

PARLIAMENT OF KENYA



*Approved for  
tabling.*



*Blaise NA  
11/6/14*

NATIONAL ASSEMBLY

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ELEVENTH PARLIAMENT – SECOND SESSION

THE DEPARTMENTAL COMMITTEE ON HEALTH

REPORT

ON

CONSIDERATION OF THE PHYSIOTHERAPISTS BILL, 2013

PARLIAMENT BUILDINGS  
NAIROBI

JUNE 2014

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## INTRODUCTION

1.0  
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 a recommendation of proposed legislation.

The National Assembly Health Committee has its subject matter in line with the mandate of the National Government as prescribed in the Fourth Schedule of the Constitution.

The Committee comprises:-

<b>The Hon. Dr. Rachel Nyamai, M.P.</b>	-	<b>Chairperson</b>
<b>The Hon. Dr. Robert Pukose, MP</b>	-	<b>Vice Chairperson</b>
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 Physiotherapists Bill, sponsored by Hon. Leonard Sang, MP was published on 15<sup>th</sup> November, 2013 and subsequently tabled in the House for First Reading on Tuesday, 4<sup>th</sup> 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.

**Speaker, Sir,**

The principal Object of the Bill is to establish a legal framework for the training, registration, licensing, practice and standards of Physiotherapists in Kenya. The Bill also provides for the establishment of Physiotherapy Council of Kenya.

**Sir,**

Under the Bill, the Committee, through an advertisement appearing in the local press, 2014, called for memoranda from the stakeholders pursuant to Article



118(b) of the Constitution and Standing Order 127(3). The Committee would like to report it received submissions from only one stakeholder, the Kenya Society of Physiotherapists, whose views were taken into account in this Report.

In principle, the Committee was in agreement with the contents of the Bill. However the Committee has proposed amendments to some sections as contained in the Amendments Section of the Report.

**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. 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 Department of Health, to table its report in the House on the consideration of the Bill, 2013 for consideration and adoption pursuant to Standing Order 127

SIGNED .....

  
**VICE-CHAIRPERSON  
(HON.DR. ROBERT PUKOSE, M.P.)**

DATE .....

10/6/2014

## **2.0 THE OBJECTS OF PHYSIOTHERAPISTS BILL, 2013**

**Mr. Speaker, Sir,**

The principle Object of the Bill is to establish a legal framework for the training, registration, licensing, practice and standards of Physiotherapists in Kenya. The Bill also seeks to provide for the establishment of Physiotherapy Council of Kenya.

## **3.0 DELIBERATIONS ON THE PHYSIOTHERAPISTS BILL, 2014**

**Mr. Speaker, Sir,**

In processing the Bill, the Committee, through an advertisement appearing in the local dailies on 3<sup>rd</sup> May, 2014, called for memoranda from the stakeholders pursuant to Article 18(b) of the Constitution and Standing Order 127(3). The Committee would like to report that it received submissions from only one stakeholder, the Kenya Society of Physiotherapists, whose views were taken into account in this Report.

In principle, the Committee was in agreement with the contents of the Bill. However the Committee has proposed amendments to some sections as contained in the Amendments of the Report.

## **4.0 COMMITTEE AMENDMENTS**

The Committee proposes the following Amendments: -

### **PART ONE: PRELIMINARY**

**Clause 1:** Agreed to.

**Clause 2:** Agreed to.

### **Part II: THE PHYSIOTHERAPY COUNCIL OF KENYA**

**Clause 3:** Agreed to.

**Clause 4:** Add the words 'or the Technical and Vocational Education and Training Act, 2013' between the words '2013' and 'for'.

**Clause 5:** Agreed to.

**Clause 6:** Delete 'a' appearing between the words 'is' and 'registered' in sub-clause 6(2)(a).

**Clause 7:** Agreed to.

**Clause 8:**

Provide a new clause to provide for the establishment of Committees as follows: –

8 (1) The Council may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The committees under (1) shall appoint the chairperson from amongst its members.

(3) The Committee may where it deems appropriate, co-opt any person from outside the Committee with knowledge and expertise in specific areas to attend the deliberations of any of its committees.

**Clause 9:** Agreed to.

**Clause 10:** Agreed to.

**Clause 11:** Agreed to.

**Clause 12:** Agreed to.

### **PART THREE: FINANCIAL PROVISIONS**

**Clause 13:** Agreed to.

**Clause 14:** Agreed to.

**Clause 15:** Agreed to.

**Clause 16:** Agreed to.

**Clause 17:** Agreed to.

**Clause 18:** Agreed to.

### **PART IV: TRAINING AND REGISTRATION OF PHYSIOTHERAPISTS**

**Clause 19:** redraft the last paragraph of sub-clause 19 (1) to read as follows:

'Unless such institution is established by law, accredited under the Universities Act or any other written law or is approved by the Council in accordance with this Act.'

**Clause 20:** delete the Clause in its entirety.

**Clause 21:**

THAT Clause 21 be amended by:

- i. Deleting sub-Clause 21(2)(a) (ii).
- ii. Deleting the word 'six' and replacing therefor with the word 'twelve' appearing in sub-clause 21 (2)(b).
- iii. Deleting sub-clause 21(3).
- iv. Deleting the words 'despite sub-section (3)' appearing in sub-clause 21(4).
- v. Deleting sub-clause 21(6)(b).
- vi. Deleting sub-clause 21(7).

**Clause 22**



THAT Clause 32 be amended by deleting the words 'six' and replacing therefor with the word 'twelve'.

Clause 23: Agreed to.

Clause 24: Agreed to.

#### **PART V: PROVISIONS RELATING TO PRIVATE PRACTICE**

**Clause 25:** Agreed to.

**Clause 26:** Agreed to.

**Clause 27:** Agreed to.

#### **PART VI: DISCIPLINARY PROVISIONS**

**Clause 29:** Agreed to.

**Clause 30:** Agreed to.

**Clause 31:** Agreed to.

**Clause 32:** Agreed to.

**Clause 33:**

THAT Clause 33 be amended as follows:

- i. In sub-clause (2), delete the word 'summarily' appearing between the words 'recoverable' and 'by'.
- ii. In sub-clause (5), delete the word 'badges' appearing before the words 'his' and 'licenses'; and insert the word 'practicing' between the word 'badges' and 'licenses'.

**Clause 34:** Agreed to.

**Clause 35:** Agreed to.

#### **PART VII: MISCELLENIOUS PROVISIONS**

**Clause 36:**

Amend sub-clause (5) by deleting the words 'without reasonable excuse' appearing in the sub-clause.

**Clause 37:** Agreed to.

**Clause 38:**

THAT Clause 38 be amended as follows:

In sub-clause **38 (4)**:-

- i. delete the words 'more' appearing in the clause and inserting therefor the words 'exceeding';
- ii. delete the words 'one million' and replacing therefor with the words 'five'.

In **38 (5)**:-

- i. delete the word 'utters' and replace therefor with the word 'presents'.
- ii. insert the word 'exceeding' between the words 'fine' and 'more'.
- iii. delete the words 'two' and insert therefor the words 'five'.

**Clause 39:** insert the word 'exceeding' between the words 'not' and 'three'.

**Clause 40:** Agreed to.

## **SCHEDULE**

### **PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL**

1. Agreed to.
2. Agreed to.
3. **Amend 3 as follows:**

**In sub-clause 3(5)**:-

- i. delete the words 'the Chairperson but' and replace therefor with the words 'in the absence of the Chairperson,'.
- ii. delete the word 'select' and replace therefor with the word 'nominate'.
- iii. delete the words 'their number' and replace therefor with the word 'them'.

In **3(6)**, delete the words 'an equality' and replace therefore with the words 'a tie'.

In **3(8)**, delete the words 'and the procedure', 'of the Council' appearing in the Clause.

**4.** Amend **4(2)** as follows:

- i. by deleting the word 'Council' and replace therefor with the word 'Committee'.
- ii. delete the word 'appoint' and replace therefor with the word 'elect'.

**5.** Agreed to.

**6.** Agreed to.

**7.** Amend 7 by inserting the words 'by resolution' immediately after the word 'shall'.

**5.0 ANNEXES: COMMITTEE MINUTES**

**MINUTES OF THE 33<sup>RD</sup> SITTING OF THE HEALTH HELD IN COMMITTEE ROOM  
9, 1<sup>ST</sup> FLOOR MAIN, PARLIAMENT BUILDING ON THURSDAY 15<sup>TH</sup> MAY, 2014  
AT 10.30AM**

**PRESENT**

- |   |                         |
|---|-------------------------|
| <b>1. The Hon Dr Rachel Nyamai, M.P</b> | <b>Chairperson</b>      |
| <b>2. The Hon Dr Robert Pukose ,M.P</b> | <b>Vice-Chairperson</b> |
| 3. The Hon. Christopher Nakuleu         |                         |
| 4. The Hon Dr James O.Gesami ,M.P       |                         |
| 5. The Hon Dr Susan Musyoka,M.P         |                         |
| 6. The Hon Fred Outa ,M.P               |                         |
| 7. The Hon Hassan Aden Osman, M.P       |                         |
| 8. The Hon James Gakuya,M.P             |                         |
| 9. The Hon Joseph O Magwanga,M.P        |                         |
| 10. The Hon Kamande Mwangi,M.P          |                         |
| 11. The Hon Leonard Sang, M.P           |                         |

**ABSENT WITH APOLOGY.**

12. The Hon Alfred Agoi,M.P
13. The Hon Eng. Stephen M. Mule,M.P
14. The Hon Michael Onyura,M.P
15. The Hon Raphael Milkao Otaalo, M.P
16. The Hon Zipporah Jesang,M.P
17. The Hon David Kariithi,M.P
18. The Hon Dr Dahir D Mohamed, M.P
19. The Hon Dr James Nyikal ,M.P
20. The Hon Dr. Patrick Musimba, M.P
21. The Hon Dr. Stephen Wachira, M.P
22. The Hon Dr. David Eseli,M.P
23. The Hon Dr. Enoch Kibunguchy,M.P
24. The Hon Dr. James Murgor,M.P
25. The Hon Dr. Naomi Shaban, M.P
26. The Hon Dr. John Nyaga Muchiri, M.P
27. The Hon Mwahima Masoud, M.P
28. The Hon Mwinga Gunga, M.P
29. The Hon Paul Koinange, M.P



## **IN ATTENDANCE**

### **National Assembly Secretariat**

Marale Sande- Senior Research Officer

Hassan A Arale- Clerk Assistant

Ikai Lomechu - Clerk Assistant

Vane Akama- Principal Legal Counsel

Peter Mwaura- Legal Counsel I

Lynnette Otieno—Legal Counsel II

Mercy Wanyonyi – Legal counsel II

### **MIN. NO. DCH/157/2014 PRELIMINARIES**

The meeting was called to order at 10.30am and followed by a word of prayer by Hon. Christopher Nakuleu

### **MIN.NO. DCH/158/2014 CONSIDERATION OF THE PHYSIOTHERAPIST BILL 2013**

The Committee was taken through the Physiotherapist Bill 2013 clause by clause by the Principal Legal Counsel as the Members raised issues and proposed amendments:

The Committee was informed that the only Memorandum on the Bill received was from the Kenya Society of Physiotherapists. The Committee therefore proposed that a letter be written to the Ministry of Health attaching the Bill for consideration. Nevertheless the Committee considered the Bill clause by clause as follows:

**Long Title:** the Committee agreed

#### **Part one: Preliminary**

Clause 1: The Committee agreed

Clause 2: The Committee agreed

#### **Part Two: The Physiotherapy Council of**

Clause 3: The Committee agreed

Clause 4: The Committee raised concerns over sub-clause 3(2) (e) and (i) indicating that the Bill maybe infringing on the role of other bodies like HELB

Clause 5: The Committee agreed

Clause 6: The Committee was of the opinion that Sub clause (1)(a) is too restrictive and ought to be reviewed by amending to read in accordance with sub clause (6)(2)

Clause 7: The Committee agreed

Clause 8: The Committee agreed

Clause 9: The Committee agreed

Clause 10: The Committee agreed

Clause 11: The Committee agreed

Clause 12: The Committee agreed

### **Part Three: Financial Provisions**

Clause 13: The Committee agreed

Clause 14: The Committee agreed

Clause 15: The Committee agreed

Clause 16: The Committee was of the opinion that sub clause (2) needs to be relooked into to ascertain the role of the Auditor General

Clause 17: The Committee agreed

Clause 18: The Committee agreed

Clause 19: The Committee agreed

Clause 20: The Committee was of the opinion the Bill needs to be reviewed as relates to the supervisory role of the Council and should be aligned to the Education Act

Clause 21: The Committee was of the opinion that this clause needs to be reviewed in line with earlier clause and further other Acts like the Nurses Act, the Clinical Officers Acts to provide the basis of the supervisory role of the Council. This is so as to ensure no overlaps with other institutions mandated to oversight over educational standards in Kenya

### **MIN.NO. DCH/159/2014**

### **ANY OTHER BUSINESS**

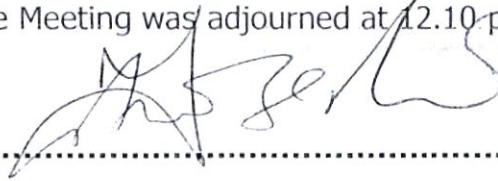
No Any Other Business arose, however, the Committee resolved to meet the Ministry of Health on a date to be communicated for further clarification on all emerging issues.

### **MIN. NO. DCH/160 /2014**

### **ADJOURNMENT**

Members felt that the Bill was very important in regulating one of the most important professions in the health sector and as such the Quorum of the Committee was

incapable of providing the much needs insights. With the foregoing and there being no Any Other Business, the Meeting was adjourned at 12.10 pm.

  
**SIGNED**.....

**HON (DR.) ROBERT PUKOSE, M.P**  
**(Vice -Chairperson)**

**DATE**.....  
10/6/2010

**MINUTES OF THE 41<sup>ST</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH,  
HELD ON THURSDAY, 5<sup>TH</sup> JUNE, 2014 IN 2<sup>ND</sup> FLOOR COMMITTEE ROOM,  
PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 4:00 PM.**

**PRESENT**

1. The Hon. Dr. Rachel Nyamai, M.P Chairperson
2. The Hon. Dr. Robert Pukose, M.P. Vice-Chairperson
3. The Hon. David Karithi, M,P
4. The Hon. Dr. Dahir Mohamed, M.P
5. The Hon. Dr. Enoch Kibunguchy, M.P
6. The Hon. Dr. James Gesami, M.P
7. The Hon. Dr, Naomi Shaban, M.P
8. The Hon. Dr. David Eseli, M.P
9. The Hon. Dr. James Murgor, M.P
10. The Hon. Hassan Aden Osman
11. The Hon. Michael Onyura
12. The Hon Mwinga Gunga
13. The Hon. John Nyaga Muchiri, M.P
14. The Hon. Ziphora Jesang
15. The Hon. Dr. Stephen Wachira, M.P
16. The Hon. Fred Outa , M.P
17. The Hon. James Gakuya, M.P
18. The Hon. Joseph O. Magwanga, M.P
19. The Hon. Kamande Mwangi, M.P
20. The Hon. Leonard Sang, M.P
21. The Hon. Stephen M. Mule, M.P

**ABSENT WITH APOLOGY:**

22. The Hon. Alfred Agoi, M.P
23. The Hon. Christopher Nakuleu, M.P
24. The Hon. Dr. Patrick Musimba, M.P
25. The Hon. Mwahima Masoud, M.P
26. The Hon. Dr. Susan Musyoka, M.P
27. The Hon. Raphael Milkao Otaló
28. The Hon. Paul Koinange
29. The Hon. Dr. James Nyikal, M.P.

**National Assembly Secretariat**

Susan Maritim	-	First Clerk Assistant
Marale Sande	-	Senior Research Officer
Nebert Ikai-	-	Third Clerk Assistant
Hassan Arale	-	Third Clerk Assistant
Peter Mwaura	-	Legal Counsel I
Linnat Atieno	-	Legal Counsel II
Mercy Wanyonyi	-	Legal Counsel II

**MIN. NO DCH 187/2014: PRELIMINARIES**

The meeting was called to order at 4.00pm with a word of prayer by Hon. Dr. Stephen Wachira, MP.

**MIN NO DCH 188/2014 CONSIDERATION OF NHIF REPORTS**

The Committee deferred adoption of the two NHIF Reports because of lack of requisite quorum for report adoption.



**MIN NO DCH 189/2014      CONSIDERATION OF PHYSIOTHERAPIST BILL, 2013**

The Committee continued with consideration of Physiotherapists Bill, 2013 and resolved as follows:-

The Committee proposed the following Amendments: -

**PART ONE: PRELIMINARY**

**Clause 1:** Agreed to

**Clause 2:** Agreed to

**Part II: THE PHYSIOTHERAPY COUNCIL OF KENYA**

**Clause 3:** Agreed to

**Clause 4:** *The Committee raised concerns over sub-clause 4 (2) (e) and (i) indicating that the Bill maybe infringing on the role of other bodies like HELB*

**Clause 5:** Agreed to

**Clause 6:** *The Committee was of the opinion that Sub clause (1)(a) is too restrictive and ought to be reviewed by amending to read in accordance with sub clause (6)(2)*

Delete "a" appearing between the words "is" and "registered"

**Clause 7:** Agreed to

**Clause 8:** Agreed to

**Clause 9:** Agreed to

**Clause 10:** Agreed to

**Clause 11:** Agreed to

**Clause 12:** Agreed to

**PART THREE: FINANCIAL PROVISIONS**

**Clause 13:** Agreed to

**Clause 14:** Agreed to

**Clause 15:** Agreed to

**Clause 16:** *The Committee was of the opinion that sub clause (2) needs to be relooked into to ascertain the role of the Auditor General*

THAT Clause 16(2) be amended by deleting "or to an auditor appointed under this section"

**Clause 17:** Agreed to

**Clause 18:** Agreed to

**PART IV: TRAINING AND REGISTRATION OF PHYSIOTHERAPISTS**

**Clause 19:** Agreed to



**Clause 20:** *The Committee was of the opinion the Bill needs to be reviewed as relates to the supervisory role of the Council and should be aligned to the Education Act.*

**Clause 21:** *The Committee was of the opinion that this clause needs to be reviewed in line with earlier clause and further other Acts like the Nurses Act, the Clinical Officers Acts to provide the basis of the supervisory role of the Council. This is so as to ensure no overlaps with other institutions mandated to oversight over educational standards in Kenya.*

THAT Clause 21 be amended by:

- i. Deleting 21(2)(a) (ii)
- ii. Deleting the word "six" and replacing therefor with the word "twelve" appearing in 21 (2)(b)
- iii. Deleting 21(3)
- iv. Deleting the words "despite sub-section (3)" appearing in 21(4)
- v. Deleting 21(5)(b)
- vi. Deleting 21(7)

#### **Clause 22**

THAT Clause 32 be amended by deleting the words "six" and replacing therefor with the word "twelve".

Clause 23: Agreed to

Clause 24: Agreed to

#### **PART V: PROVISIONS RELATING TO PRIVATE PRACTICE**

**Clause 25:** Agreed to

**Clause 26:** Agreed to

**Clause 27:** Agreed to

#### **PART VI: DISCIPLINARY PROVISIONS**

**Clause 29:** *The Legal Counsel to advise on the composition of the Committee especially in regards to membership of the PS, Health and Attorney General.*

**Clause 30:** Agreed to

**Clause 31:** Agreed to

**Clause 32:** Agreed to

**Clause 33:** THAT Clause 33 be amended by deleting 33(2), (4), (5)

**Clause 34:** Agreed to

**Clause 35:** Agreed to

## **PART VII: MISCELLANEOUS PROVISIONS**

**Clause 36:** Agreed to

**Clause 37:** *Legal Counsel to advise the Committee on the clarity of the Clause and the suitability of the word "deemed" as it appears in the Clause.*

**Clause 38:**

THAT Clause 38 be amended as follows:

**In 38 (4):-**

- i. delete the words "more" appearing in the clause and inserting therefor the words "exceeding";
- ii. delete the words " one million" and replacing therefor with the words " five hundred".

**In 38 (5):-**

- i. delete the word "utters" and replace therefor with the word "presents"
- ii. insert the word "exceeding" between the words "fine" and "more"
- iii. delete the words "two" and insert therefor the words "five"

**Clause 40:** Agreed to

### **SCHEDULE**

#### **PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL**

1. Agreed to
2. 2(b)(iv) - Legal Counsel to advise on the usual practice
3. **Amend 3 as follows:**

**In 3(5):-**

- i. delete the words "the Chairperson but" and replace therefor with the words " in the absence of the Chairperson,"
- ii. delete the word "select" and replace therefor with the word "nominate"
- iii. delete the words "their number" and replace therefor with the word "them"

In **3(6)**, delete the words "an equality" and replace therefore with the words "a tie".

In **3(8)**, delete the words "and the procedure", "of the Council" appearing in the Clause

Amend **4(2)** as follows:

- i. by deleting the word " Council" and replace therefor with the word "Committee"
- ii. delete the word " appoint" and replace therefor with the word "elect"

4. Agreed to
5. *Legal Counsel to advise on clarity of the clause*
6. *Amend 7 by providing for Minuting of the decision to avoid misuse ( Legal Counsel to help with re-drafting of the Clause)*

**MIN. NO DCH 190/2014:**

**ANY OTHER BUSINESS**

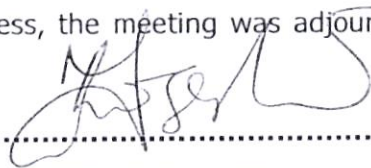
Hon. Osman Aden and Hon. Stephen Mule were nominated to attend the 20<sup>th</sup> AIDS Conference in Melbourne, Australia in July 2014. The activity is co-sponsored by the National AIDS Control Council.

**MIN. NO DCH 191/2014**

**ADJOURNMENT**

There being no other business, the meeting was adjourned at 7.15 P.M until Monday, 9<sup>th</sup> June, 2014 at 2.30pm.

**SIGNED**.....



**HON (DR.) ROBERT PUKOSE, M.P**

**(Vice-Chairperson)**

**DATE**.....

10/6/2014

**MINUTES OF THE 42<sup>ND</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH, HELD ON TUESDAY, 10<sup>TH</sup> JUNE, 2014 IN 2<sup>ND</sup> FLOOR COMMITTEE ROOM, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 4:00 PM.**

**PRESENT**

1. The Hon. Dr. Robert Pukose, M.P - Vice-Chairperson -Chaired meeting
2. The Hon. David Karithi, M.P.
3. The Hon. Dr. Dahir Mohamed, M.P
4. The Hon. Dr. David Eseli, M.P
5. The Hon. Hassan Aden Osman, MP
6. The Hon Mwinga Gunga, MP
7. The Hon. Zipporah Jesang, MP
8. The Hon. Dr. James Nyikal, M.P.
9. The Hon. Dr. Stephen Wachira, M.P
10. The Hon. Kamande Mwangi, M.P
11. The Hon. Leonard Sang, M.P
12. The Hon. Stephen M. Mule, MP.

**ABSENT WITH APOLOGY:**

13. The Hon. Dr. Rachel Nyamai, M.P  
Chairperson
14. The Hon. John Nyaga Muchiri, M.P
15. The The Hon. Michael Onyura, MP
16. Hon. Dr. Enoch Kibunguchy, M.P
17. The Hon. Dr. James Gesami, M.P
18. The Hon. Dr. James Murgor, M.P
19. The Hon. Dr, Naomi Shaban, M.P
20. The Hon. Fred Outa , M.P
21. The Hon. James Gakuya, M.P
22. The Hon. Joseph Magwanga, M.P
23. The Hon. Alfred Agoi, M.P
24. The Hon. Christopher Nakuleu, M.P
25. The Hon. Dr. Patrick Musimba, M.P
26. The Hon. Mwahima Masoud, M.P
27. The Hon. Dr. Susan Musyoka, M.P
28. The Hon. Raphael Milkao Otalo
29. The Hon.Paul Koinange, MP

**National Assembly Secretariat**

Susan Maritim	-	First Clerk Assistant
Nebert Ikai-	-	Third Clerk Assistant
Hassan Arale	-	Third Clerk Assistant
Peter Mwaura	-	Legal Counsel I
Mercy Wanyonyi	-	Legal Counsel II

**MIN. NO DCH 191/2014: PRELIMINARIES**

The meeting was called to order at 10.30am with a word of prayer by Hon. Dr. Robert Pukose, MP.



**MIN NO DCH 192/2014      CONSIDERATION OF REPORT ON PHYSIOTHERAPISTS  
BILL, 2013**

The Committee considered the draft report on Physiotherapists Bill and made and proposed further amendments to the Bill as follows:

**PART ONE: PRELIMINARY**

**Clause 1:** Agreed to.

**Clause 2:** Agreed to.

**Part II: THE PHYSIOTHERAPY COUNCIL OF KENYA**

**Clause 3:** Agreed to.

**Clause 4:** Add the words 'or the Technical and Vocational Education and Training Act, 2013' between the words '2013' and 'for'.

**Clause 5:** Agreed to.

**Clause 6:** Delete 'a' appearing between the words 'is' and 'registered' in sub-clause 6(2)(a).

**Clause 7:** Agreed to.

**Clause 8:**

Provide a new clause to provide for the establishment of Committees as follows –

8 (1) The Council may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The committees under (1) shall appoint the chairperson from amongst its members.

(3) The Committee may where it deems appropriate, co-opt any person from outside the Committee with knowledge and expertise in specific areas to attend the deliberations of any of its committees.

**Clause 9:** Agreed to.

**Clause 10:** Agreed to.

**Clause 11:** Agreed to.

**Clause 12:** Agreed to.

**PART THREE: FINANCIAL PROVISIONS**

**Clause 13:** Agreed to.

**Clause 14:** Agreed to.

**Clause 15:** Agreed to.

**Clause 16:** Agreed to.



**Clause 17:** Agreed to.

**Clause 18:** Agreed to.

#### **PART IV: TRAINING AND REGISTRATION OF PHYSIOTHERAPISTS**

**Clause 19:** redraft the last paragraph of sub-clause 19 (1) to read as follows:

'Unless such institution is established by law, accredited under the Universities Act or any other written law or is approved by the Council in accordance with this Act.'

**Clause 20:** delete the Clause in its entirety.

**Clause 21:**

THAT Clause 21 be amended by:

Deleting sub-Clause 21(2)(a) (ii).

Deleting the word 'six' and replacing therefor with the word 'twelve' appearing in sub-clause 21 (2)(b).

Deleting sub-clause 21(3).

Deleting the words 'despite sub-section (3)' appearing in sub-clause 21(4).

Deleting sub-clause 21(6)(b).

Deleting sub-clause 21(7).

**Clause 22**

THAT Clause 32 be amended by deleting the words 'six' and replacing therefor with the word 'twelve'.

Clause 23: Agreed to.

Clause 24: Agreed to.

#### **PART V: PROVISIONS RELATING TO PRIVATE PRACTICE**

**Clause 25:** Agreed to.

**Clause 26:** Agreed to.

**Clause 27:** Agreed to.

#### **PART VI: DISCIPLINARY PROVISIONS**

**Clause 29:** Agreed to.

**Clause 30:** Agreed to.

**Clause 31:** Agreed to.

**Clause 32:** Agreed to.

**Clause 33:**

THAT Clause 33 be amended as follows:

In sub-clause (2), delete the word 'summarily' appearing between the words 'recoverable' and 'by'.

In sub-clause (5), delete the word 'badges' appearing before the words 'his' and 'licenses'; and insert the word 'practicing' between the word 'badges' and 'licenses'.

**Clause 34:** Agreed to.

**Clause 35:** Agreed to.

#### **PART VII: MISCELLENOUS PROVISIONS**

**Clause 36:**

Amend sub-clause (5) by deleting the words 'without reasonable excuse' appearing in the sub-clause.

**Clause 37:** Agreed to.

**Clause 38:**

THAT Clause 38 be amended as follows:

In sub-clause **38 (4):-**

delete the words 'more' appearing in the clause and inserting therefor the words 'exceeding';

delete the words ' one million' and replacing therefor with the words ' five'.

In **38 (5):-**

delete the word 'utters' and replace therefor with the word 'presents'.

insert the word 'exceeding' between the words 'fine' and 'more'.

delete the words 'two' and insert therefor the words 'five'.

**Clause 39:** insert the word 'exceeding' between the words 'not' and 'three'.

**Clause 40:** Agreed to.

**SCHEDULE**

**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL**

1. Agreed to.
2. Agreed to.
3. Amend 3 as follows:

In sub-clause 3(5):-

delete the words 'the Chairperson but' and replace therefor with the words 'in the absence of the Chairperson,'.

delete the word 'select' and replace therefor with the word 'nominate'.

delete the words 'their number' and replace therefor with the word 'them'.

In **3(6)**, delete the words 'an equality' and replace therefore with the words 'a tie'.

In **3(8)**, delete the words 'and the procedure', 'of the Council' appearing in the Clause.

4. Amend **4(2)** as follows:

by deleting the word 'Council' and replace therefor with the word 'Committee'.

delete the word 'appoint' and replace therefor with the word 'elect'.

5. Agreed to.
6. Agreed to.
7. Amend 7 by inserting the words 'by resolution' immediately after the word 'shall'.

**MIN. NO DCH 193/2014: ANY OTHER BUSINESS**

No other business arose.

**MIN. NO DCH 194/2014 ADJOURNMENT**

There being no other business, the meeting was adjourned at 11.45am until 4.00pm for adoption of the final Report.

SIGNED.....

**HON (DR.) ROBERT UKOSE, M.P**  
**(Vice Chairperson)**

DATE.....  
10/6/2014

**MINUTES OF THE 43<sup>RD</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH, HELD ON TUESDAY, 10<sup>TH</sup> JUNE, 2014 IN MEMBERS' LOUNGE, MAIN PARLIAMENT BUILDINGS AT 4:00 PM.**

**PRESENT**

1. The Hon. Dr. Robert Pukose, M.P - Vice-Chairperson -Chaired meeting
2. The Hon. David Karithi, M.P.
3. The Hon. Dr. Dahir Mohamed, M.P
4. The Hon. Dr. David Eseli, M.P
5. The Hon. Hassan Aden Osman, MP
9. The Hon. Dr. Stephen Wachira, M.P
10. The Hon. Kamande Mwangi, M.P
13. The Hon. John Nyaga Muchiri, M.P
14. The Hon. Dr. Enoch Kibunguchy, M.P
15. The Hon. Dr, Naomi Shaban, M.P
16. The Hon. Fred Outa , M.P
6. The Hon Mwinga Gunga, MP
7. The Hon. Zipporah Jesang, MP
8. The Hon. Dr. James Nyikal, M.P.
11. The Hon. Leonard Sang, M.P
12. The Hon. Stephen M. Mule, MP
17. The Hon. James Gakuya, M.P
18. The Hon. Mwahima Masoud, M.P
19. The Hon. Dr. Susan Musyoka, M.P
20. The Hon. Raphael Milkao Otalo

**ABSENT WITH APOLOGY:**

21. The Hon. Dr. Rachel Nyamai, M.P  
Chairperson
22. The Hon. Michael Onyura, MP
23. The Hon. Dr. James Gesami, M.P
24. The Hon. Dr. James Murgor, M.P
25. The Hon. Joseph Magwanga, M.P
26. The Hon. Alfred Agoi, M.P
27. The Hon. Christopher Nakuleu, M.P
28. The Hon. Dr. Patrick Musimba, M.P
29. The Hon. Paul Koinange, MP

**National Assembly Secretariat**

Susan Maritim - First Clerk Assistant  
Nebert Ikai- - Third Clerk Assistant  
Hassan Arale - Third Clerk Assistant

**MIN. NO DCH 195/2014: PRELIMINARIES**

The meeting was called to order at 4.00 pm with a word of prayer by Hon. Dr. Robert Pukose, MP.

**MIN. NO DCH 196/2014: CONFIRMATION OF MINUTES**

The Committee confirmed Minutes of previous meetings as follows:

Minutes of the 38<sup>th</sup> Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. Fred Outa, MP and Seconded by Hon. James Murgor, MP.

Minutes of the 39<sup>th</sup> Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. David Karithi, MP and Seconded by Hon. Dr. Stephen Wachira, MP.



Minutes of the 40<sup>th</sup> Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. Dr. David Eseli, MP and Seconded by Hon. Kamande Mwangi, MP.

Minutes of the 41<sup>st</sup> Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. Dr. Dahir Duale, MP and Seconded by Hon. Hassan Osman, MP.

Minutes of the 42<sup>nd</sup> Sitting were confirmed as a true record of the proceedings having been Proposed by Hon. James Gakuya, MP and Seconded by Hon. Leonard Sang, MP.

**MIN NO DCH 197/2014      ADOPTION OF REPORT ON PHYSIOTHERAPISTS BILL, 2013**

The Report on Physiotherapists Bill, 2013, was unanimously adopted pursuant to Standing Orders 127 and 199.

**MIN. NO DCH 198/2014:                      ANY OTHER BUSINESS**

The Committee resolved to fully interrogate leasing of medical equipment and continued funding of Wajir Hospital, yet construction of the hospital is yet to commence.

**MIN. NO DCH 199/2014                      ADJOURNMENT**

There being no other business, the meeting was adjourned at 5.00pm until Thursday, 12<sup>th</sup> June, 2014 at 10.00am.

SIGNED.....

**HON (DR.) ROBERT PUKOSE, M.P**  
**(Vice Chairperson)**

DATE.....