

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Wednesday, 7<sup>th</sup> November, 2018**

The House met at 3.38 p.m.

*[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]*

**PRAYERS**

**Hon. Speaker:** Good afternoon, Hon. Members. Mr. Clerk, can you guide me on quorum.

*(Quorum Bell rung)*

Hon. Members, I welcome you to this afternoon sitting.

**NOTICES OF MOTION**

DISBURSEMENT OF BURSARIES IN ACCORDANCE WITH MACHAKOS COUNTY (BURSARY  
FUND) REGULATIONS, 2014

**Hon. Speaker:** Hon. Kiilu.

**Hon. Kiilu:** Thank you, Madam Speaker.

Hon. Speaker, that aware that section 116(1) of the Public Finance Management Act, 2012 mandates that the County Executive Committee Member for finance may establish public funds with the approval of the County Executive Committee and the County Assembly;

Aware that this Hon. House enacted the Machakos County (Bursary Fund) Regulations, 2014 whose main objective is to provide for a bursary scheme for the provision of financial assistance to needy students;

Further aware that the County Executive is currently issuing bursary to the residents of the County using the area Chiefs and Sub Chiefs;

Acknowledging that this contradicts the provisions of the regulations which give the Ward bursary Committees the responsibility to receive and consider applications for bursaries;

Hon. Speaker, cognizant of the fact that non-compliance to the enacted regulations poses chances of misappropriation of the funds;

Hon. Speaker, I wish to give notice of motion that this Hon. House discusses and approves that;

- i) The disbursement of bursaries be done as stipulated in the Machakos County (Bursary Fund) Regulations, 2014.
- ii) Any allocation done by unrecognized body will be termed null and void.

- iii) The area Hon. Member of County Assembly be able to confirm the names of the committee Members appointed to avoid conflict of interest in duty performance.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kiilu. Hon. Kiteng'u.

FORMATION OF A COMPANY TO SUPPLY WATER TO THE RESIDENTS OF MASINGA SUB-COUNTY

**Hon. Kiteng'u:** Thank you, Madam Speaker

That aware that the mission of the Department of Water and Irrigation in Machakos County is to contribute to County development by promoting and supporting water resource management in order to enhance water availability and accessibility to all and that Article 174 of the Constitution provides that some of the objects of devolution are to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them and that in addition to recognizing the right of communities to manage their own affairs and to further their development and most aspects of water supply is a devolved function;

Cognizant that Kitui Water and Sanitation Company Limited (KITWASCO) is a limited company by guarantee that was incorporated on 10<sup>th</sup> April, 2006 with core mandate of providing water to Kitui County, its environs and parts of Machakos County where the main source is located that is Masinga dam;

Informed that the main water pipeline for this company crosses Kivaa Ward all the way to Kitui Town but with subsidiary supplies to Kivaa and Masinga Central Wards including Masinga Township and many smaller urban centers within the Sub-County;

Aware that the established water kiosks in Kivaa Ward have been collapsing one after another due to poor management by water vendors and KITWASCO hence leaving the residents without dependable water supply and that policies that run KITWASCO are for Kitui County;

Madam Speaker, I wish to give notice of motion that the County Government of Machakos liaises with relevant water bodies to assign a company based in Machakos County the mandate to supply water to the residents of Masinga Sub-County to ensure efficient supply.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon Kiteng'u.

**STATEMENTS**

BUSINESS FOR THE HOUSE FOR 13<sup>TH</sup> TO 14<sup>TH</sup> NOVEMBER, 2018

**Hon. Speaker:** Hon. Members, under this Order we have three businesses; the first one is by the Hon. Kiteng'u, the second one is by Hon. Mulatya and the third one is by Hon. Kiilu. Hon. Kiteng'u.

**Hon. Kiteng'u:** Thank you, Madam Speaker. Hon. Speaker, I stand under Standing Order 41(2)(a) where during the Statement Hour, a Member of the House Business Committee designated

by the Committee for that purpose shall for not more than ten minutes, present and lay on the table, a statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met today 7<sup>th</sup> November, 2018 and balloted business for this week pursuant to the provisions of the Standing Order 151 as follows:

Tuesday, 13<sup>th</sup> November, 2018

Morning at 10.00 a.m.

Motion by Hon. Daniel Kiilu, MCA Muthesya Ward and Chairperson of Education Committee that this House discusses and approves that:

- i) The disbursement of bursaries be done as stipulated in the Machakos County (Bursary fund) regulations, 2014.
- ii) Any allocation done by unrecognized body will be termed null and void.
- iii) The area Hon. Member of County Assembly be able to confirm the names of the committee Members appointed to avoid conflict of interest in duty performance.

Afternoon at 2.30 p.m.

Motion by Hon. Justus Kiteng'u, MCA Kivaa Ward and Deputy of Majority that the County Government of Machakos liaises with relevant water bodies to assign a company based in Machakos County the mandate to supply water to the residents of Masinga Sub-County to ensure efficient supply.

Wednesday, 14<sup>th</sup> November, 2018

Morning at 10.00 a.m.

Report of Health and Emergency Services on status of selected health facilities by Hon. Cosmus Masesi, Chairperson health.

Afternoon at 2.30 p.m.

Report of Environment, Energy, Lands and Natural Resources Committee on suspension of sand harvesting in Machakos County

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Kiteng'u and the Chair will comment the House business committee for having at least some work in advance the business known to Members and also Members of the public because the issues go also to the website so that Members are able prepare. Ideally, it should actually be a month in advance so that you know what business you have for a whole month and that is why the Chair is asking that committees with pending reports expedite so that they can then be balloted ahead and then you will be able to study and you find that participating in the debate on the reports will be easier for you. Next is Hon. Mulatya.

#### STALLED POLYTECHNICS AND HEALTH CENTER IN MASINGA SUB-COUNTY

**Hon. Mulatya:** Thank you, Madam Speaker. Hon. Speaker, pursuant to Standing Order 41(2)(c), I wish to seek the following statements;

1. What the department of Education is doing to complete the stalled youth polytechnics within the county and in particular Kivuthi Youth Polytechnic at Musumaa sub-location in Masinga Sub-County.
2. What the department of Health is doing to complete the stalled buildings at Kangonde health center in Masinga sub-County. Thank you, Hon speaker.

**Hon. Speaker:** Thank you, Hon. Mulatya. Hon. Members, you will notice that Hon. Mulatya has put two matters under one statement and the practice is usually the Members will comment briefly on the statement sought before the matter is committed to the relevant committee or committees. So Hon. Members, for purposes of orderliness, in future we will have an issue being under one statement so that we do not have more than one issue under one statement.

For now because it is already done, we will have Members comment on the two issues although they are different and then the Chair will commit them to the appropriate committees. So, any Member, who may have a comment, either on the first issue or the second issue is free to comment now very briefly Hon. Members. Hon. Mitaa.

**Hon. Mitaa:** Thank you, Madam Speaker. I thank Hon. Tariq Mulatya of Masinga Central ward for seeking these Statements on various facilities. Mine is on the second issue on what the department of health is doing to complete the stalled buildings at Kangonde health center in Masinga Sub-County. Madam Speaker, I think this Statement is coming at the right time when we have also re-activated the implementation committee because I think what the Hon. Member is trying to seek is status on maybe a stalled project or projects.

So, Madam Speaker, I do not know whether it is right to bring to the attention of the House that also in my ward there is stalled health centre called Ngiini health centre and I had actually requested the Hon. Cosmus Masesi, Chair of health committee to make arrangements and visit my ward because I believe what is pending is a matter of payment to the locals and I understand there is a misunderstanding between the locals and the county government.

So, I believe also the same might be happening at Kangonde health centre so Madam Speaker, I wish the implementation committee well because I think the tray is full. Thank you.

**Hon. Speaker:** Thank you, Hon Mitaa. Hon. Muthoka.

**Hon. Muthoka:** Let me thank my colleague Hon. Mulatya. I think the committee which will be committed that work also in my ward, we have several youth polytechnics which the buildings has been finished we just need equipment. So, I think it's better for them to look for the whole county. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Muthoka. Hon. Dominic Ndambuki.

**Hon. Ndambuki:** Thank you, Madam Speaker. I want to applaud Hon. Mulatya for bringing into attention of the House the statements that he is trying to seek. I would wish to also bring to the attention of the House that I have two health facilities in my ward that were started way back in 2009 and the buildings have started to deteriorate and Madam Speaker, I would wish that the committee that is to be tasked with looking up into this matter on health also visits my ward and looks the two health facilities just to give are port to this House on the same. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon, Ndambuki. Hon. Majority Leader.

**Hon. Muendo:** Thank you, Madam Speaker. Let me also say that Hon. Tariq Mulatya, let me congratulate him for bringing this Statement but Madam Speaker, as you know, every Member here is talking about a stalled project. It is all over the county, Madam Speaker. What I would like maybe Madam Speaker to direct the committee so maybe when they are looking at Kangonde health center, let the committee go round all the wards.

In my ward, I have about two which have stalled from 2014 up to today. One is in Timboni and the other one in Kaima Kathei. So, it seems the County Government of Machakos is doing nothing because we are talking about this project that started in 2013 and they are still not complete.

Therefore, Madam Speaker, that is why I am saying we have a problem in our county in the side of finances; every year we allocate this money and still the health centers are not completed that is why today this Assembly impeached the CEC of finance. This is a result of incompetence that is why we have these health centers in every corner, they are stalled and we actually like that committee maybe to go round and then they come up with the number of how many health centers have stalled and what position are they. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Majority Leader. Hon. Mutinda

**Hon. Mutinda:** Thank you, Madam Speaker. I thank the speaker of the Statement Hon. Tariq Mulatya for this Statement. I think it is the high time the County Government becomes serious and checks on these issues of polytechnics. The issue of polytechnics like in my place we have a youth polytechnic which looks abandoned and when you go there you find student enrolment is very low and this is an institution which should be helping our people so that we may also have our young men and women trained on others jobs of informal sector.

So, I think it is important that the committee which will be given this job to go around and check for itself and bring a report to this house so that we may see what can be done for our people to be assisted. The other thing is on the health centers, the issue of health; we have some buildings which were left as they were going on and have taken some time to be completed. We have wards and maternity wings which are not completed and I would like to say our people are not getting value for their money because if a project stalled two or three years ago and there money which was invested there and the people are not getting any services then it is the high time we followed the executive order from H.E the President which said any existing project should first be completed before we engage to new projects.

So I think, Madam Speaker, this House has a responsibility to ensure that we see that are ongoing projects whether for health or polytechnics or whatever are completed before we engage to new ones. Otherwise, Madam Speaker, on health still, those which were inherited from CDF have not been completed and I think there is need to have a sort of a handing over of the same. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Members. Hon. Members, I think.....actually not I think it is the fact; the members here wish to see the stalled projects not only as per the Statement, the stalled project completed but in the county as a whole. So, the first issue under this Statement which is seeking information on what is being done to complete the stalled youth polytechnics within the county and in particular Kivuthi youth polytechnic at Musumaa sub location in Masinga sub-county, is referred to the committee on education and the committee on Education, Hon. Kiilu, I need to see your face why are you hiding your face? Yes, the paper was on your face I need to see. Know that you are listening and I am seeing you.

Hon. Kiilu, the first issue is committed to the committee on education and the committee is to address all the stalled youth polytechnics projects in the whole county and the report on that is to be brought to this House on the 4th of December, 2018. Hon. Kiilu because you are the chair of that committee that is why I am referring to you and it is important that the House gets that report before it goes on the long recess so that members you can address those particular issues that are pressing the mandate that is devolved on education on polytechnics.

The second part of the issue, Hon. Members, of the statement is seeking information on incomplete health buildings, I assume it should be health centers at Kangonde health center in

Masinga and likewise the feeling of the members is that there are also other stalled health centers projects in other wards and so that issue is committed to the committee on health and emergency services to address the matter as regard all stalled health centers projects within the county.

Then also bring a report to this House again on 4th December, 2018. It is a lot of work members but you have to move and we need to complete those reports before we go on the long recess. Hon. Members, the next Statement Hon. Members we are still on order number seven is by the Hon. Kiilu. Hon. Kiilu.

#### DISBURSEMENT OF CONDITIONAL GRANTS FROM NATIONAL TREASURY FOR VOCATIONAL TRAINING CENTERS

**Hon. Kiilu:** Thank you, Madam Speaker. I rise to respond to a Statement requested by Hon. Steven Mwanthi on disbursement of conditional grant amounting to Ksh. 65,957,025 meant for the vocational training centers from the National Treasury. I therefore want to state that the department of education, youth and social welfare responded as follows;

1. That the department of education received Ksh. 65,957,025 in the CBK account for vocational training centers support grand but the department could not access the funds due to lack of a vote line in 2017/2018 financial year budget.
2. A vote line has been created in the supplementary budget and the department of education, skills training and social welfare has opened a commercial account with Kenya Commercial Bank where the funds are supposed to be channeled.
3. The 37 vocational training centers have been assessed by the technical vocational education and training (TIVET) and the 19 vocational training centers have been awarded TIVET certificates and the certificates for the remaining 18 vocational centers are being processed.
4. The department will disburse the money to the benefiting vocational training centers once the money gets to the department commercial account opened for that purpose.

Attached is the list of the 37 vocational training centers in the county and their registration centers. Thank you, Madam Speaker, but you see the list is not attached..

**Hon. Speaker:** That is what I was going to ask.

**Hon. Kiilu:** They are saying the list is there I do not know where it got lost, maybe I will look for the list.

**Hon. Speaker:** Did you have a list yourself?

**Hon. Kiilu:** There was a list that was given but it was in the file; I thought they would retrieve the list and attach.

**Hon. Speaker:** You saw the list?

**Hon. Kiilu:** Yes.

**Hon. Speaker:** Hon. Kiilu, you have done your part.

**Hon. Kiilu:** I will follow it. Thank you, Madam Speaker.

**Hon. Speaker:** Alright Hon. Members you notice you have not had this before but you are evolving into something. If you remember in the days when you would sit and listen to the radio, hardly were there TVs, question time in the National Assembly; question time was a time where questions were directed to the ministers who remember under the old constitution were politicians so they would be in the House to answer. A time came when you found that under the new constitution, the CSs, the equivalent of ministers do not sit in the National Assembly or the Senate because that is what the constitution says.

So, it changed into Statements and you would have thought that a Statement would come and it would take time like we have done with the other one of Hon. Tariq Mulatya but if the chairman of the relevant committee has been able to get the information and communicating it to the House, that is okay too. However, if the person who has raised the question Hon. Steve Mwanthi is not satisfied with the answer nothing stops him from coming again to the House in whichever other manner that he wishes, if he is not satisfied with the answer. Mr. Clerk, proceed.

### MOTION

#### REPORT ON SHORTAGE OF DRUGS AND OTHER NON-PHARMACEUTICALS IN MACHAKOS LEVEL V HOSPITAL

**Hon. Speaker:** Hon. Members, under this Order, we have one business and that is by the Hon. Cosmus Masesi.

**Hon. Masesi:** Thank you, Madam Speaker. Madam Speaker, I kindly request that my able vice chairman can do the motion; Hon. Pauline Munguti.

**Hon. Speaker:** There is no objection because it is the committee that is supposed to just present. They decide who is to do it; Hon. Pauline Mene Munguti.

**Hon. Museku:** Point of order, Madam Speaker.

**Hon. Speaker:** Point of order from, Hon. Museku.

**Hon. Museku:** Madam Speaker, I think the Hon. Chair for health referred to the Hon. Lady as vice chairman; I think it is a vice chairperson so I would like to make that correction. Thank you

*(Laughter)*

**Hon. Speaker:** Somehow I did not notice that but I think a man includes a woman no offense intended in the reference of Hon. Pauline as chairman. So, Hon. Pauline please come and do the necessary.

**Hon. (Ms.) Mene:** Thank you, Madam Speaker.

Madam Speaker, that, aware that Health services is a devolved function of the County Government set out in part two of the Fourth Schedule and aware that Article 43(1)(a) of the Constitution of Kenya 2010 states that “every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;”

Aware that health care provision involves curative, rehabilitative and preventive care and both the curative and preventive care involves the use of medicines and medical supplies; In order to provide effective treatment, essential medicines and medical

supplies must be available at the health facilities since medicines are the most significant means to prevent, alleviate and cure diseases;  
 Further aware that a healthy society depends on the status of the Public Health facilities in terms of availability of essential drugs;  
 Concerned that the public health facility in the county lack essential medicines both in quantity and quality per disease prevalence in different corners of the county;  
 I wish to move the motion that this Hon. House approves the health and emergency committee report on shortage of drugs and other non-pharmaceuticals in Machakos Level V hospital.

Thank you, Madam Speaker, I wish to call on Hon. Jacinta Luka to second the motion.

**Hon. Speaker:** Thank you, Hon. Pauline. Hon. Jacinta

**Hon. (Ms.) Luka:** Thank you, Madam Speaker. I stand to second the motion.

**Hon. Speaker:** Thank you, Hon. Jacinta. Hon. Pauline?

**Hon. (Ms.) Mene:** Thank you, Madam Speaker.

#### *INTRODUCTION*

Madam Speaker, on behalf of members of the Committee on Health and Emergency Services and pursuant to the provisions of Standing Order 190(3), it is my pleasure and duty to present to the House the Committee's report on drug shortage in Machakos Level V Hospital which was committed to the committee through a statement sought on 19<sup>th</sup> June 2018.

Madam Speaker, the Constitution of Kenya 2010 Fourth Schedule Part 2(c) conferred County Government with the powers and functions of County health services including promotion of primary health care. Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health which includes the right to health care services, including reproductive health care.

Health care provision involves curative, rehabilitative and preventive care. Both the curative and preventive care involves the use of medicines and medical supplies. In order to provide effective treatment, essential medicines and medical supplies must be available at the health facilities since medicines are the most significant means to prevent, alleviate and cure diseases.

#### *COMMITTEE MANDATE*

The Committee on Health and Emergency Services is one of the sectoral Committees established pursuant to the provisions of Standing Order 190, whose mandate is to deliberate on all matters related to County health services including County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlours and crematoria and refuse removal, refuse dumps and solid waste disposal.

#### *COMMITTEE COMPOSITION*

The sectoral Committee on Health and Emergency service was constituted by the house pursuant to the provision of the Standing Order 190 comprising of the following Members:

1. Hon. Cosmas Masesi - Chairperson
2. Hon. Pauline Munguti - V/Chairperson
3. Hon. Annastaciah Mutuku -Member
4. Hon. Daniel Kiilu “



5. Hon. Daniel Mbevi
6. Hon. Ikusya Kaloki
7. Hon. Jacinta Luka
8. Hon. Jacqueline Munyao
9. Hon. Jeremiah Munguti
10. Hon. Johanna Munyao
11. Hon. Patrick Kituku
12. Hon. Paul Museku
13. Hon. Peter Mutiso

### *Terms of Reference*

Madam Speaker, the Committee was established with the following terms of reference:

- a) To ascertain the status of medical supply and availability at the hospital pharmacies.
- b) To table a report before the Honorable House on its findings and recommendation.

### *BACKGROUND INFORMATION*

Madam Speaker, on 19<sup>th</sup> June 2018, the County Assembly received a statement request from Hon. Peter Mutiso, MCA Machakos Central Ward, seeking to know the measures that the department of Health has put in place to control the acute shortage of drugs and other non-pharmaceutical supplies at Machakos Level V Hospital, the referral hospital in the County. The Statement was referred to the Health and Emergency Services Committee to investigate the matter and report back to the house the committee's findings and recommendations.

### *COMMITTEE VISIT TO LEVEL V HOSPITAL*

Madam Speaker, the Committee visited the facility in four days; that is on 20<sup>th</sup> and 25<sup>th</sup> June, 2018 to ascertain the status of medical supply and availability at the facility pharmacies and after two months, the committee visited the facility on 3<sup>rd</sup> and 5<sup>th</sup> November 2018 to ascertain the availability of drugs in the pharmacy and the main drugs store versus the recent deliveries which were made to the hospital on 2<sup>nd</sup> November 2018.

### *DAY ONE*

On 20<sup>th</sup> June 2018, the Committee met with the Chief Officer department of health. The team leader Hon. Museku, highlighted the purpose of the visit to the hospital which was to enquire on the availability of medical supplies in the facility amid complaints by the members of the public and the area MCA Hon. Peter Mutiso that the patients were not getting essential drugs.

During the visit, the committee embarked on guided inspection tour to different sections of the hospital and interviewed few categories of patients who were at the casualty. The tour was guided by the Deputy Medical Superintendent and during the exercise; the committee found out the following:

- That the pharmacy was virtually empty and lacked essential drugs a situation which seriously affected the patient care in both inpatient and outpatient department.
- The state of radiology department was critically affected to a tune of closing down. The areas with challenges were;-
  - General Radiology (X-rays) –The services were not offered due to lack of films.
  - Computed Tomography (CT Scan) –The services were not offered due to lack of contrast media.
  - Magnetic Resonance Imaging (MRI) –The services were not offered due to lack of films.

- Intensive Care Unit (ICU) –There was acute shortage of catheter mounts, CUC dressing, CUC’s adult size and staff apron.
  - Renal Unit for Dialysis –The department had also closed down during the time of visit and the kidney patients were forced to seek treatment in private hospitals.
- The Members also pointed out that the services in the hospital had deteriorated and it was impossible for the nurses to continue treating the patients under the current status.
  - As a result of the above, members were informed that on 21<sup>st</sup> June 2018, the doctors and other medical workers will take part in the proposed protest against drug shortage, a situation which was said to affect the patient care as well as threatening the progress in new treatment.

### *DAY TWO*

On 25<sup>th</sup> June 2018, the Committee embarked on interrogation in attempt to unravel the mystery surrounding the shortage witnessed. During the exercise, the Committee engaged the following officers:

- The Chief Officer department of Health.
- The Hospital Management Team.
- The County Director, Supplies Chain Management and the County Pharmacist.
- The Hospital Administrator.

### *Submissions by the County Pharmacist on drug supply*

- The pharmacist informed the committee that the procurement of drugs and other non-pharmaceuticals is supposed to be done after every three months according to the Public Procurement Act. This was not the case in Machakos County disclosing that the last supply was done in the month of February 2018.
- She said that the process of supplying drugs and other non-pharmaceuticals was too slow and that few commodities had run out of stock.
- She added that the acquisition of drugs in Machakos County is done through the Kenya Medical Supplies Authority (KEMSA), the Mission for the Essential Drugs (MEDS) and the local suppliers although a lot of delays was reported.

### *Submissions by the Hospital Management Team*

#### *a) Submissions on Drug supply*

- The management said that the essential medicines should be available within the health care systems at all time, in adequate amount, in the appropriate dosage forms with assured quality and at an affordable price.
- Unavailability of essential medicines at the public health facilities within the county was reported to have increased the mortality rate as the facilities serve majority of Kenyans with low income and who depend on subsidized cost of health care promised in the public facilities.
- Members were also informed on the instances where the medical supplies, more specifically the laboratory reagents delivered to the hospital by MEDS were different from what was specified and ordered by the hospital. The health department was mandated to oversight the process of issuing LPOs at the procurement department. However, this was not effectively done by the department.
- In addition, members were informed that the KEMSA supplies drugs and non-pharmaceuticals at a cost effective price but the Health Department reverted to

supplies made by the Mission of Essential Drugs (MEDS) with exorbitant prices than those of the preferred supplier KEMSA.

Below is a sample price comparison which was presented to the members between the Kenya Medical Supplies Agency (KEMSA) and the Mission of Essential Drugs (MEDS).

S/O	ITEM	QUANTITY	KEMSA COST	MEDS
1	Sterile gloves (surgical size 7)	Pack of 50	Kshs. 900	Kshs. 1,150
2	Gynaecological gloves size 7.5	Pack of 50	Kshs. 5,500	Kshs. 6,500
3	Suture polyglycorics 2.0	Dozen	Kshs. 895	Kshs. 1,169
4	Latex		Kshs. 1,180	Kshs. 1,375
5	Insulin soluble		Kshs. 300	Kshs. 349

*Above document on price comparison is attached in the appendix 1*

*b) Submissions on Facility Improvement Fund*

- Members were informed that the Facility Improvement Fund is the revenue collected in all Level IV and V Hospitals to defray the cost of running these facilities. These fund are usually vital in enabling facilities to manage their day-to-day expenses and manage situations where emergency supplies have to be acquired.
- Machakos Level V Hospital gets funds through Facility Improvement Fund (FIF) which is the user fee paid by the patients for treatment services. The hospital collection goes to the County Revenue Account through the Kenya Commercial Bank (KCB) agents on behalf of the County Government. Members were informed that the hospital had neither the access nor the control of the funds.
- The public health facilities have experienced difficulties in accessing those funds hence rely on the County Government to supply them with essential medicines as and when they deem fit.
- The hospital was running without essential supplies a situation which affected the service delivery since the hospital has been unable to make any procurement as a result of financial constraints unlike before devolution where the public health facilities had autonomy in the management and utilization of the revenue generated from the facilities.

The table below was presented to the committee members to show the hospital collection versus what has been ploughed back for the period of six months (From January to June 2018) by the County treasury

S/O	MONTH	HOSPITAL FIFCOLLECTION	MONEY PLOUGHED BACK
1	January	8,797,181	5,000,000
2	February	9,086,445	1,000,000
3	March	8,130,233	0
4	April	7,336,501	5,000,000
5	May	9,780,491	0
6	June	7,164,263	0
	TOTALS	50,295,114	11,000,000

*Above document on hospital collection versus plough back is attached in appendix 2*

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*Committee Observation from the above submissions*

- The total collection for the period of six months amounts to Kshs. 50, 295, 114 and the amount reimbursed from the County Treasury is Kshs. 11,000,000 leaving an outstanding amount of Ksh. 39, 295,144. This is what the County Treasury owes the hospital.
- The above information indicates that the County Treasury, being the managers of the finances, meant for public health facilities has not been keen in remitting the Facility Improvement Fund as required by the Public Finance Management Act and also in providing the requisite essential medicines that satisfies the priority health care needs of the population.

*Submissions by the Hospital Administrator*

- The Hospital administrator informed the members that the hospital had received some key drugs to serve the hospital for a week which was only a temporary measure and that the non-pharmaceutical supplies were missing.
- In addition, the Administrator said that there was acute delay in getting back the facility improvement fund (FIF) from the County Treasury and that the Hospital survives on what they get from the National Health Insurance Fund (NHIF) to respond on emergencies which were much far below the hospital demand.
- The administrator added that before devolution, the hospital used to retain all its collections and the money was used to supplement the facility running costs.

*COMMITTEE OBSERVATIONS UPON PERUSAL OF DOCUMENT FROM PHARMACY DEPARTMENT*

- Madam Speaker, the Committee wishes to inform this Hon. House that it requested for suppliers documents together with the inspection and acceptance reports from the office of the county pharmacist for the period of the last six months starting from the month of January to June 2018. However, the committee did not receive any documents for the stipulated period and could not therefore carry out comprehensive investigations.
- Despite the above, the invoices from KEMSA and MEDS dated November 2017 were provided to the committee and members noted the following:
  - The invoice from MEDS was not authenticated unlike the delivery note from KEMSA which had rubber stamp from County Government of Machakos.
  - Our investigations revealed that the above omission could have been the source of non-conformity in orders placed and drugs supplied to the hospital.
  - The Committee noted that there was complete lack of supervision of procurement processes by the officers in charge and that the procurement rules and regulations in health sector were either deliberately or out of ignorance flouted.

*COMMITTEE RECOMMENDATIONS*

- Supply of drugs should be done by KEMSA and MED-PLUS only unless there are convincing reasons why the agency should not be engaged in the event of which procurement procedures should be followed with strict supervision.

- All deliveries must pass through an inspection and acceptance committee before being accepted into the facility.

### *DAY THREE*

The Committee visited the hospital on 3<sup>rd</sup> and 5<sup>th</sup> November 2018 and the committee found out that the status of the drugs and non-pharms in the Hospital were not better than what the committee had observed during their first visit to the hospital.

#### *Committee Observations in the pharmacy*

The Committee found out that the pharmacy had only the lifesaving (anti-diabetic, anti-hypertensive, antibiotics and painkillers) injectable drugs for the in-patient department but for the out patients, the patients were referred to the nearby pharmacist who sells drugs at exorbitant prices to purchase what has been prescribed by the doctors.

### *DAY FOUR*

#### *Committee Observations in the non-pharmaceutical store*

The members were surprised to find out that despite the recent deliveries which were made to the hospital, the non-pharmaceutical store was in a terrible situation with the following items missing:

- Surgical gloves.
- Cleaning gloves.
- 20cc syringes.
- 10cc syringes.
- Blanullers.
- Paraffin gauze.
- Cotton wool among others.

#### *Committee Observation in the Main drugs store*

In the drugs store, the committee was able to see a stock of normal saline, glucose and Trust condoms.

### *GENERAL COMMITTEE FINDINGS*

- A key finding of the Committee was that the Machakos Level V Hospital is currently experiencing a serious drug shortage which was attributed by non-remittance of Facility Improvement Fund to the hospital by the County Treasury, an action which is above legality. The non-remittance was considered as significant contributor to drug shortage.
- Poor inventory management systems in procurement office have also contributed to poor availability of some essential medicines, stock outs, and stock losses. It is not clear whether the inspection and acceptance committees had been established to ensure that the procured drugs were delivered as required because the inspection and acceptance reports were not availed to the committee.
- The drug debt levels of the hospital is worrisome. The committee found out that the facility owes the KEMSA an amount of Ksh. 75 million and local suppliers Ksh. 2 million. The total hospital debt for drugs and non-pharmaceuticals amounts to Ksh. 77 million despite the shortages.
- The hospital Kitchen was in a fair condition; however, the quantity of food in the store was inadequate and could only run for two days but food stuff like cooking oil and sugar were out of stock.

### *COMMITTEE OBSERVATION AND RECOMMENDATIONS*

#### *OBSERVATION I*

The ongoing drug shortages in the facility have created barriers to safe and effective medication therapy on daily basis. The patient flow had diminished since most of the medicines prescribed were not available in the pharmacy, a situation which forced the patients to seek services from the nearby private hospitals like Bishop Kioko, Shalom and other clinics despite the extra cost.

#### *RECOMMENDATION*

Successful procurement is tied on availability of adequate financial resources. Drug financing involves government financing and out-of-pocket expenditure. To ensure future sustainability of medical supply in health facilities, the County Government should urgently ensure implementation of Machakos County Health Management Fund Regulations, 2015 is fully achieved to effectively deliver the health care needs to all patients in Machakos County.

This would curb 70 per cent of the shortcomings in the hospital and also ensure services in ICU, renal unit and radiology department is 100 per cent provided.

#### *OBSERVATION II*

The Hospital laboratory services were confronted by the deficit of necessary reagents. Members were informed that there were instances when the medical supplies, more specifically drugs delivered to the hospital by MEDS were different from the ones that were specified and ordered.

#### *RECOMMENDATION*

Successful hospital procurement should be a collaborative process whereby, staff with skills in purchasing and even the end users are involved to ensure procurement matches demand by harmonization of medicine quantification with prescribing habits and preferences of consumers without subjecting the facility to unnecessary costs.

#### *OBSERVATION III*

The Committee observed that the hospital total collection between the month of January and June 2018 amounts to Ksh. 50,295,114. The amount which the County Treasury has ploughed back to the hospital is only Ksh. 11,000,000 leaving outstanding amount of Ksh. 39,295,144.

#### *RECOMMENDATION*

Availability of essential medicines in healthcare facilities, particularly hospitals, is vital in promotion of curative health of the population and in ensuring healthcare outcomes and goals are met. This requires effective financing supported by timely and accurate pharmaceutical information for evidence-based decision making.

The Executive Committee Member for the Department of Finance and Revenue Collection should ensure the outstanding balance of Ksh. 39,295,144 is reimbursed to the hospital the soonest to curb the ongoing shortage in the hospital. The Committee on Health and Emergency Services should be appraised on the status of remittance 30 days after adoption of this report.

#### *OBSERVATION IV*

The quarterly ordering cycles of medical supplies previous prescribed by the ministry of health have not been followed. Inconsistent and irregular patterns have been witnessed by the committee members and this has hampered availability of the essential medicines in the facility leaving patients to suffer.

#### *RECOMMENDATION*

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County ordering and management team should be constituted to ensure rationalization of orders and feedback mechanisms to the facility. In addition, acceptance and inspection committee must also be constituted the soonest as stipulated in the Public Procurement and Disposal Regulations 2013 Section 16 and these committees must be active in all sub county health facilities where deliveries are made.

#### *ACKNOWLEDGEMENT*

Madam Speaker, the Health and Emergency Services committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings and visitations. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report. Thank you, Madam Speaker. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Pauline Mene. I was looking to what you appeared to have skipped but that is membership which has been read in the beginning.

*(Question proposed)*

Hon. Members, the motion is open for debate. Hon. Muthoka.

**Hon. Muthoka:** Thank you, Madam Speaker. Let me thank this committee of Health for a well-written report. I think this shows how this county is not operating at all. It shows how our Executive side is not working. How can you receive Ksh. 50 million from an institution and you only return Ksh. 11 million? It is the high time for this Assembly to stamp its authority. I think there is a report we were brought here about Kangundo Level IV Hospital, where the hospital has collected Ksh. 18 million and what has been brought back in that hospital is only Ksh. 4 million.

Even in today's morning sitting we impeached the CEC Finance and I think we don't have the CEC in this docket; I think the boss there is the failure. It is somebody who doesn't know his work and now we should go for him as soon as possible. Members let me tell you; our people are dying. I was there and one of my uncles is there; the hospital is in pathetic position. Anything you want from there you have to go to the pharmacy and buy and somebody posted a photo in the social media saying; I have released medicine worth Ksh. 40 million.

It is even bad to God. Now it is the high time; Members, let us now go for the big fish because Governor Mutua has completely failed and we have overwhelming evidence. We will not complain, enough is enough, *punda amechoka*. We will go for him---

**Hon. Speaker:** Now, *punda amechoka*, that is Kiswahili; what is that supposed to mean?

**Hon. Muthoka:** The donkey is tired and I am not even saying the donkey, people of Machakos are tired. We will now not complain anymore; even the committee which has been formed, this is evidence so go look for that Kangundo Level IV Hospital. So, that.....(inaudible) will have to face the law. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Muthoka, Hon. Kiteng'u.

**Hon. Kiteng'u:** Thank you, Hon. Speaker. I once visited the Level V Hospital with the Hon. Members when Hon. Grace was the chairperson of health and that was three months ago and I can read from the report that since then, nothing has been done to the same health facilities. Madam Speaker, I come from Kivaa ward where we have Kithyoko Level III and Kivaa Level III and since I was elected.....I have been visiting those facilities and I can attest that we have had any

medicine on those facilities. Not only those Level III, we have the dispensaries in the interior location and villages and they are in the same pathetic situation.

If Ksh. 50 million earned from the Level V Hospital and the money which comes back is only Ksh. 11 million, then I can attest this county government of Machakos led by Dr Alfred Mutua has got a big..... and he is salivating; appetite for consuming Mwananchi money.

We have been singing and passing motions and it seems nothing is happening and this government is not caring anymore. As Hon. Member from Mitaboni has said that the donkey is tired, now we need your guidance that; can we be able to go to the same facility and make sure that all the money which is collected from all the Level IV and Level V are ploughed back because the health Act that was passed it is stating clearly that everything should be ploughed back to the health facility.

I was in Level V Hospital the other day when I had a patient and I went directly to see Dr. Nthanga and my patient was seen but she paid Ksh. 15,000 and if I go as per percentage, then you will find the same Ksh. 15,000 my patient paid that means Ksh. 2000 we go back to the same hospital.

Madam Speaker, I concur with Hon. Member from Mitaboni; it now the high time because if the system is not working Madam Speaker, we cannot say that the management and the director are the one failing but the Government itself led by the Governor Alfred Mutua; he is the one failing.

So it is the high time this Hon. House; let us all be up and see how we can take this guy home, Madam Speaker, because if he continues with the same in another three years, we are going to lose many lives in this County, Madam Speaker. So, Hon. I request you and led by the Chair, Health Committee and see whether we can be able as early as next week, Madam Speaker. Thank you.

**Hon. Speaker:** Thank you, Hon. Kiteng'u. Hon. Museku.

**Hon. Museku:** Thank you, Madam Speaker for catching my eye. Hon. Speaker, as a Member of this Committee, first of all, I would like to thank the Chair, Hon. Cosmus and my fellow Committee Members for this report which you have done and which lays bare the truth about what is happening in our Level V facility here in Machakos. I cannot agree with the report more.

The things which have been highlighted here Madam Speaker, FIF; FIF is being treated as the revenue. Collection from the hospital is not a revenue item. You collect Ksh. 50 million, you give back Ksh. 11 million and you utilize the balance of Ksh. 39 million .....to take where? You collected this money from the hospital, you plough it back in the hospital for the hospital to continue performing its duties.

If somebody says, somebody would have been in a better position to say that, the hospitals have drugs and everything so the money which is being picked from the hospitals is being utilized to buy drugs and hence that is the reason why the hospitals have drugs but the hospitals do not have the drugs.

So, it beats logic that, a facility collects money for drugs it has issued, materials it has used, a bed which somebody has slept on, all those things and then instead of ploughing it back, you divert it to other uses. I bet this is the money which was being utilized to pay the Hon. Members who have not come to this House today.

*(Applause)*

They are using money which is meant for actually paying people's bills in hospitals. Madam Speaker, how are we going to continue working with a County Government, with an Executive



which is using public money to bribe elected Members of the public from coming to the Assembly to demand for the rights of their people?

*(Applause)*

Madam Speaker, when we were going round, we found that, when we were interviewing the Officers in these hospitals, the medical Superintendent in Machakos told us clearly that they are not involved in the budget-making process of the hospitals. The technocrats, the doctor in charge who is the medical superintendent and the Hospital Administrator are not consulted in the budget-making process.

Madam Speaker, that docket was being headed by one of the five CECs who were vetted by this Assembly and found not to be suitable and now; one of them who was rejected also here, this is the same one who has been reappointed into that docket in the name of Ruth.

Madam Speaker, are we going to continue having people who are not qualified, who have not been vetted by this Assembly and we have a court ruling which says that those people should not be holding the positions they are holding until they are vetted by this Assembly and I heard that CEC responding on radio stations saying that the hospital has got enough drugs, the people who went there do not know what they are doing, we received Ksh. 40 million worth of drugs, yet the Committee was there and so there are completely no drugs.

So, we are having a Member of the Cabinet of Machakos lying to our people that the drugs are available whereas their leaders are saying that the drugs are not available and when you go to the hospital you find the drugs are not available. Madam Speaker, I think this County right now has reached one of its lowest ebbs in that, instead of concentrating on the issues which this Assembly is raising, key issues affecting our people in terms of medicine, in terms of roads, in terms of education in bursaries, the Executive is engaged in getting together a team of MCAs a few Minority MCAs, to go issuing useless statements on social media saying that they know what they are doing and that this Hon. House does not know what it is doing; shame on them.

*(Applause)*

Instead of sitting down here this afternoon and discussing such weighty issues affecting the health of our people, they are seating in Hilton Hotels eating public money, being given public money instead of addressing the key issues affecting our people.

Madam Speaker, I think as a House we need to condemn this with the strongest terms possible it deserves and make sure that we stand together and serve the people who elected us to this House and Madam Speaker, we are behind you as a House and we shall make sure that, under your leadership we deliver to the people of Machakos. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku. Hon. Cosmus, you are the Chair; it is always good if you have the last word, somehow. Hon. Dominic

**Hon. Ndambuki:** Thank you, Hon. Speaker. Madam Speaker, this is not the first time that this Hon. House is discussing challenges that seem to bedevil Machakos Level V Hospital. The other time we had a report that was tabled in this Assembly discussing about shortage food rations at the same hospital. Madam Speaker, in my opinion, I think it is the high time that this Assembly gave recommendations in that the Executive comes with modalities of getting competent people to run that facility.

In my opinion, we should have a Chief Executive Officer running that facility so that it can be run in a professional manner. Madam Speaker, this is a referral hospital in the Lower Eastern Region and it is appalling to see that, outpatient facilities in the hospital do not have basic essential

drugs and our people are being subjected to disgusting situations of them going out to look for drugs in chemists. Madam Speaker, this is not acceptable.

Yesterday we had a report here where the Health Committee was trying to compare how Makueni County was running its Level V facility at Wote and they said that there were no pharmacies near where the hospital is located. The same thing should happen here in Machakos..

*(Applause)*

We should ban all chemists operating within some radius from the Level V Hospital so that we can force if the CEC, Member for health needs us to force them to equip this hospital with drugs.

**Hon. Speaker:** What will happen, Hon. Dominic? You will be sued for barring them from selling or running businesses around the hospital. What should happen is just natural removing them by equipping the hospital with all the drugs then they will find no business.

**Hon. Ndambuki:** Thank you, Madam Speaker for---

**Hon. Speaker:** Because they have also constitutional rights to do business.

**Hon. Ndambuki:** Thank you, Madam Speaker for the guidance. If we come up with the right policies that will ensure there is if I may call it, natural attrition of the pharmacies that operate within the Level V hospital, then our people will be getting services closer to them and it is my dream that, since Machakos Level V hospital is treated as a referral hospital especially for the Lower Eastern Region of this Country, then it stands to be so in terms of standards. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Dominic. Hon. King'ori.

**Hon. King'ori:** Thank you, Madam Speaker. I want to say something different from what Hon. Ndambuki has said. I would like us to get the Board of Trustees who are cited in the health regulations of 2015 to be the Members who are controlling the Level V hospital because there is a clause of them opening a Bank account at KCB; they should be given mandate to get that money and taken straight to their account and they manage their money without taking the money to the treasury.

If need be, to improve on services, we need also to use Kenyatta Hospital ways whereby the management of the hospital is the only one eligible for the money in that hospital. That way we shall not have any problem referring to our CEC for the money when the money is still there. So, the Board of Directors will act accordingly depending on the demands in the institution. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. King'ori. Hon. Members, you will want to know whether the subsidiary legislation passed by this House on management of FIF money has anything to do with what the Hon. Member has talked about. If you need to improve it, if it does not have to, as we proceed with the debate. Hon. Kisini.

**Hon. Kisini:** Thank you, Madam Speaker for also giving me time. I want to commend the Committee which has done a very thorough job and which has come with good recommendations. As we were being taken through, the report was really touchy and if that is the situation, everybody felt that all is lost in the hospital. The Level V is the one which is catering for the whole County, it

is a referral hospital and if it is so, how about the other sub-hospitals? How about the other clinics and so forth?

Madam Speaker, it is very pathetic and the Committee has come up with its general findings that, the hospital is experiencing a serious drug shortage, the inventory is very poor and on top of that, whatever little money instead of paying the suppliers, it is pocketed and the hospital owes the supplier Ksh. 75 million.

Madam Speaker, I want to say like the other Hon. Members, enough is enough; we have got to do something now more than just mere passing of the Motion and then we keep quiet because if we live it that way, our people will suffer and suffer more. So, I do not know what we can do because this report is very touchy. Even when they went recently after visiting there for about three months they went again they still found the situation as it was.

The only good thing they found as a small improvement was the kitchen where they found sugar which can only last for two days. In terms of drugs, in terms of lab tests, in terms of the beddings.....I mean where the patients sleep, it is very filthy. So, It is my request Hon. Members, we think of it, we come with a solution and we save this hospital which is the only one and which is the only referral hospital in South Eastern.

I recently visited there to see a patient and it is very true as the Committee has recommended, I was forced to go and buy a drug from a pharmacy outside; there were no supplies at all and it was about more than Ksh. 1,000. So, it is a serious matter, it should be given the most urgent consideration and we should save this situation. When you try to look at the hospital from the outside, you can clap for it saying this is the best but when you get in the inside of it, there is nothing happening.

Madam Speaker, I once again still say enough is enough we have to do something. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Kisini. The Mover of the Motion through Hon. Pauline Mene to reply.

**Hon. Masesi:** Madam Speaker, I can---

**Hon. Speaker:** No. What you do, if you want to contribute then you contribute then she will reply because I had promised that you would say something. Hon. Cosmus.

**Hon. Masesi:** Thank you, Madam Speaker. My input will be very brief in terms of.....in fact, Madam Speaker, the purposes of site visits are fact-finding. Madam Speaker, it will not be in order for the Committee, when it is doing its site visit to be reporting to the departments. Madam Speaker, this has been an issue within some Members of the Committee whereby they feel that we should be reporting to the departments whenever we want to do site visits.

Madam Speaker, again after the receipts, there are reports which were given by the Head of Departments to be precise, there is a document which is signed by 35 Members of the hospital management team which singles out all the issues we have raised. These issues are not our making; it has been witnessed by the management of the hospital and their signatures have been put there, doctors inclusive.

Madam Speaker, there is report on the daily consumption by the patients. I am fearing when we compare what we found in the store and the kitchen, I am fearing Madam Speaker even we could be losing patients' lives due to lack of food. What we found there and if you compare with what has been given as per daily consumption, it raises a lot of concern.

In the morning, I said that this issue of health needs some urgent attention, Madam Speaker. I think you will have.....not even thinking, we must go to the Chief Officer and hold her accountable for the suffering within the facility. Again the Chief Officer informed us that, the drugs which they get from KEMSA are given on a three months allowance in terms of payment. So, even the Ksh. 40 million drugs which the Executive purported to have bought was received on credit.

That is something Members need to know and that is why you can see there is a Ksh. 75 million debt on the side of KEMSA. Madam Speaker, we have clearly indicated that the Hospital Management Committee has never been informed in any way on the budget-making process. Madam Speaker, this House needs to stand and push for health matters to be addressed soonest.

Otherwise, Madam Speaker, our people are suffering there in the name that we have a Level V Hospital in Machakos. I wish to rest my case. Thank you.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Cosmus Masesi. The mover of the Motion through Hon. Pauline Mene to reply.

**Hon. (Ms.) Mene:** Thank you, Madam Speaker. Madam Speaker, I wish to bring to the attention of this House that, the hospital Facility Improvement Fund, is ploughed back in Kitui County, in Makueni County, in Kiambu County. Why is our County different? Madam Speaker, I believe the buck stops with the Governor but he has refused to comply with the Machakos County Health Fund Regulations, 2015 and this is very clear that he does not respect the needs of the *mwananchi* and he does not respect the spirit of devolution. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Pauline.

*(Question put and agreed)*

*(Applause)*

Hon. Members, at this point....Mr. Clerk, when is the next sitting day?

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, at this point this House stands adjourned to resume on Tuesday, the 13th day of November, 2018 at 10.00 a.m. Hon. Members have a good evening.

House rose at 5.16 p.m.