



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

EIGHTH PARLIAMENT - THIRD SESSION

DEPARTMENTAL COMMITTEE

ON

**HEALTH, HOUSING, LABOUR AND
SOCIAL WELFARE**

REPORT ON

**◆ THE MEDICAL LABORATORY
TECHNICIANS AND
TECHNOLOGISTS BILL, 1999**

PARLIAMENT
OF KENYA
LIBRARY

INTRODUCTION

Mr. Speaker, Sir, I am pleased to present to the House a report of the Departmental Committee on Health, Housing, Labour and Social Welfare on the Medical Laboratory Technicians and Technologists Bill, 1999.

Some of the functions of Departmental Committees as established under Standing Order 151 are:-

- (i) to study and review all legislation after First Reading, subject to the exemptions under Standing Order 101A(4).**
- (ii) to 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 or a Minister.**
- (iii) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.**

Mr. Speaker, Sir, the Medical Laboratory Technicians and Technologists Bill, 1999 was referred to the committee on 20th April, 1999 upon a Motion moved by the Minister pursuant to the provisions of Standing Order 101(1).

The Committee commenced deliberations on the Bill on 30th April, 1999 and held nine (9) sittings. The Ministers for Health accompanied by the Permanent Secretary and senior officers in the Ministry attended three sittings of the Committee and gave an overview on the Bill.

The Committee also invited the following stakeholders, who gave their views on the Bill:-

- (i) Chairman and officials of the Association of Kenya Medical Laboratory Services Organisation (AKMLSO).
- (ii) Officers from National Public Health Laboratories.
- (iii) Ms. Neem B. Alrutz, Technical Adviser for Aids and Child Survival - USAID.

PROPOSED AMENDMENTS

The Committee discussed all Clauses of the Bill with the Minister for Health and agreed on the following amendments:

- Clause 6 (1) (a)** To be amended by deleting all the words after the word "Services" and insert in place thereof the words **or his representative**.
- Clause 6(1) (f)** To be amended by deleting the words **three** and **one** and replacing them with **four** and **two** respectively.
- Clause 6(1) (g)** To be amended by deleting **four** and **one** and replacing them with **three** and **two** respectively.
- Clause 6 (1) (j)** To be amended by adding the words '**preferably from different professions**' at the end of the Sub-Clause.
- Clause 6(1)(k)** To be amended by inserting a new Sub-Clause to read "**the Chairman who shall be appointed by the Minister from amongst the members of the Board**"
- Clause 10** To be amended by deleting all the words appearing after the word **determine**.
- Clause 15(1)(d)** To be amended by inserting a new Sub-Clause (d) to read as follows: '**has completed an approved period of probation as prescribed by the Board**'
- Clause 17** To be amended by deleting the whole Clause.
- Clause 18(2)** To be amended by deleting the words '**as soon as reasonably practicable**' and inserting the words, '**within two months**' in place thereof.
- Clause 19(2)** To be amended by deleting the words "**not exceeding twenty thousand shillings** and **twelve months** and inserting in place thereof the words of **Kenya shillings one million and 5 years** respectively.
- Clause 20 (2)** To be amended by deleting the words **ten thousand shillings** and inserting in place thereof the words **Kenya shillings one hundred thousand or imprisonment for a term of twelve months or both**.

- (4) To be amended by deleting the words **twenty thousand shillings** and inserting the words **one million shillings or imprisonment for a term of sixty months**.
- (5) To be amended by deleting the words **not exceeding twenty thousand shillings** and inserting in place thereof words **one million and 5 years** respectively.
- Clause 21(3)** To be amended by deleting all the words appearing after the word **exceeding** and inserting in place thereof the words **one million shillings or to imprisonment for a term of five years or both**.
- Clause 23(1)** To be amended by inserting the words **and his Registration Number** immediately after the word **registration**.
- Clause 23(3)** To be amended by deleting the words **fourteen** days and inserting in place thereof the words **sixty** days.
- Clause 25(3)** To be amended by deleting the words **a period not exceeding** and inserting the word **'of'** in place thereof.
- Clause 26** To be deleted
- Clause 27(3)** To be amended by adding the words **'and shall be liable to a fine of one hundred thousand shillings or imprisonment for a term of twelve months or both'**.
- Clause 28** To be amended by adding a new Sub-Clause (e) to read as follows: "**one technician from private practice nominated by the Board and who is not a member of the Board**".
- Clause 28** To be amended by adding a new Sub-Clause (2) to read as follows: "**all the Five members of the Board shall constitute a quorum**".
- Clause 32(5)** To be amended by raising the minimum to **twenty thousand shillings** from **five thousand**.

- Clause 34 (2)** To be amended by deleting the word **applicant** and inserting in place thereof the word "**appellant**".
- Clause 35** To be amended by deleting sub-Clause 35 (a)
- Clause 40(4)** (i) To be amended by renumbering Sub-Clause **(b)** as **5** and **(c)** to renumbered **(b)**
- (ii) To be amended further by adding the following words immediately after the new Sub-Clause 5; **Commits an offence and is liable to imprisonment for a term of five years and a fine of one million or both**
- SCHEDULE 2 (a)** To be amended by deleting the word **Minister** and inserting the word **Board** in place thereof.

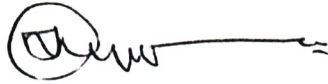
CONCLUSION

I also wish to record our gratitude to the Minister for Health and his staff and the following stakeholders, for the invaluable assistance they accorded the Committee.

- | | | | |
|-------|--------------------------|---|---|
| (i) | Rev. Fred Muasya | - | Chairman, Association of Kenya Medical Laboratory Services Organization (AKMLSO). |
| (ii) | Mr. Benard Mungai Kiarie | - | Acting Deputy Chief Medical Laboratory Technologist, Ministry of Health. |
| (iii) | Mr. Moses C.O. Lorre | - | Medical Laboratory Technologist, Technomed Limited. |
| (iv) | Mr. Baya Yaa | - | Medical Laboratory Technologist, Nairobi Hospital. |
| (v) | Ms Neem B Alrutz | - | Technical Adviser for Aids and Child survival, USAID |

Mr. Speaker, Sir, the Committee found it very difficult to comply with the provisions of Standing Order No.101A(1), which provides that a Departmental Committee to which a Bill is committed, produce its report to the House within seven (7) days. This was due to the size of the Bill and the technical issues involved.

Mr. Speaker, Sir, the minutes of the Sittings of the Committee are attached to the report.



SIGNED

for

**Dr. the Hon. Newton Kulundu, M.P.
Chairman of the Departmental Committee
on Health, Housing, Labour and Social Welfare**

DATE *8th November 1999*

MINUTES OF THE ELEVENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE HELD IN CONFERENCE ROOM 'A' COUNTY HALL, ON FRIDAY 30TH APRIL, 1999 AT 9.00 A.M.

PRESENT:

The following members of the Committee were present:-

Dr.the Hon. N.W. Kulundu, M.P - (On the Chair)
Hon. Joshua Toro, M.P.
Dr. the Hon. A.I. Ali, M.P.
Hon. J.J. Mugalla, M.P.
Hon. Mohamed D. Weyrah, M.P.
Hon. Norman M.G.K. Nyagah, M.P.
Hon. David N. Kombe, M.P.
Hon. Fredrick Kalulu, M.P.

ABSENT

WITH APOLOGY:

Hon. Zipporah J. Kittony, M.P.

ABSENT

WITHOUT APOLOGY:

Hon. Charity K.M. Ngilu, M.P.
Hon. George Nyanja, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Miss C. M. Mwambua - Senior Clerk Assistant
Miss P.M. Mirungu - First Clerk Assistant

MINUTE NO.7/99

CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the Previous Sitting held on 28th April, 1999 were approved by the Members present and signed by the acting Chairman.

MINUTE NO.8/99

CONSIDERATION OF THE MEDICAL LABORATORY TECHNICIANS TECHNOLOGISTS BILL, 1999 (CLAUSES 1 - 27)

The Committee discussed the Bill Clause by Clause and recommended the following:-

Clause 6(f)

To be amended by deleting the words **three** and **one** and replacing them with **four** and **two** respectively.

Clause 6(g)

To be amended by deleting **four** and **one** and replacing them with **three** and **two** respectively.

The Committee observed that amendments would give the Board a bigger number of candidates from which to elect a Vice-Chairman.

- Clause 6(i)** To be deleted.
- Clause (f)** To be amended by adding the words **'preferably from different professions'** at the end of the sub-clause.
- Clause 14** The Secretariat to Liaise with the Ministry to establish the administrative structure of the Department of Medical Services to eliminate the apparent contradiction with this Clause and Clause 6(b) and 6(c).
- Clause 15** To be amended by adding a Sub-clause (d) as follows **'has completed an approved period of probation as prescribed by the Board'**
- Clause 18(2)** To be amended by deleting the words **'as soon as reasonably practicable'** and inserting the words, **'within one month'** in place thereof.
- Clause 19(2)** To be amended by deleting the words **twenty thousand shillings** and **twelve months** and inserting in place thereof the words **Kenya shillings One Million and 5 years respectively.**
- Clause 20(2)** To be amended by deleting the words **ten thousand shillings** and inserting in place thereof the words **Kenya shillings One hundred thousand or imprisonment for a term not exceeding twelve months or both.**
- (4) To be amended by deleting the words **twenty thousand shillings** and inserting the words **One Million shillings or imprisonment for a term not exceeding twelve months.**
- (5) To be amended by deleting the words **twenty thousand shillings** and inserting the words **One hundred thousand shillings in place thereof.**
- Clause 21(3)** To be amended by deleting all the words appearing after the word **exceeding** and inserting in place thereof the words **One Million shillings or to imprisonment for a term not exceeding five years.**
- Clause 25(3)** To be amended by deleting the words **a period not exceeding** and inserting the word **for** in place thereof.
- Clause 27** To be amended by adding the words **'and shall be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding twelve months or both'**.

MINUTE NO.9/99

ADJOURNMENT

And the time being five minutes past One O'clock, the acting Chairman adjourned the meeting until Monday 3rd May, 1999 at 10.00 a.m.

CONFIRMED
(CHAIRMAN)

DATE

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MINUTES OF THE TWELFTH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE HELD IN CONFERENCE ROOM 'A' COUNTY HALL, ON MONDAY 3RD MAY, 1999 AT 10.00 A.M.

MORNING SITTING

PRESENT:

The following members of the Committee were present:-

Dr.the Hon. N.W. Kulundu, M.P - (On the Chair)
Hon. Joshua Toro, M.P.
Hon. Norman M.G.K. Nyagah, M.P.
Hon. David N. Kombe, M.P.
Hon. Fredrick Kalulu, M.P.

ABSENT

WITH APOLOGY:

Hon. Zipporah J. Kittony, M.P.
Dr. the Hon. A.I. Ali, M.P.
Hon. J.J. Mugalla, M.P.
Hon. Mohamed D. Weyrah, M.P.

ABSENT

WITHOUT APOLOGY:

Hon. Charity K.M. Ngilu, M.P.
Hon. George Nyanja, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Miss C. M. Mwambua - Senior Clerk Assistant
Miss P.M. Mirungu - First Clerk Assistant

MINUTE NO.10/99

MEETING WITH THE MINISTER FOR PUBLIC WORKS AND HOUSING

The Committee expressed concern that the Minister for Public Works and Housing had failed to meet the Committee without any explanation or apology.

The Committee further recommended that the Secretariat writes to the Minister to express the sentiments of the Committee regarding his failure to attend the said meeting.

MINUTE NO.11/99

ANY OTHER BUSINESS

The Committee observed that it had limited time to deal with The Medical Laboratory Technicians and Technologists Bill, 1999, and therefore resolved to continue with discussions on the Bill in preparation for the meeting with the Minister for Health. The Committee thereafter agreed as follows:-

- Clause 6** that the amendment agreed upon by the Committee in its previous sitting stays until clarification is sought from the Director of Medical Services as regards the offices of the Registrar, the head of National Public Health Laboratories and the Chief Medical Laboratory Technologist.
- Clause 14** clarification be sought with the Ministry regarding the apparent contradiction of this Clause and Clause 6(b) and 6(c).
- Clause 15** that the newly introduced Clause (d) be renumbered (c) and (c) to be renumbered (d).
- Clause 17** that an amendment be moved to the Clause in order to check the likelihood of politicising registration.
- Clause 21(1)(c)** that the Clause be amplified to state **other** qualifications that may apply to the Clause.
- Clause 23(1)** that the Clause be amended by inserting the words **and his registration Number** immediately after the word registration.
- Clause 23(3)** that the Committee was concerned that the period given for registration of Fourteen days may be too short and that the Board may therefore not adhere to it.

MINUTE NO.12/99

ADJOURNMENT

And the time being ten minutes past One O'clock, the acting Chairman adjourned the meeting until three O'clock this afternoon.

AFTERNOON SITTING

PRESENT:

The following members of the Committee were present:-

Dr.the Hon. N.W. Kulundu, M.P (**on the chair**)
 Hon. Joshua Toro, M.P.
 Hon. Norman M.G.K. Nyagah, M.P.
 Hon. David N. Kombe, M.P.
 Hon. Zipporah J. Kittony, M.P.

ABSENT WITHOUT APOLOGY

Dr. the Hon. A.I. Ali, M.P.
 Hon. J.J. Mugalla, M.P.
 Hon. Mohamed D. Weyrah, M.P.
 Hon. Fredrick Kalulu, M.P.

Hon. Charity K.M. Ngilu, M.P.
Hon. George Nyanja, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Mr. M. Werunga	-	Deputy Clerk
Miss C. M. Mwambua	-	Senior Clerk Assistant
Miss P.M. Mirungu	-	First Clerk Assistant

MINUTE NO.13/99

**CONSIDERATION OF THE MEDICAL LABORATORY
TECHNICIANS TECHNOLOGISTS BILL, 1999**

The Committee Considered the Bill Clause by Clause and recommended the following:-

Clause 28 be amended by adding Sub-section (e) which should read "**one technologist from private practice nominated by the Board**".

Clause 32(5) be amended by raising the minimum to **twenty (20) thousand shillings** from **five (5) thousand**.

SCHEDULE 3(4) be amended to read "**Seven**" instead of "**eleven**".

MINUTE NO.14/99

ANY OTHER BUSINESS

And there being no other business, the acting Chairman adjourned the meeting at twenty five minutes Past Five O'clock until Wednesday, 5th May, 1999 at 4.30 p.m.

CONFIRMED
(CHAIRMAN)

DATE

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MINUTES OF THE THIRTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE HELD IN CONFERENCE ROOM NO.7, PARLIAMENT BUILDINGS ON FRIDAY 7TH MAY, 1999 AT 10.00 A.M.

PRESENT: The following members of the Committee were present:-

Dr. the Hon. A.I. Ali, M.P.
Dr. the Hon. N.W. Kulundu, M.P.
Hon. Joshua Toro, M.P.
Hon. Norman M.G.K. Nyagah, M.P.
Hon. David N. Kombe, M.P.
Hon. Fredrick Kalulu, M.P.
Hon. Zipporah J. Kittony, M.P.

ABSENT: Hon. J.J. Mugalla, M.P.
Hon. Mohamed D. Weyrah, M.P.
Hon. Charity K.M. Ngilu, M.P.
Hon. George Nyanja, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Mr. Japhet K. Masya	-	Clerk of the National Assembly
Mr. P.G. Gichochi	-	Deputy Clerk
Ms. C. M. Mwambua	-	Senior Clerk Assistant
Ms. P.M. Mirungu	-	First Clerk Assistant
Mr. David K. Ziah	-	Second Clerk Assistant

MINUTE NO.15/99

ELECTION OF THE CHAIRMAN AND REMARKS BY THE CLERK OF THE NATIONAL ASSEMBLY

The Clerk of the National Assembly conducted the proceedings for the election of the Chairman. He called proposals after which Dr. the Hon. N.W. Kulundu, M.P was proposed by Hon. David Noti Kombe, M.P and seconded by Hon. Fredrick Kalulu, M.P. In the absence of any other proposal, Dr. the Hon. N.W. Kulundu was declared unanimously the elected Chairman.

Remarks by the Clerk of the National Assembly

The Clerk expounded to the Committee the issue of proportional representation of parties in the membership of the Committees. He underscored the fact that parties were responsible for the selection of members in Departmental Committees. Parties could therefore, withdraw membership of a member and make a replacement.

He further explained that incase a member of a Committee became inactive, the whips should raise the matter with the party to which the member belongs.

The Clerk disclosed that through sponsorship secured with some Non-Governmental organizations, Committee's Chairmen would be attached to the Canadian Parliamentary Centre between 22nd May and 5th June, 1999. In this case, he advised that it would not be appropriate for Committees to slot meetings during the period of recess which is scheduled to start on 13th May, 1999.

Thereupon, Dr. the Hon. N.W. Kulundu, M.P., took the Chair and profusely thanked his colleagues for expressing their faith and confidence in him. He pledged to serve the Committee with dedication and vigour.

MINUTE NO.16/99 **CONFIRMATION OF THE PREVIOUS MINUTES**

The Minutes of meetings held on 30th April, 1999 and 3rd May, 1999 were confirmed by the Members present and signed by the Chairman.

MINUTE NO.17/99 **MATTERS ARISING**

The Committee agreed that the following changes be made to the amendments discussed in the previous sittings:-

- Clause 20(2)** Delete the words **not exceeding** and inserting the word **of** in between the words term and twelve.
- Clause 20(4)** Delete the words **not exceeding** and inserting the words **of sixty** in between the words term and twelve.
- Clause 21(3)** Delete the words **not exceeding** and inserting the word **of** between the words term and five.
- Clause 25(3)** Delete the word **for** and inserting the word **of** in place thereof.
- Clause 27** to be corrected and appear 27(3).

MINUTE NO.18/99 **CONSIDERATION OF THE MEDICAL LABORATORY
TECHNICIANS AND TECHNOLOGISTS BILL, 1999**

Ms. Neen B. Alrutz, of the United States Agency for International Development (USAID) informed the Committee as follows:-

- (i) That USAID was interested in a Bill which would ultimately contribute to improving blood safety in Kenya.
- (ii) That several studies and assessments have been conducted by the Government of Kenya with support from USAIDS, the US Centre for Disease Control and Prevention (CDC) and others. The conclusions of these efforts have pointed to the

importance of reorganizing and strengthening the blood transfusion services.

(iii) Needs identified were:-

- A national blood policy .
- Improved supply of safe blood to meet the needs of the health systems, particularly outside Nairobi.
- Improved screening of blood through resolving the problems such as inadequate supplies of reagents, standardization of HIV test kits or equipment and others.

(iv) Urgent steps to be taken:-

- (a) Formulation of a national blood policy.
 - (b) Setting up and supporting blood transfusion centre or centres to collect, process and distribute adequate blood to the regions.
 - (c) Assuring procurement, storage, distribution and usage of monitoring reagents, supplies and equipment.
 - (d) Assuring quality through adequate training and regular supervision.
 - (e) Establish blood donor recruitment programmes in order to increase the number of safe blood donors recruited and retained.
- (v) That the Board should have both the authority and funding not only to regulate, but to assure training, and not only to set standards but to enforce them.
- (vi) At the indulgence of the Committee, Ms Alrutz undertook to prepare a critique to the Bill and avail it to the Committee.

MINUTE NO.19/99

DATE FOR NEXT MEETING

It was agreed that the next meeting would be held on Monday, 10th June, 1999 at 10.00 a.m at County Hall.

MINUTE NO.20/99 ADJOURNMENT

And the time being fifty minutes past Twelve O'clock, the Chairman adjourned the meeting until Monday, 10th May, 1999 at County Hall Conference Room at 10.00 a.m.

CONFIRMED
(CHAIRMAN)

DATE

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**MINUTES OF THE FOURTEENTH SITTING OF THE DEPARTMENTAL
COMMITTEE ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE
HELD IN CONFERENCE ROOM NO. 7, PARLIAMENT BUILDINGS ON
MONDAY 10TH MAY, 1999 AT 10.00 A.M.**

PRESENT:

The following members of the Committee were present:-

Dr.the Hon. N.W. Kulundu, M.P - **Chairman**
Hon. Joshua Toro, M.P.
Hon. Norman M.G.K. Nyagah, M.P.
Hon. David N. Kombe, M.P.
Hon. Fredrick Kalulu, M.P.

**ABSENT WITHOUT
APOLOGY**

Hon. J.J. Mugalla, M.P.
Dr. the Hon. A.I. Ali, M.P.
Hon. Mohamed D. Weyrah, M.P.
Hon. Charity K.M. Ngilu, M.P.
Hon. George Nyanja, M.P.
Hon. Zipporah J. Kittony, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Mr. Murumba Werunga - Deputy Clerk
Ms. C. M. Mwambua - Senior Clerk Assistant
Mr. David K. Ziah - Second Clerk Assistant

MINISTRY OF HEALTH

Hon. J.I. Kalweo, M.P. - Minister for Health
Mr. P. Mwaisaka, EBS, SS - Permanent Secretary, Ministry
of Health
Mr. J.G. Kibera - Deputy Secretary, Ministry of
Health
Prof. J.S. Meme - Director of Medical Services
Ms. Anne G.W. Njiru - Deputy Secretary
Mr. K.C. Koskei - Chief Pharmacist
Mr. C.I. Shallaba - Deputy Secretary
Ms. Margaret W. Ngure - Chief Nursing Officer
Rev. F. Muasya - Chairman, Association of Kenya
Medical Laboratory Services
Organization (AKMLSO)
Mr. Laban Onono - Secretary, AKMLSO.

MINUTE NO.21/99

CONSIDERATION OF THE MEDICAL LABORATORY
TECHNICIANS AND TECHNOLOGISTS BILL, 1999

(a) DISCUSSION WITH THE MINISTER

The modalities below were agreed to be adhered to in the course of deliberations on the Bill.

- (i) That the proposed amendments by both sides (Ministry and Committee) be exchanged for perusal and then a meeting with the Minister together with his team be arranged at a later date.
- (ii) That both sides be given enough time to consider the amendments proposed by either side.
- (iii) That the Minister goes through his amendments while amendments proposed by the Committee would be sent to the Ministry later on.

(b) PAPERS LAID

The Minister laid the following Papers before the Committee:-

- (i) Proposed amendments.
 - (ii) Medical Laboratory Technicians and Technologists Bill, 1999
- (c) The Minister went through his amendments and the amendments were accepted with the following amendments:-

Clause 21(1a)

That the Clause remains as in the original Bill.

Clause 21(1d)

agreed to.

Clause 21(3)

That a more severe penalty of a fine not less than **one million shillings** or imprisonment for a term not less than **sixty months** or both was accepted.

Clause 26(1b)&35(a)

That the proposal to delete the section agreed to.

Part VII 40(4)

Was accepted by the Committee.

Schedule Part 2(a)

That a member may at any time resign from office by notice in writing to the Board through the Registrar.

Schedule 3(4)

The issue of quorum was deferred until next meeting with the Minister when both sides will make their presentations.

(d) PAPER ON THE MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS BILL, 1999

(i) Historical background.

- The training of Laboratory Technicians was started in Kenya in the 1930^s and followed by the training of Technologists with Diploma.
- In 1970, training of Medical Laboratory Technologists with Higher Diploma at the Kenya Medical training College (KMTC) started such that at present there are about 6,000 Laboratory personnel who have so far been trained.

(ii) Services.

Medical Laboratory Technicians and Technologists provide preventive, curative, promotive, rehabilitative, research and medico-legal services.

(iii) Laboratory disciplines.

The following Laboratory disciplines were cited: Haematology, transfusion science, bacteriology, clinical chemistry, virology, histopathology, parasitology and entomology.

(iv) Objectives of the Bill

- (a) To streamline training and facilitate the registration and licensing of medical personnel.
- (b) To prevent quacks from practising Medical Laboratory profession and causing harm to patients.

MINUTE NO.22/99

ISSUES RAISED WITH THE MINISTER

The following issues raised with the Minister were agreed to:-

- (i) That the Head of National Public Health Laboratories be a Medical doctor and not a technologist.

- (ii) The Head of the Department of Vector borne diseases be a technologist.

MINUTE NO.23/99

DATE FOR NEXT MEETING

It was agreed that the next meeting would be held on Friday 14th May, 1999 in Conference room No.7.

MINUTE NO.24/99

ADJOURNMENT

And the time being One O'clock, the Chairman adjourned the meeting until Friday, 14th May, 1999 in Conference Room No. 7, Parliament Buildings at 10.00 a.m.

CONFIRMED
(CHAIRMAN)

DATE

MINUTES OF THE FIFTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE HELD IN CONFERENCE ROOM NO. 9, PARLIAMENT BUILDINGS ON FRIDAY 14TH MAY, 1999 AT 10.00 A.M.

PRESENT: The following members of the Committee were present:-

Dr.the Hon. N.W. Kulundu, M.P - **Chairman**
Hon. Joshua Toro, M.P.
Hon. Norman M.G.K. Nyagah, M.P.
Hon. David N. Kombe, M.P.
Hon. Fredrick Kalulu, M.P.

ABSENT WITHOUT APOLOGY

Hon. J.J. Mugalla, M.P.
Dr. the Hon. A.I. Ali, M.P.
Hon. Mohamed D. Weyrah, M.P.
Hon. Charity K.M. Ngilu, M.P.
Hon. George Nyanja, M.P.
Hon. Zipporah J. Kittony, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Ms. Phyllis Mirungu - First Clerk Assistant
Mr. David K. Ziah - Second Clerk Assistant

MINISTRY OF HEALTH

Rev. Fred Muasya - Chairman, Association of Kenya Medical Laboratory Services Organisation accompanied by members of the association Messrs:-
Laban O. Onono - Secretary General
Bernard Mungai Kiarie - Acting Deputy Chief Medical Laboratory Technologist, Ministry of Health;
Eric Kitangala - Medical Laboratory Technologist, National Public Health Laboratories;
Abdulatif Ali - Medical Laboratory Technologist, National Public

- Health Laboratories;
- Moses C. O. Lorre - Medical Laboratory technologist, Technomed Limited and
- Baya Yaa - Medical Laboratory Technologist, Nairobi Hospital, appeared before the Committee and briefed members on the current issues in the medical Laboratory services as well as their proposals for amendment to the Bill before the Committee.

Issues highlighted were as follows:-

MINUTE NO.25/99 **CONSIDERATION OF THE MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS BILL, 1999**

(a) CHAIRMAN'S REMARKS

The Chairman introduced the members of the Committee. He explained the role of Departmental Committees in legislature process hence the need to have an input from the stakeholders.

(b) STAKEHOLDERS' VIEWS

- (i) That budgetary constraints have affected the quality of services offered to the public. The introduction of cost sharing has brought about some improvements.
- (ii) That there was enough manpower but the lack of quality kits has resulted to the dismal performance of the laboratory services in the Government sector.
- (iii) That the non-delivery of services by Laboratories in the Government Sector since the Government stopped investing in public Laboratories has resulted mushrooming of private laboratories which also offer sub-standard training to technicians.
- (iv) That the law ought to stipulate the qualifications of staff manning laboratories in both private and Government sectors. Currently the law allows medical doctors and clinical officers to open laboratories but does not spell out the qualification of the technicians who man the laboratories.

- (v) That some laboratories are manned by foreigners who do not have suitable qualifications.

SUGGESTED SOLUTIONS

- (i) Funds raised through cost sharing by government laboratories should be used to equip the said laboratories along with the budgetary-Provision from the Treasury
- (ii) That the hospital Committee which allocates funds raised from cost sharing allows representation by Medical technicians and/or technologists.
- (d) The Committee requested for a write up from the Association and the Chairman agreed that one would be prepared and submitted to the Committee.
- (e) **Amendments proposed by the Association:-**

Clause 6(a) To be amended by adding the words **or his representative** at the end.

(b) add the words **or his/her representative** at the end.

(d) add the words **or his representative** at the end.

(i) To be deleted.

Clause 6(2) The Board shall elect a Chairman from amongst its members who shall be a technologist.

Clause 6(3) This Clause was reconstructed as follows:-
"The Board shall elect a Vice-Chairman amongst its members who shall be a technician or technologist in private or Government practice".

Clause 6(4) was reconstructed as follows:-
That **"where the Chairman is from the Government practice, the Vice-Chairman should be from private practice and vice versa"**.

Clause 62 i,g and j To remain as in the Bill.

Clause 34(2) the word **"appeal"** was corrected and would appear as **"applicant"**.

Clause 40(4) It was agreed that this Clause be reconstructed and amended as follows:-

Clause 40(4)(a) Destroys or defaces a certificate of registration or fails to surrender certificate of registration under section(3) Commits an offence and is liable to imprisonment for a term not less than three months or a fine of not less than ten thousand or both.

Clause 40(5) A person who without reasonable excuse is in possession of a certificate of registration not issued to him commits an offence and is liable to imprisonment for a term of five years or fine of one million Kenya shillings or both.

Schedule 4 The quorum for the conduct of the business of the Board shall be nine members.

MINUTE NO.26/99

DATE FOR NEXT MEETING

It was agreed that the next meeting would be held on Monday 17th May, 1999 at Conference Room No.7, Parliament Buildings at 10.00 a.m.

MINUTE NO.27/99

ADJOURNMENT

And the time being thirty minutes past One O'clock, the acting Chairman adjourned the meeting until Monday, 17th May, 1999 at 10.00 a.m.

CONFIRMED
(CHAIRMAN)

DATE

MINUTES OF THE SIXTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE HELD IN CONFERENCE ROOM NO. 7, PARLIAMENT BUILDINGS ON MONDAY 17TH MAY, 1999 AT 10.00 A.M.

PRESENT: The following members of the Committee were present:-

Hon. Joshua Toro, M.P. (**Acting Chairman**)

Hon. Norman M.G.K. Nyagah, M.P.

Hon. David N. Kombe, M.P.

Dr. the Hon. A.I. Ali, M.P.

Hon. Fredrick Kalulu, M.P.

ABSENT WITH APOLOGY:

Dr.the Hon. N.W. Kulundu, M.P - **Chairman**

ABSENT WITHOUT APOLOGY:

Hon. J.J. Mugalla, M.P.

Hon. Mohamed D. Weyrah, M.P.

Hon. Charity K.M. Ngilu, M.P.

Hon. George Nyanja, M.P.

Hon. Zipporah J. Kittony, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Ms. Christine Mwambua - Senior Clerk Assistant
Mr. David K. Ziah - Second Clerk Assistant

MINISTRY OF HEALTH

Rev. Fred Muasya - Chairman, Association of Kenya Medical Laboratory Services Organization (AKMLSO)

Mr. Moses C.O. Lorre - Medical Laboratory Technologist Technomed Limited.

Mr. Benard Mungai Kiarie - Acting Deputy Chief Medical Laboratory Technologist, Ministry of Health.

Mr. Eric Kitangala - Medical Laboratory Technician, National Public Health Laboratories.

Ms. Mary W. Kariithi - Senior Medical Laboratory Technologist.

Mr. Laban O. Onono - Secretary General, Association of Kenya Medical Laboratory Services Organization (AKMLSO), Mbagathi.

Mr. Abdulatif Ali - Medical Laboratory Technologist, National Public Health Laboratories.

MINUTE NO.28/99

CONSIDERATION OF THE MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS BILL, 1999

Clause 27(3) That the penalty be increased to a fine of not less than one hundred thousand shillings or an imprisonment for a term of not less than twelve months.

Clause 18(2) delete the words **as soon as reasonable practicable** and replace with the words **within two months**.

Clause 17 To be deleted.

Clause 21(e) To be deleted.

Clause 23(3) delete the word **fourteen** and replace with the word **sixty**.

Clause 15(i) That the clause be amended by deleting sub-clause 'c'.

MINUTE NO.29/99

REMARKS BY THE STAKEHOLDERS

Safety in blood transfusion

The Stakeholders stated that there were stages in the transfusion of blood.

- (a) educating, recruiting and training of blood donors.
- (b) Processing of donated blood.
- (c) the actual transfusion of the blood.

To ensure that blood transfused is safe, a lot of care should be taken by those handling the exercise.

MINUTE NO.30/99

CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the previous meeting held on 10th May, 1999 were approved by the members present and signed by the Chairman.

MINUTE NO.31/99

ANY OTHER BUSINESS

The Committee Chairman expressed the need to meet the Chairman of the Kenya Medical Association, before meeting the Minister again. The Secretariat was asked to arrange for the meeting.

MINUTE NO.32/99

DATE FOR NEXT MEETING

It was agreed that the next meeting would be held on Friday 11th June, 1999 at 10.00 a.m. and that the venue would be communicated later.

MINUTE NO.33/99

ADJOURNMENT

And the time being twenty minutes past One O'clock, the acting Chairman adjourned the meeting until Friday, 11th June, 1999 at 10.00 a.m.

CONFIRMED
(CHAIRMAN)

DATE

MINUTES OF THE EIGHTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE HELD IN CONFERENCE ROOM, COUNTY HALL ON MONDAY 14TH JUNE, 1999 AT 2.30 P.M.

PRESENT: The following members of the Committee were present:-

Hon. Joshua Toro, M.P.
Hon. David N. Kombe, M.P.
Hon. Mohamed D. Weyrah, M.P.
Hon. Norman M.G.K. Nyagah, M.P.

ABSENTWITH

APOLOGY: Dr.the Hon. N.W. Kulundu, M.P - **Chairman**
Hon. Zipporah J. Kittony, M.P.

ABSENT WITHOUT

APOLOGY: Hon. J.J. Mugalla, M.P.
Dr. the Hon. A.I. Ali, M.P.
Hon. Charity K.M. Ngilu, M.P.
Hon. Fredrick Kalulu, M.P.
Hon. George Nyanja, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Ms. Christine Mwambua - Senior Clerk Assistant
Mr. David K. Ziah - Second Clerk Assistant

MINUTE NO.37/99

CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the previous meetings held on 14th May, 17th May and 11th June, 1999 were confirmed by the members present and signed by the Chairman.

MINUTE NO.38/99

MATTERS ARISING

- (i) The Committee was informed that the brief by the Organisation of Kenya Medical Laboratory Services has not yet reached the Secretariat.
- (ii) The Committee was informed that efforts to reach the Chairman of Kenya Medical Association by the Secretariat had yielded no results despite faxing a letter and following it up with numerous telephone calls.
- (iii) Hon. Norman Nyagah, M.P, registered his concern that he had come to Parliament buildings for the meeting on June, 11th 1999 but could not attend the meeting owing to the mix-up that resulted on that day. It was agreed that Hon. Nyagah's case be treated as an attendance since it was not his fault.

- (iv) Hon. Norman Nyagah, M.P, informed the Committee that the Chairman of Kenya Pharmaceutical Association had expressed willingness to appear before the Committee to present and discuss the views of the Association regarding the Medical Technicians and Technologists Bill, 1999.

It was agreed that the Chairman, Kenya Medical Association be given the last chance to appear before the Committee given the fact that efforts by the secretariat to solicit a response from his office had been in vain. A meeting for the Chairman of Kenya Medical Association and Kenya Pharmaceutical Association was slotted for Thursday, June 17th 1999, at 10.00a.m.

- (v) The Committee adopted the sitting programme as follows:-

Monday, 14th June, 1999, - Kenya Medical Association at 2.30 p.m.

Friday, 18th June, 1999, - Meeting with the Minister for Health at 9.00 a.m.

Monday, 21st June, 1999, - Meeting with the Minister for Home Affairs, National Heritage, Culture and Social Services at 2.30 p.m.

Friday, 25th June, 1999, - Meeting with the Minister for Labour at 9.00 a.m.

Monday, 28th June, 1999, - Meeting with the Minister for Public Works and Housing at 2.30 p.m.

Friday, 2nd July, 1999, - Meeting with the Minister for Health on Policy at 9.00 a.m.

- (vi) The Committee further agreed that it would visit all the Provincial Hospitals and the item therefore ought to be included in the programme.

MINUTE NO.39/99 ANY OTHER BUSINESS

- (a) Concern was expressed by the Committee on incidents of stakeholders who failed to appear before the committee and whether there could be means of compelling such stakeholders appear before.
- (b) Members were informed that the Chairman's absence had been accentuated by the death of his brother. The Committee registered its deep regret and sent condolences to the Chairman personally and the entire family.
- (c) On the matter of Hon. Members being addressed using their titles, it was agreed that the Chairman seek the indulgence of the Clerk of the National Assembly on the issue.

MINUTE NO.40/99 DATE FOR NEXT MEETING

The next meeting was scheduled for Thursday 17th June, 1999 at 10.00 a.m. in Conference Room, County Hall.

MINUTE NO.41/99 ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at 12.45 p.m until Thursday, 17th June, 1999 at 10.00 a.m.

CONFIRMED
(CHAIRMAN)

DATE

MINUTES OF THE THIRTY - EIGHTH SITTING OF THE COMMITTEE ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE HELD IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS, ON THURSDAY, NOVEMBER 04, 1999 AT 10.00 A.M.

PRESENT:

Dr. the Hon. N. W. Kulundu, M. P. - Chairman
The Hon. Fredrick M. Kalulu, M. P.
The Hon. Joshua Toro, M.P.
The Hon. N. M. G. K. Nyagah, M. P.
The Hon. M. D. Weyrah, M. P.

ABSENT WITH APOLOGY:

The Hon. S. K. Kiminza, M.P.
The Hon. J. J. Mugalla, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Charity Ngilu, M.P.
The Hon. Kihara Mwangi, M.P.
The Hon. George Nyanja, M.P.
The Hon. Grace Mwewa, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Murumba Werunga - Deputy Clerk
Ms. A. K. Thurania - First Clerk Assistant
Mr. S. Njenga - Third Clerk Assistant

MIN. NO. 115/99 CONFIRMATION OF MINUTES

Minutes of the thirty seventh sitting were confirmed by the members present having been proposed by Hon. N. Nyagah and seconded by Hon. Weyrah.

MIN. NO. 116/99 MATTERS ARISING

Under Min. No. 112/99(iii), the Committee agreed to begin the meetings with health insurance experts on Friday, November 12, 1999.

MIN. NO. 117/99

**CONSIDERATION OF THE REPORT ON THE
MEDICAL LABORATORY TECHNICIANS AND
TECHNOLOGISTS BILL, 1999**

The Committee considered and adopted the report on the Bill with the following amendments:-

(i) That Clause 6(1)(a) be amended by deleting all the words after the word "services" and inserting the words "or his representative" in place thereof.

That the recommendation on Clause 6(1)(b) and Clause 6(1)(d) be rescinded.

(ii) That Clause 6(1)(d) be amended by inserting the words "who shall be the Chairman of the Board" at the end thereof.

(iii) That the recommendations on Clause 6(2), 6(3) and 6(4) be revoked.

(iv) That Clause 19(2) be amended by deleting the words "not exceeding twenty thousand shillings" and "not exceeding twelve months" and inserting in place thereof the words "of Kenya shillings one million and 5 years" respectively.

(v) That Clause 20(2) be amended by deleting the words "not exceeding ten thousand shillings" and inserting in place thereof the words "of Kenya shillings one hundred thousand or imprisonment for a term of twelve months or both".

(vi) That Clause 35 be amended by deleting 35(a).

MIN. NO. 118/99

ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at forty five minutes past Twelve O'clock until Friday, November 05, 1999 at 9.00 a.m.

CONFIRMED:

DATE:

MINUTES OF THE THIRTY - NINTH SITTING OF THE COMMITTEE ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE HELD IN THE MAIN CONFERENCE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS, ON FRIDAY, NOVEMBER 05, 1999 AT 9.00 A.M.

PRESENT:

Dr. the Hon. N. W. Kulundu, M. P. - Chairman
The Hon. Fredrick M. Kalulu, M. P.
The Hon. N. M. G. K. Nyagah, M. P.
The Hon. M. D. Weyrah, M. P.
The Hon. Joshua Toro, M.P.
The Hon. George Nyanja, M.P.

ABSENT WITH APOLOGY:

The Hon. S. K. Kiminza, M.P.
The Hon. J. J. Mugalla, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Charity Ngilu, M.P.
The Hon. Kihara Mwangi, M.P.
The Hon. Grace Mwewa, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Ms. A. K. Thurania - First Clerk Assistant
Mr. S. Njenga - Third Clerk Assistant

MIN. NO. 119/99 MEETING WITH THE MINISTERS FOR HEALTH - HON. PROF. SAM ONGERI, EGH., M.P. AND HON. DR. A. ANANGWE, EGH, M.P.

The Ministers accompanied by, Hon. Dr. A. H. Wako, M. P.; Hon. Stephen Mukangu, M. P. - Assistant Minister for Health; Prof. J. Meme, Permanent Secretary, Ministry of Health; Dr. R. O. Muga, Director of Medical Services; Ibrahim M. Hussein, Deputy Secretary; Michael W. Ojiambo, Under Secretary; Bernard M. Kiarie, Ag. Chief Medical Laboratory Technologist; Jeremiah Nyengeny, Parliamentary Counsel (AG's Chambers); Rev. F. Muasya, Chairman, AKMISO; Laban Omondi Onono, Secretary General, AKMISO; met the Committee and deliberated on the Committee's report on The Medical Laboratory Technicians and Technologists Bill.

The Committee resolved as follows:-

- (i) That the proposed amendment to Clause 6(1)(d) be revoked.
- (ii) That the proposed amendment to Clause 6(1)(i) be revoked.
- (iii) That a new Sub-Clause 6(1)(K) be inserted to read;
"the Chairman who shall be appointed by the Minister"
- (iv) That the proposed amendment to Clause 15(1)(c) be revoked.
- (v) That a new Sub-Clause 15(1)(d) be inserted to read;
"has completed an approved period of probation as prescribed by the Board"
- (vi) That the proposed amendment to schedule 3(4) be revoked.

MIN. NO. 120/99

ANY OTHER BUSINESS

(i) The Chairman appraised the Ministers on the progress being made by the Committee and NASCOP in preparing for the Mombasa Workshop and enlisted their support in the endeavour.

(ii) The Chairman expressed concern that the NHIF Act was too narrow and exclusive and that the disbursement of payments by the Fund left a lot to be desired.

In response, the PS (MOH) said that the NHIF Act was initially intended to secure the funds held by NHIF but in the long run, an all inclusive health insurance Bill was required to regulate the industry.

(iii) The Chairman briefed the Ministers on the Committee's envisaged foreign trips scheduled for January, February, 2000, and proposed that one of the Ministers should accompany the Committee as leader of the delegation.

(iv) The Chairman also informed the Ministers of the Committee's intention to visit the area in Kwale which has been affected by the Radio-active material.

The Minister (Prof. Ogeri) raised the Question of safety to Members and further added that due to the amount of publicity such visit would generate, it is not desirable at the moment, but assured the Committee that remedial action was being taken.

MIN. NO. 121/99

ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at One O'clock until Friday, November 12, 1999 at 10.00 a.m.

CONFIRMED:

DATE:

