iv. **Penalties :** The Committee recommends stiff penalties for persons found guilty of trying to obtain false registration or those found to be practicing as counselors or psychologists without due registration or licensing. It recommends a fine not exceeding Kshs. 500, 000 or two years imprisonment or both.

Mr. Speaker, Sir,

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee wishes to thank all the stakeholders for their participation in scrutinizing the Bills. Finally, I wish to express my appreciation to the Honourable Members of the Committee who sacrificed their time to participate in the activities of the Committee and preparation of this Report.

Mr. Speaker, Sir,

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Health, to table its report in the House on the consideration of the Counsellors, Psychologists and Psychotherapists Bill, 2013 for consideration and adoption Pursuant to Standing Order 127.

SIGNED 

CHAIRPERSON
(HON.DR. RACHEAL NYAMAI, MP)

DATE 22/04/2014

COMMITTEE AMENDMENTS:

Title:

THAT the Title be amended by inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears

PART I: PRELIMINARY

Clause 1:

THAT Clause 1 be amended by inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears

Clause 2:

THAT Clause 2 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;
- ii. By inserting new definitions to read as follows:

"**Client**" means an individual who seeks and receives professional counselling and psychological services provided by counsellors and psychologists who are trained qualified and accredited as practitioners and includes any person who, as a principal or on behalf of another, or as a trustee or personal representative, or in any other capacity, has power, express or implied, to retain or employ a counsellor or psychologist or any other person who may be liable to pay a counsellor or psychologist any costs.

"**Supervisee**" is a counsellor or psychologist who receives support from a trained, qualified and accredited supervisor for personal and professional development.

"**Supervision**" is professional service provided to counsellors and psychologists by trained, qualified and accredited supervisors for personal and professional development.

- iii. By deleting the words "skilled and more experienced" appearing in the definition of "supervisor" and insert therefor the words "trained, qualified and accredited"

PART II: ESTABLISHMENT OF VARIOUS BODIES

PART II: A – inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;

Clause 3:

THAT Clause 3 be amended by inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;

Clause 4:

THAT Clause 4 be amended as follows:

- i. Amend **4 (1) (e)**, by deleting the words "three persons of whom one shall be a counsellor, one a psychologist and one a psychotherapist, elected by licensed counsellors, psychologists

and psychotherapists" and insert therefor the following words "four persons of whom two shall be counsellors and two shall be psychologists"

- ii. Amend **4(1)(g)** by deleting the words "from among persons who are not counsellors, psychologists or psychotherapists" and insert the following words therefor " to represent special interests"
- iii. Amend **4(2)** by deleting (e) and replacing therefor with (f) and deleting the words "organizations appearing to the Cabinet Secretary to be" and replace therefor the following words " members of the organizations" and deleting the word "psychotherapy" wherever it appears
- iv. Insert **4(4)(c)** to read as follows " a registered counsellor or psychologist"
- v. Insert **4(4)(d)** to read as follows " meets the requirements of Chapter Six of the Constitution"
- vi. Amend **4(5)(a)** by deleting the word " ten" and replacing therefor with the word "five" and also delete the word "psychotherapy" wherever it appears in the sub-clause
- vii. Amend **4(6)** by inserting the words " and (h)" between (g) and "the Cabinet Secretary"

PART 1: B – delete the sub-title "Kenya Institute of Counsellors, Psychologists & Psychotherapists" and replace therefore with the words "Kenya Counsellors and Psychologists Society"

Clause 15: THAT Clause 15 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;
- ii. by deleting the word "Institute" and replacing therefor with the word " Society" wherever it appears.

Clause 16: THAT Clause 16 be amended by deleting the word "Institute" and replacing therefor with the word "Society" wherever it appears.

Clause 17: THAT Clause 17 be amended by deleting the word "Institute" and replacing therefor with the word "Society" wherever it appears.

Clause 18: THAT Clause 18 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;
- ii. by deleting the word "Institute" and replacing therefor with the word "Society" wherever it appears.

Clause 19: THAT Clause 19 be amended by

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;

- ii. by deleting the word "Institute" and replacing therefor with the word " Society" wherever it appears.

PART III: REGISTRATION OF COUNSELLORS AND PSYCHOLOGISTS

THAT Part III sub-title be amended by inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;

Clause 23:

THAT Clause 23(b) be amended by deleting the word "masters" and replacing therefor with the word "bachelor's"

Clause 25:

THAT Clause 25 be amended by deleting the word "psychotherapists" wherever it appears in the clause

Clause 26:

THAT Clause 26 be amended as follows: -

- i. 26(3)(ii) be amended by adding the words " and all avenues of appeal have been exhausted" immediately after the word "Act".
- ii. 26(4) be amended by inserting the word " written" in between the words " the" and "consent"
- iii. 26(5) be amended by deleting the words "in substitution for or"

Clause 27:

THAT Clause 27 be amended as follows:-

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;
- ii. 27(4) be re-numbered to 27(3)

PART IV – LICENSING OF COUNSELLORS AND PSYCHOLOGISTS

THAT Part IV sub-title be amended by deleting the word "psychotherapists" and inserting the word "and" between the words "counsellors" and "psychologists"

Clause 28:

THAT Clause 28 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;
- ii. by deleting the word "his" and inserting therefor the word "their" appearing in the clause.

Clause 29:

THAT Clause 29 be amended as follows

- i. Amend **29 (1)** by inserting the words " from 1st January to 31st December" after the word "year"
- ii. Amend **29 (2) (b)** by deleting the words "payment of the license renewal fee for the year or years the license was not renewed" and inserting therefore the words "payment of the license fee for the current license period"
- iii. Insert a new **29 (2)(e)** to read as follows " payment of annual subscription fee for the current license fee.
- iv. Merge 29(4) and 29 (4)

Clause 30:

THAT Clause **30(2)** be amended by inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;

Clause 31:

THAT Clause 31 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;
- ii. by deleting the word "charge" and inserting therefor the word "fee"

PART V: ENFORCEMENT

Clause 32:

THAT Clause 32 (1) be amended as follows:-

- i. by deleting the word "two" appearing between the words "exceeding" and "hundred" and replacing therefor with the words "five";
- ii. by deleting the words "twelve months" and inserting therefor " the words " two years"

Clause 33:

THAT Clause 33 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the words "Psychotherapists" and "psychotherapy" wherever they appear.
- ii. By inserting the words " her" after the word "his" in **33 (b)**
- iii. By deleting the word "his" and insert therefor with the word "their" in **33 (h)**

Clause 34:

THAT Clause 34 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears
- ii. By inserting the words " her" after the word "his" in **34 (2) (c), 34 (5), 34 (7) and 34 (9)**

- iii. By deleting the word "ten" and inserting therefor the word "fifty" and also deleting the word "one" and inserting therefor "six" in **34 (9)**

Clause 35:

THAT Clause 35 be amended by inserting the word "her" after the word "his" wherever it appears in the clause

Clause 37:

THAT Clause 37 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the words "Psychotherapists" and "psychotherapy" wherever they appear
- ii. Amend **37 (1)** as follows:
 - deleting the word "his" and inserting therefor the word "their" appearing in Clause 37 (1);
 - deleting the word "fifty" and inserting therefore "five hundred"
 - deleting the words "twelve months" and inserting therefor the words " two years"

Clause 38:

THAT Clause 38 be amended

- iii. By inserting the word "and" immediately after the word "Counsellors" and deleting the word "psychotherapy" wherever it appears
- i. By inserting the words " her" after the word "his" in Clause **38 (a)**
- ii. By deleting the word "his" and inserting therefor the word "their" appearing in Clause **38 (d)**
- iii. by deleting the words "two hundred thousand" and inserting therefore the words "one million" in the last paragraph of Clause 38.

Clause 39:

THAT Clause 39 be amended by deleting the word "ten" and inserting therefore the word " one hundred"

PART VII: MISCELLANEOUS

Clause 45:

THAT Clause 45 (c) be amended by inserting the word "and" immediately after the word "Counsellors" and deleting the word "psychotherapy" wherever it appears.

Clause 46:

THAT Clause 46 be amended as follows:

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "psychotherapist" wherever it appears.
- ii. In **46(a)** and **(b)**, delete the words "six months" and insert therefor the words "one year"

iii. by inserting the following new provisions after (b)

46 (c) holders of a Diploma certificate in counselling will be allowed to continue practicing for one year but must be under the supervision of a registered counsellor.

46 (d) The Counsellors and Psychologists who had qualified at the commencement date will be exempted from the requirements of section 23 (1) (c)

FIRST SCHEDULE: PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Clause 4:

THAT Clause **4(3)** be amended by deleting the word "two" and insert therefor the word "five"

SECOND SCHEDULE: PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

THAT Second Schedule be amended as follows:

- i. Merge "The Examination and Registration Committees"
- ii. Retain "The Disciplinary Committee"
- iii. Insert a new "The Finance and Administration Committee"

THIRD SCHEDULE :

Amend Third Schedule by deleting the word "Institute" and replacing therefor with the word "Society" wherever it appears.

FOURTH SCHEDULE

Amend Fourth Schedule by deleting the word "Institute" and replacing therefor with the word "Society" wherever it appears.

MINUTES OF THE 15TH SITTING OF THE HEALTH COMMITTEE HELD IN
COMMITTEE ROOM ON 2ND FLOOR CONTINENTAL HOUSE, PARLIAMENT
BUILDINGS, ON TUESDAY, 4 MARCH, 2014 AT 10.30AM

PRESENT

- | | |
|--|--|
| 1. The Hon. Dr. Rachel Nyamai, M.P. | - Chairperson |
| 2. The Hon. Dr. Robert Pukose, MP | - Vice Chairperson (Chaired meeting) |
| 3. The Hon. Dr. Dahir Mohamed, M.P. | 13. The Hon. James Gakuya, M.P. |
| 4. The Hon. Dr. David Eseli, M.P. | 14. The Hon. John Nyaga Muchiri, M.P. |
| 5. The Hon. Dr. Enoch Kibunguchy, M.P. | 15. The Hon. Joseph O. Magwanga, M.P. |
| 6. The Hon. Dr. James Murgor, M.P. | 16. The Hon. Leonard Sang, M.P. |
| 7. The Hon. Dr. James O. Gesami, M.P. | 17. The Hon. Michael Onyura, MP |
| 8. The Hon. Dr. Naomi Shaban, M.P. | 18. The Hon. Mwachima Masoud, M.P. |
| 9. The Hon. Dr. Stephen Wachira, M.P. | 19. The Hon. Paul Koinange, MP |
| 10. The Hon. Eng. Stephen Mule, M.P. | 20. The Hon. Raphael Milkau Otaalo, M.P. |
| 11. The Hon. Fred Outa, M.P. | 21. The Hon. Zipporah Jesang, M.P. |
| 12. The Hon. Hassan Aden Osman, M.P. | |

ABSENT WITH APOLOGY

- | | |
|--|--------------------------------------|
| 22. The Hon. Alfred Agoi, M.P. | 27. The Hon. Dr. Susan Musyoka, M.P. |
| 23. The Hon. Christopher Nakuleu, M.P. | 28. The Hon. Kamande Mwangi, M.P |
| 24. The Hon. David Karithi, M.P. | 29. The Hon. Mwinga Gunga, M.P. |
| 25. The Hon. Dr. James Nyikal, M.P. | |
| 26. The Hon. Dr. Patrick Musimba, M.P. | |

IN ATTENDANCE

National Assembly Secretariat

Susan Maritim - First Clerk Assistant

Stakeholders on Counsellors, Psychologists & Psychotherapists Bill, 2014

- | | |
|---------------------|---|
| 1. Dr. David Kiima | - Under Secretary, MoH |
| 2. Sammy Wambugu | - Secretary, Kenya Psychological Association |
| 3. Dr. Oscar Githua | - Member, KPA, Assistant Professor of Psychology USIU |
| 4. Kimani Githongo | - Chairperson, Kenya Counselling & Psychological Assoc. |
| 5. Margaret Ndawula | - Drafter, AG/KLRC Office |
| 6. Elias Gikundi | - Deputy Executive Director KAPC |
| 7. Elecah Mbithi | - Deputy CEO, Amani Counselling Centre |
| 8. Cecilia Rachier | - Executive Director, KAPC |
| 9. Grace Wanjiku | - HCU, DPSM, DPSM |

MIN.NO. DCH/69/2014: PRELIMINARIES

The meeting was called to order at 10.30am and commenced with a word of prayer by Hon. Stephen Mule, MP. This was followed by a round of introductions.

MIN.NO. DCH/70/2014: MEETING WITH STAKEHOLDERS ON COUNSELLORS, PSYCHOLOGISTS & PSYCHOTHERPISTS BILL, 2013 (HON WAMUNYINYI)

The Committee met various stakeholders, from the AG's office, Kenya Psychological Association, Kenya Association of Professional Counsellors, Ministry of Health, Ministry of Devolution and Planning.

The Stakeholders informed the Committee that a harmonization committee convened by the Office of the Attorney General and with membership drawn from various stakeholders, urged the Committee to give them more time to finalise consultations on harmonizing the Bill with another draft similar draft before them.

The stakeholders are scheduled to proceed for a retreat to harmonise the drafts and report back to the Committee.

Way Forward: Stakeholders were advised to liaise with Hon. Wamunyinyi the sponsor of the Bill to consider delaying moving the motion on the Bill during 2nd Reading scheduled for Wednesday, 5th March, 2014. This will give both parties more time to consult and agree on the way forward on the Bill.

CIC Chairperson should be advised to write to the Speaker of the National Assembly to ask for more time to conclude on stakeholder consultations.

MIN. NO. DCH/71/2014 ANY OTHER BUSINESS

No other business arose.

MIN. NO. DCH/72/2014: ADJOURNMENT

There being no other business, the meeting was adjourned at 11.30am.

SIGNED _____

**HON. DR. RACHEAL NYAMAI, MP
(CHAIRPERSON)**

DATE _____

6th March, 2014

MINUTES OF THE 18TH SITTING OF THE HEALTH COMMITTEE HELD IN COMMITTEE ROOM ON 4th FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, ON MONDAY 17th MARCH, 2014 AT 2.30PM

PRESENT

1. **The Hon. Dr. Rachel Nyamai, M.P.**
2. **The Hon. Dr. Robert Pukose, MP**
3. The Hon. Alfred Agoi, M.P.
4. The Hon. Dr. Enoch Kibunguchy, M.P.
5. The Hon. Dr. Susan Musyoka, M.P.
6. The Hon. Hassan Aden Osman, M.P.
7. The Hon. James Gakuya, M.P.

- Chairperson

- Vice Chairperson

8. The Hon. John Nyaga Muchiri, M.P.
9. The Hon. Mwinga Gunga, M.P.

ABSENT WITH APOLOGY

10. The Hon. Eng. Stephen Mule, M.P.
11. The Hon. David Karithi, M.P.
12. The Hon. Christopher Nakuleu, M.P.
13. The Hon. Dr. Dahir Mohamed, M.P.
14. The Hon. Dr. David Eseli, M.P.
15. The Hon. Dr. James Murgor, M.P.
16. The Hon. Dr. James Nyikal, M.P.
17. The Hon. Dr. James O. Gesami, M.P.
18. The Hon. Dr. Stephen Wachira, M.P.
19. The Hon. Fred Outa, M.P.

20. The Hon. Michael Onyura, MP
21. The Hon. Raphael Milkau Otaalo, M.P.
22. The Hon. Zipporah Jesang, M.P.
23. The Hon. Dr. Naomi Shaban, M.P.
24. The Hon. Dr. Patrick Musimba, M.P.
25. The Hon. Joseph O. Magwanga, M.P.
26. The Hon. Kamande Mwangi, M.P.
27. The Hon. Leonard Sang, M.P.
28. The Hon. Mwahima Masoud, M.P.
29. The Hon. Paul Koinange, MP

IN ATTENDANCE

Hon. Wafula Wamunyinyi, M.P

IN ATTENDANCE (National Assembly Secretariat)

Michael Karuru – Dep. Director, Legal Services (NA)
Marale Sande - Senior Research Officer

MIN. NO. DCH/83/2014 PRELIMINARIES

The meeting was called to order at 3.00pm followed by a summary by Hon. Wamunyinyi on the content of the Bill.

The Committee was informed by the sponsor of the Bill, Hon. Wafula Wamunyiyi that the Bill as published was a product of numerous consultations by the various stakeholders and that all the contentious issues have been dealt with.

The Members generally agreed on the content of the Bill but concerns were however raised on the **functions of the Counselors, Psychologist and Psychotherapists Board** and that of the **Kenya Institute of Counselors, Psychologists and Psychotherapists**. The Members were of the opinion that the functions of these two bodies as provided in the Bill were duplicated and as such opinion was varied as to whether the functions could be merged and the Bill provide for only a single body.

The legal counsel further advised the Committee that as relates to the financial implications of the two bodies, the Institute as constituted will be sustained by the Members' contribution while the Board like most other boards provided under legislation will be funded through the exchequer.

Hon. Wamunyinyi further sought to clarify that the functions of the two bodies were distinct and that it was agreed by majority of the stakeholders to have two bodies incorporated in the Bill.

The Committee therefore proposed that the functions of both the Board and the Institute be harmonized and a clear difference be brought out to ensure roles do not overlap. The Committee therefore agreed that a Committee report be prepared to outline the position of the Committee in relation to the Bill in readiness for the Committee stage.

MIN. NO. DCH/85/2014**CONFIRMATION OF MINUTES**

The Minutes of the 16th Sitting & 17th Sitting were confirmed as a true record of the proceeding having been Proposed by the Hon. Dr. Robert Pukose, MP and Seconded by Hon. Alfred Agoi, MP.

MIN. NO. DCH/86/2014**MATTERS ARISING**

Matters arising from the minutes related to the consideration of the NHIF Report where the Members agreed to deliberate further of the issues with NHIF on the following days during the Committee meeting with the Cabinet secretary, Health and the NHIF management

Members asked that the Minutes regarding the report on Karen Centre of Excellence and the Health financing be amended to reflect the true position as agreed in the meeting.

In the Minutes of the 17th sitting, it was agreed that the minutes should be amended to reflect that 11th March was a Tuesday and not Thursday as indicated in the Minutes.

MIN. NO. DCH/87/2014 ANY OTHER BUSINESS

No other business arose.

MIN. NO. DCH/88/2014: ADJOURNMENT

There being no other business, the meeting was adjourned at 4.10 pm

SIGNED



HON. DR. RACHEAL NYAMAI, MP

(CHAIRPERSON)

DATE

9th April, 2014

MINUTES OF THE 20TH SITTING OF THE HEALTH COMMITTEE HELD IN COMMITTEE ROOM ON 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS, ON THURSDAY, 27TH MARCH, 2014 AT 10.00AM

PRESENT

- | | |
|--|--|
| 1. The Hon. Dr. Rachel Nyamai, M.P. | - Chairperson |
| 2. The Hon. Dr. Robert Pukose, MP | - Vice Chairperson |
| 3. The Hon. Christopher Nakuleu, M.P. | 11. The Hon. Dr. Naomi Shaban, M.P. |
| 4. The Hon. David Karithi, M.P. | 12. The Hon. Dr. Stephen Wachira, M.P. |
| 5. The Hon. Dr. Dahir Mohamed, M.P. | 13. The Hon. James Gakuya, M.P. |
| 6. The Hon. Dr. David Eseli, M.P. | 14. The Hon. John Nyaga Muchiri, M.P. |
| 7. The Hon. Dr. Enoch Kibunguchy, M.P. | 15. The Hon. Joseph O. Magwanga, M.P. |
| 8. The Hon. Dr. James Murgor, M.P. | 16. The Hon. Kamande Mwangi, M.P. |
| 9. The Hon. Dr. James Nyikal, M.P. | 17. The Hon. Leonard Sang, M.P. |
| 10. The Hon. Dr. James O. Gesami, M.P. | 18. The Hon. Mwachima Masoud, M.P. |
| | 19. The Hon. Mwinga Gunga, M.P. |

ABSENT WITH APOLOGY

- | | |
|--------------------------------------|--|
| 20. The Hon. Hassan Aden Osman, M.P. | 25. The Hon. Michael Onyura, MP |
| 21. The Hon. Dr. Susan Musyoka, M.P. | 26. The Hon. Raphael Milkau Otaalo, M.P. |
| 22. The Hon. Alfred Agoi, M.P. | 27. The Hon. Zipporah Jesang, M.P. |
| 23. The Hon. Eng. Stephen Mule, M.P. | 28. The Hon. Dr. Patrick Musimba, M.P. |
| 24. The Hon. Fred Outa, M.P. | 29. The Hon. Paul Koinange, MP |

IN ATTENDANCE

IN ATTENDANCE (National Assembly Secretariat)

- | | |
|---------------|---------------------------|
| Susan Maritim | - First Clerk Assistant |
| Marale Sande | - Senior Research Officer |

MIN. NO. DCH/93/2014 PRELIMINARIES

The meeting was called to order at 10.30am followed by a word of prayer from Hon. Dr. Stephen Wachira, MP.

MIN.NO.DCH/94/2014

CONFIRMATION OF MINUTES

Confirmation of Minutes was deferred to the next sitting.

MIN.NO.DCH/95/2014

THE COUNSELLORS, PSYCHOLOGISTS AND PSYCHOTHERAPISTS BILL, 2013

The Committee started consideration of the Bill clause by clause as follows:-

Title:

THAT the Title be amended by deleting the word "Psychotherapists" wherever it appears.

PART I: PRELIMINARY

Clause 1:

THAT Clause 1 be amended by deleting the word "psychotherapists" wherever it appears

Clause 2:

THAT Clause 2 be amended

- i. By deleting the word "psychotherapists" wherever it appears;
- ii. By inserting new definitions to read as follows:

"**Client**" means an individual who receives professional counselling and psychological services provided by counsellors and psychologists who are trained qualified and accredited as practitioners and includes any person who, as a principal or on behalf of another, or as a trustee or personal representative, or in any other capacity, has power, express or implied, to retain or employ a counsellor or psychologist or any other person who may be liable to pay a counsellor or psychologist any costs.

"**Supervisee**" is a counsellor or psychologist who receives care support from a trained, qualified and accredited supervisor for personal and professional development.

"**Supervision**" is care-support service provided to counsellors and psychologists by trained, qualified and accredited supervisors for personal and professional development.

- iii. By deleting the words "skilled and more experienced" appearing in the definition of "supervisor" and insert thereof the words " trained, qualified and accredited"

PART II: ESTABLISHMENT OF VARIOUS BODIES

PART II: A – Delete the word "psychotherapists"

Clause 3:

THAT Clause 3 be amended by deleting the word "psychotherapists" wherever it appears in the clause.

Clause 4:

THAT Clause 4 be amended as follows:

- i. Amend **4 (1) (e)**, by deleting the words "three persons of whom one shall be a counsellor, one a psychologist and one a psychotherapist, elected by licensed

counsellors, psychologists and psychotherapists" and insert therefor the following words "four persons of whom two shall be counsellors and two shall be psychologists"

- ii. Amend **4(1)(g)** by deleting the words "from among persons who are not counsellors, psychologists or psychotherapists" and insert the following words therefor "to represent special interests"
- iii. Amend **4(2)** by deleting (e) and replacing therefor with (f) and deleting the words "organizations appearing to the Cabinet Secretary to be" and replace therefor the following words "members of the organizations" and deleting the word "psychotherapy" wherever it appears
- iv. Insert **4(4)(c)** to read as follows "a registered counsellor or psychologist"
- v. Insert **4(4)(d)** to read as follows "meets the requirements of Chapter Six of the Constitution"
- vi. Amend **4(5)(a)** by deleting the word "ten" and replacing therefor with the words "five" and also delete the word "psychotherapy" wherever it appears in the sub-clause
- vii. Amend **4(6)** by inserting the words "and (h)" between (g) and "the Cabinet Secretary"

Clause 5: Agreed to

Clause 6: Agreed to

Clause 7: Agreed to

Clause 8: Agreed to

Clause 9: Agreed to

Clause 10: Agreed to

There was debate on whether the Board will draw funds from the exchequer which will justify determination of their salaries by the Salaries and Remuneration Commission. If not, then the staff salaries need not be determined by SRC.

Clause 11: Agreed to

Clause 12: Agreed to

Clause 13: Agreed to

Clause 14: Agreed to

PART 1: B – delete the sub-title "Kenya Institute of Counsellors, Psychologists & Psychotherapists"

Justification: The Committee resolved to delete the clauses relating to the Institute because of overlap of functions with the Board.

Clause 15: THAT Clause 15 be deleted

Clause 16: THAT Clause 16 be deleted

Clause 17: THAT Clause 17 be deleted

Clause 18: THAT Clause 18 be deleted

Clause 19: THAT Clause 19 be deleted

Clause 20: THAT Clause 20 be deleted

Clause 21: THAT Clause 21 be deleted

Clause 22: THAT Clause 22 be deleted

**The Committee resolved to invite Hon Wamunyinyi and the Legal Counsel in the next meeting on Tuesday, 1 April, 2014 during consideration of the Bill.

MIN. NO. DCH/96/2014

ANY OTHER BUSINESS

1. Amendments to VAT (Amendment) Act, 2013

The Committee considered proposals for amendments to the VAT (Amendment) Bill, 2013 submitted by the Pharmaceutical Society of Kenya, KEPSA and the Federation of Kenya Pharmaceutical Manufacturers and resolved to support the Bill by introducing the following amendments:-

CLAUSE 5

THAT, clause 5 be amended by inserting the following new paragraph immediately after paragraph (a)—

“(aa) in Part I, Section A, by inserting the following new items immediately after item 39—

“40. Raw materials for manufacture of medicaments.

41. Medical equipment, laboratory reagents, medical sundries and consumables”.

Hon Eseli was tasked to work on the amendments on behalf of the Committee.

2. Kenya National AIDS Authority Bill, 2014

The Committee discussed at length the issue of the published KNAA Bill sponsored by Hon Opiyo vis-à-vis a similar Bill sponsored by the Committee yet to be published. The Chair informed the Committee that she presented the proposal to the Budget Committee and was

happy to report that the proposal had been recommended for approval and subsequent publishing.

The Committee will invite Hon Opiyo to appear before the Committee at a later date to present his Bill with a view of building consensus on the matter.

3. Pharmacy & Poisons (Amendment) Bill, 2014

The Committee also discussed the Pharmacy and Poisons (Amendment) Bill, sponsored by Hon. Dr. Robert Pukose vis-à-vis the Committee and stakeholders' position to repeal CAP 244 and sponsor 2 Bills: Pharmacy Practice Authority Bill and the Kenya Food and Drugs Authority Bill.

The Committee received various Memoranda opposing the Bill from the following institutions:-

- i. Kenya Medical Laboratory Technicians Board petitioned the Committee on 14th March, 2014 to push for withdrawal of the Bill to allow for further consultation on the matter.
- ii. National Quality Control Laboratory also requested for withdrawal of the Bill to allow for further consultations.
- iii. Pharmaceutical Society of Kenya wrote to the Committee on 17th March, 2014 sought for withdrawal of the Bill to allow for repeal of CAP 244 and introduction of the Bills (PPA Bill and KFDA Bill).

The Committee will consult Hon Pukose with a view of prevailing upon him to withdraw the Bill failure to which the Committee will write to the Speaker stating its position on the matter. The Committee already took the position to repeal CAP 244 and introduce the 2 Bills earlier mentioned.

MIN. NO. DCH/97/2014: ADJOURNMENT

There being no other business, the meeting was adjourned at 1.20pm.

SIGNED



HON. DR. RACHEAL NYAMAI, MP

(CHAIRPERSON)

DATE

9th April, 2014

MINUTES OF THE 21ST SITTING OF THE HEALTH COMMITTEE HELD IN THE MEMBERS LOUNGE, MAIN PARLIAMENT BUILDINGS, ON TUESDAY, 1ST APRIL, 2014 AT 11.30AM

PRESENT

- | | |
|--|--|
| 1. The Hon. Dr. Rachel Nyamai, M.P. | - Chairperson |
| 2. The Hon. Dr. Robert Pukose, MP | - Vice Chairperson (Chaired meeting) |
| 3. The Hon. David Karithi, M.P. | 13. The Hon. Hassan Aden Osman, M.P. |
| 4. The Hon. Dr. Dahir Mohamed, M.P. | 14. The Hon. John Nyaga Muchiri, M.P. |
| 5. The Hon. Dr. David Eseli, M.P. | 15. The Hon. Joseph O. Magwanga, M.P. |
| 6. The Hon. Dr. Enoch Kibunguchy, M.P. | 16. The Hon. Kamande Mwangi, M.P. |
| 7. The Hon. Dr. James Murgor, M.P. | 17. The Hon. Leonard Sang, M.P. |
| 8. The Hon. Dr. James Nyikal, M.P. | 18. The Hon. Michael Onyura, MP |
| 9. The Hon. Dr. James O. Gesami, M.P | 19. The Hon. Mwinga Gunga, M.P. |
| 10. The Hon. Dr. Stephen Wachira, M.P. | |
| 11. The Hon. Raphael Milkau Otaalo, M.P. | |
| 12. The Hon. Zipporah Jesang, M.P. | |

ABSENT WITH APOLOGY

- | | |
|--------------------------------------|--|
| 20. The Hon. Alfred Agoi, M.P. | 26. The Hon. James Gakuya, M.P. |
| 21. The Hon. Mwahima Masoud, M.P. | 27. The Hon. Christopher Nakuleu, M.P. |
| 22. The Hon. Eng. Stephen Mule, M.P. | 28. The Hon. Dr. Susan Musyoka, M.P |
| 23. The Hon. Paul Koinange, MP | 29. The Hon. Dr. Patrick Musimba, M.P. |
| 24. The Hon. Fred Outa, M.P. | |
| 25. The Hon. Dr. Naomi Shaban, M.P. | |

IN ATTENDANCE

IN ATTENDANCE (National Assembly Secretariat)

- | | |
|----------------|---------------------------|
| Susan Maritim | - First Clerk Assistant |
| Michael Karuru | - Principal Legal Counsel |

MIN. NO. DCH/98/2014 PRELIMINARIES

The meeting was called to order at 10.30am followed by a word of prayer from Hon. Dr. Racheal Nyamai, MP.

MIN.NO.DCH/99/2014

CONFIRMATION OF MINUTES

Confirmation of Minutes was deferred to the next sitting.

The Committee continued with consideration of the Bill clause by clause as follows: -

PART III: REGISTRATION OF COUNSELLORS AND PSYCHOLOGISTS

THAT Part III sub-title be amended by inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;

Clause 23:

THAT Clause **23(b)** be amended by deleting the word "masters" and replacing therefor with the word "bachelor's"

Clause 25:

THAT Clause 25 be amended by deleting the word "psychotherapists" wherever it appears in the clause

Clause 26:

THAT Clause 26 be amended as follows: -

- i. **26(3)(ii)** be amended by adding the words " and all avenues of appeal have been exhausted" immediately after the word "Act".
- ii. **26(4)** be amended by inserting the word " written" in between the words " the" and "consent"
- iii. **26(5)** be amended by deleting the words "in substitution for or"

Clause 27:

THAT Clause 27 be amended as follows:-

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;
- ii. **27(4)** be re-numbered to 27(3)

PART IV – LICENSING OF COUNSELLORS AND PSYCHOLOGISTS

THAT Part IV sub-title be amended by deleting the word "psychotherapists" and inserting the word "and" between the words "counsellors" and "psychologists"

Clause 28:

THAT Clause 28 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;
- ii. by deleting the word "his" and inserting therefor the word "their" appearing in the clause.

Clause 29:

THAT Clause 29 be amended as follows

- i. Amend **29 (1)** by inserting the words " from 1st January to 31st December" after the word "year"
- ii. Amend **29 (2) (b)** by deleting the words "payment of the license renewal fee for the year or years the license was not renewed" and inserting therefore the words "payment of the license fee for the current license period"
- iii. Insert a new **29 (2)(e)** to read as follows " payment of annual subscription fee for the current license fee.
- iv. Merge 29(4) and 29 (4)

Clause 30:

THAT Clause **30(2)** be amended by inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;

Clause 31:

THAT Clause 31 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears;
- ii. by deleting the word "charge" and inserting therefor the word "fee"

PART V: ENFORCEMENT

Clause 32:

THAT Clause 32 (1) be amended as follows:-

- i. by deleting the word "two" appearing between the words "exceeding" and "hundred" and replacing therefor with the words "five";
- ii. by deleting the words "twelve months" and inserting therefor " the words " two years"

Clause 33:

THAT Clause 33 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the words "Psychotherapists" and "psychotherapy" wherever they appear.
- ii. By inserting the words " her" after the word "his" in **33 (b)**
- iii. By deleting the word "his" and insert therefor with the word "their" in **33 (h)**

Clause 34:

THAT Clause 34 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "Psychotherapists" wherever it appears

- ii. By inserting the words " her" after the word "his" in **34 (2) (c), 34 (5), 34 (7) and 34 (9)**
- iii. By deleting the word "ten" and inserting therefor the word "fifty" and also deleting the word "one" and inserting therefor "six" in **34 (9)**

Clause 35:

THAT Clause 35 be amended by inserting the word "her" after the word "his" wherever it appears in the clause

Clause 37:

THAT Clause 37 be amended

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the words "Psychotherapists" and "psychotherapy" wherever they appear
- ii. Amend **37 (1)** as follows:
 - deleting the word "his" and inserting therefor the word "their" appearing in Clause 37 (1);
 - deleting the word "fifty" and inserting therefore "five hundred"
 - deleting the words "twelve months" and inserting therefor the words "two years"

Clause 38:

THAT Clause 38 be amended

- i. By inserting the word "and" immediately after the word "Counsellors" and deleting the word "psychotherapy" wherever it appears
- ii. By inserting the words " her" after the word "his" in Clause **38 (a)**
- iii. By deleting the word "his" and inserting therefor the word "their" appearing in Clause **38 (d)**
- iv. by deleting the words "two hundred thousand" and inserting therefore the words "one million" in the last paragraph of Clause 38.

Clause 39:

THAT Clause 39 be amended by deleting the word "ten" and inserting therefore the word "one hundred"

PART VII: MISCELLANEOUS

Clause 45:

THAT Clause 45 (c) be amended by inserting the word "and" immediately after the word "Counsellors" and deleting the word "psychotherapy" wherever it appears.

Clause 46:

THAT Clause 46 be amended as follows:

- i. inserting the word "and" immediately after the word "Counsellors" and deleting the word "psychotherapist" wherever it appears.

- ii. In **46(a)** and **(b)**, delete the words "six months" and insert therefor the words "one year"
- iii. by inserting the following new provisions after (b)

46 (c) holders of a Diploma certificate in counselling will be allowed to continue practicing for one year but must be under the supervision of a registered counsellor.

46 (d) The Counsellors and Psychologists who had qualified at the commencement date will be exempted from the requirements of section 23 (1) (c)

FIRST SCHEDULE: PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Clause 4:

THAT Clause **4(3)** be amended by deleting the word "two" and insert therefor the word "five"

SECOND SCHEDULE: PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

THAT Second Schedule be amended as follows:

- i. Merge "The Examination and Registration Committees"
- ii. Retain "The Disciplinary Committee"
- iii. Insert a new "The Finance and Administration Committee"

Delete THIRD SCHEDULE:

Delete FOURTH SCHEDULE

MIN. NO. DCH/101/2014 ANY OTHER BUSINESS

1. Amendments to VAT (Amendment) Bill, 2014

The Committee adopted Amendments to the VAT (Amendment) to be sponsored by Hon. Dr. David Eseli, MP on behalf of the Committee. Hon. Dr. James Nyikal, MP had also privately presented similar amendment to bring down cost of raw materials for manufacture of medicaments and also medical equipment, laboratory reagents, medical sundries and consumables.

2. Kenya National AIDS Authority Bill, 2014

The Committee discussed the two Bills and directed the secretariat to present a comparative analysis of the two Bills for discussion in the next meeting. Hon Opiyo should also appear before the Committee at a later date to present his Bill with a view of building consensus on the matter.

3. Pharmacy & Poisons (Amendment) Bill, 2014

Hon. Pukose requested to brief the Committee on the Pharmacy and Poisons (Amendment), Bill, 2014 during the next meeting.

4. **Hon. Onyura's Thanksgiving Ceremony:** Hon. Onyura invited Members for his thanksgiving ceremony to be held on Saturday, 5th April, 2014 in Butula Constituency

MIN. NO. DCH/102/2014: ADJOURNMENT

There being no other business, the meeting was adjourned at 12.30pm.

SIGNED



HON. DR. RACHEAL NYAMAI, MP

(CHAIRPERSON)

DATE

9th April, 2014

MINUTES OF THE 22ND SITTING OF THE HEALTH COMMITTEE HELD IN COMMITTEE ROOM ON 7TH FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS, ON THURSDAY, 3RD APRIL, 2014 AT 10.30AM

PRESENT

- | | |
|--|--|
| 1. The Hon. Dr. Rachel Nyamai, M.P. | - Chairperson |
| 2. The Hon. Dr. Robert Pukose, MP | - Vice Chairperson |
|
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| 3. The Hon. Dr. James Nyikal, M.P. | |
| (Chaired Meeting) | |
| 4. The Hon. Alfred Agoi, M.P. | 13. The Hon. John Nyaga Muchiri, M.P. |
| 5. The Hon. David Karithi, M.P. | 14. The Hon. Joseph Magwanga, M.P. |
| 6. The Hon. Dr. Dahir Mohamed, M.P. | 15. The Hon. Leonard Sang, M.P. |
| 7. The Hon. Dr. Enoch Kibunguchy, M.P. | 16. The Hon. Michael Onyura, MP |
| 8. The Hon. Dr. James Murgor, M.P. | 17. The Hon. Zipporah Jesang, M.P. |
| 9. The Hon. Dr. James O. Gesami, M.P | 18. The Hon. Mwahima Masoud, M.P. |
| 10. The Hon. Dr. Stephen Wachira, M.P. | 19. The Hon. Mwinga Gunga, M.P |
| 11. The Hon. Dr. Susan Musyoka, M.P | 20. The Hon. Paul Koinange, MP |
| 12. The Hon. Hassan Aden Osman, M.P. | 21. The Hon. Raphael Milkau Otaalo, M.P. |

ABSENT WITH APOLOGY

- | | |
|--------------------------------------|--|
| 22. The Hon. Dr. David Eseli, M.P. | 27. The Hon. James Gakuya, M.P. |
| 23. The Hon. Eng. Stephen Mule, M.P. | 28. The Hon. Christopher Nakuleu, M.P. |
| 24. The Hon. Fred Outa, M.P. | 29. The Hon. Dr. Patrick Musimba, M.P. |
| 25. The Hon. Kamande Mwangi, M.P | |
| 26. The Hon. Dr. Naomi Shaban, M.P. | |

IN ATTENDANCE

National Assembly

Hon. Wafula Wamunyinyi, MP - Kanduyi MP & sponsor of the Counsellors, Psychologists and Psychotherapists, Bill, 2013

Secretariat

Susan Maritim - First Clerk Assistant

Stakeholders

Kimani Githongo - Chairperson, Kenya Counselling & Psychological Association

MIN. NO. DCH/103/2014 PRELIMINARIES

The meeting was called to order at 10.30am followed by a word of prayer from Hon. Dr. Stephen Wachira, MP.

Confirmation of Minutes was deferred to the next sitting.

**CONSIDERATION OF THE COUNSELLORS,
PSYCHOLOGISTS AND PSYCHOTHERAPISTS BILL,
2013**

The Committee revisited the matter of the Kenya Institute for Psychologists and Psychotherapists.

Hon. Wamunyinyi and Mr. Githongo gave justification for the Institute vis-à-vis the role of the Board:-

- i. **Board to determine qualification standards** for the professionals e.g. the Kenya Medical Practitioners and Dentists Board.
- ii. **Society** (formerly the Institute) to **set standards of practice/regulations** for the professionals e.g ICPACK, LSK

Way Forward: The Committee was convinced of the need to retain the Institute but rename it to "Society". Other professions with the same provision are ICPACK for Accountants, Auditors and Public Secretaries and Law Society of Kenya for Lawyers.

The stakeholders informed the Committee that approximately 5,000 professionals are currently practicing without regulation. The Committee however requested them to provide more accurate data on the number of practicing Counsellors and Psychologists for information purposes.

Hon. Wamunyinyi was advised to work with the Parliamentary Legal Counsel to harmonize the functions of the Board with those of the Society.

1. Kenya National AIDS Authority Bill, 2014

The Committee considered the comparative analysis of the 2 KNAA Bills (Hon. Opiyo's and Committee draft) and resolved to support amendments to the published Bill by Hon. Opiyo. It was further resolved that NACC sponsors a retreat in Mombasa from 10th – 14th April, 2014 to harmonize the 2 documents. The secretariat to liaise with NACC for logistical arrangements and invite Hon. Opiyo to attend the meeting.

2. Pharmacy & Poisons (Amendment) Bill, 2014

Hon. Pukose informed the Committee that he consulted the Senior Deputy Clerk regarding the Pharmacy and Poisons (Amendment) Bill, 2014 and was informed that the Standing Orders allow for a Special Report on the Bill to change it from an amendment Bill to a Bill to repeal certain sections of the existing Act, in this case repeal of CAP 244 as agreed with stakeholders.

3. **Meeting with KEMRI:** Hon. Dr. Dahir Duale informed the Committee that KEMRI requested for audience with the Committee to share a report of its findings on Cancer. It

was resolved that the organization hosts the Committee to a breakfast meeting for that purpose.

4. Hon. Dr. Susan Musyoka informed the Committee of a Gazette Notice by the CS Health to degazette regulations on unsafe abortions. The Member was requested to avail a copy of the Gazette for deliberation so as to inform the course of action to be taken.

5. **Tobacco Control Board meeting with 5 Committees:** The Committee was informed that the Tobacco Control Board had requested for a breakfast meeting with 5 Departmental Committees namely 1) Health, 2) Education, Research & Technology, 3) Agriculture, 4) Justice & Legal Affairs and 5) Finance, Trade & Planning Committees. The Committee proposed to have the breakfast meeting on Thursday, 10th April, 2014. The following Members were nominated to attend:-

- i. Hon. Dr. James Murgor, MP
- ii. Hon. Dr. James Nyikal, MP
- iii. Hon. Dr. Susan Musyoka, MP
- iv. Hon. Dr. Enoch Kibunguchy, MP
- v. Hon. Dr. David Karithi, MP

MIN. NO. DCH/107/2014: ADJOURNMENT

There being no other business, the meeting was adjourned at 1.00 pm. Next meeting to be held on Wednesday, 9th April, 2014 at 10.30am and 2.30pm.

SIGNED



HON. DR. RACHEAL NYAMAI, MP

(CHAIRPERSON)

DATE

22nd April, 2014

MINUTES OF THE 28TH SITTING OF THE HEALTH COMMITTEE HELD IN ROOM NO 7, MAIN PARLIAMENT BUILDINGS ON TUESDAY, 22ND APRIL, 2014 AT 10.00AM

PRESENT

- | | |
|---------------------------------------|---------------------------------------|
| 1. The Hon. Dr. Rachel Nyamai, M.P. | - Chairperson |
| 2. The Hon. Dr. Robert Pukose, MP | - Vice Chairperson (Chaired meeting) |
| 3. The Hon. Alfred Agoi, M.P. | 12. The Hon. Fred Outa, M.P. |
| 4. The Hon. Christopher Nakuleu, M.P. | 13. The Hon. Hassan Aden Osman, M.P. |
| 5. The Hon. David Karithi, M.P. | 14. The Hon. James Gakuya, M.P. |
| 6. The Hon. Dr. Dahir Mohamed, M.P. | 15. The Hon. John Nyaga Muchiri, M.P. |
| 7. The Hon. Dr. David Eseli, M.P. | 16. The Hon. Leonard Sang, M.P. |
| 8. The Hon. Dr. James Gesami, M.P. | 17. The Hon. Michael Onyura, MP |
| 9. The Hon. Dr. James Murgor, M.P. | 18. The Hon. Mwinga Gunga, M.P |
| 10. The Hon. Dr. James Nyikal, M.P. | 19. The Hon. Zipporah Jesang, M.P. |
| 11. The Hon. Eng. Stephen Mule, M.P. | |

ABSENT WITH APOLOGY

- | | |
|---|--|
| 20. The Hon. Dr. Enoch Kibunguchy, M.P. | 25. The Hon. Joseph Magwanga, M.P. |
| 21. The Hon. Dr. Naomi Shaban, M.P. | 26. The Hon. Kamande Mwangi, M.P |
| 22. The Hon. Dr. Patrick Musimba, M.P. | 27. The Hon. Mwahima Masoud, M.P. |
| 23. The Hon. Dr. Stephen Wachira, M.P. | 28. The Hon. Paul Koinange, MP |
| 24. The Hon. Dr. Susan Musyoka, M.P | 29. The Hon. Raphael Milkau Otaalo, M.P. |

IN ATTENDANCE

National Assembly Secretariat

Susan Maritim - First Clerk Assistant

MIN. NO. DCH/129/2014

PRELIMINARIES

The meeting was called to order at 11am followed by a word of prayer by Hon. Dr. Robert Pukose, MP who chaired the meeting.

MIN. NO. DCH/130/2014

CONFIRMATION OF MINUTES

Minutes of the 21st Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. David Karithi, MP and Seconded by Hon. Leonard Sang, MP.

Minutes of the 22nd Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. Dr. David Murgor, MP and Seconded by Hon. Zipporah Kering, MP.

Minutes of the 23rd Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. Stephen Mule, MP and Seconded by Hon. Stephen Muchiri, MP.

Minutes of the 24th Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. David Karithi, MP and Seconded by Hon. Leonard Sang, MP.

Minutes of the 25th Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. Stephen Mule, MP and Seconded by Hon. Dr. James Murgor, MP.

Minutes of the 26th Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. James Gakuya, MP and Seconded by Hon. Stephen Muchiri, MP.

Minutes of the 27th Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. David Karithi, MP and Seconded by Hon. James Gakuya, MP.

MIN. NO. DCH/131/2014

MATTERS ARISING

1. **Meeting with Tobacco Control Board:** The breakfast meeting with Tobacco Control Board is scheduled for 6th May, 2014.
2. **Letter from the CS, Health requesting Parliament to withdraw the Pharmacy & Poisons Bill, 2014 until the Health Bill is passed:** the Vice Chair informed the Committee that he was informed by the Senior Deputy Clerk's office about a letter from the Cabinet Secretary Health, requesting Parliament to withdraw the P&P Bill, 2014 until the Health Bill is passed.

The letter is dated 9th April, 2014, reference no. MOH/BOARDS/13/1/12/52. Parliament replied to the letter on 17th April, 2014 advising the Ministry that it is the prerogative of the sponsor of the Bill to withdraw the Bill and also to expedite publishing of the Health Bill.

The Committee further noted that the CS's request would interfere with the Committee's legislative role and therefore resolved to continue with its intentions to sponsor various bills e.g Health Bill, Pharmacy Practice Bill, Foods & Drugs Authority Bill etc.

WAY FORWARD: the Committee resolved to invite the CS to a meeting on Tuesday, 29th April, 2014 to discuss the implications of his request to the Committee. The Committee will also engage the CS on the recently gazetted Hospital Management Committees for Levels 3,4 and 5 which the Committee noted had several inconsistencies and non-involvement of area MPs in constitution of the Committees.

3. **Delegation to World Health Assembly:** the Committee revisited the matter of delegation to the WHA in Geneva and it was noted that the delegation did not include a female Committee Member and also that Hon. Dr. Nyikal was dropped from the list in his absence.

It was resolved that the Chair should consult Hon. Magwanga with a view of prevailing upon him to cede his chance to Hon. Dr. Nyikal.

4. Report on Karen Centre of Excellence: The Committee resolved that there is need to retreat for one day to consider and conclude on the Report.

**MIN. NO. DCH/131/2014 ADOPTION OF THE REPORT ON THE
COUNSELLORS, PSYCHOLOGISTS AND
PSYCHOTHERAPISTS BILL, 2013**

The Committee unanimously adopted the Report on Counsellors, Psychologists and Psychotherapists Bill, 2014.

**MIN. NO. DCH/132/2014 INSPECTION VISITS TO COAST, NYANZA AND
WESTERN REGIONS**

The Committee also deliberated on the Programme for inspection visits to Kilifi, Mombasa, Kisumu and Kakamega Counties.

The Chair explained that the down-sizing to two delegations only as opposed to the earlier four was necessitated by shortage of secretariat to accompany the delegations and also that most Members preferred the two regions.

It was noted that there is need for another visit to Eastern and Rift Valley Regions at a later date.

MIN. NO. DCH/133/2014 ANY OTHER BUSINESS

No other business arose.

MIN. NO. DCH/134/2014: ADJOURNMENT

There being no other business, the meeting was adjourned at 12.30pm until Tuesday, 29th April, 2014 at 10am.

SIGNED _____



**HON. DR. RACHEAL NYAMAI, MP
(CHAIRPERSON)**

DATE _____

29th April, 2014

