



COUNCIL OF GOVERNORS

COMMUNIQUE' OF THE HIGH-LEVEL CONSULTATIVE MEETING OF COUNCIL OF GOVERNORS HELD ON 15th AND 16th DECEMBER 2021

The Council of Governors (COG) convened a two-day High-Level Consultative Forum with an overall theme *'Reflections on Policy and Legislative Experiences for Accelerated Delivery of the Universal Health Coverage agenda at County Level'* at Whitesands Hotel, Mombasa County.

The forum brought together Governors, Council Executive Committee Members for Health, Chief Officer of Health, Ministry of Health, National Assembly, Senate, County Assemblies Forum (CAF), Commission for Revenue Allocation (CRA) and Kenya Medical Supplies Authority (KEMSA). The forum interrogated policy and legislative barriers that have created hindrances in implementation of devolved Health services with a view of coming up with ways to address them.

Acknowledging that devolution, by all accounts, has proven to be an economic, social, and political advancement game changer for our people, and that gains made need to be sustained and accelerated through cordial partnerships and engagement led by both county governments and national government,

The following resolutions were arrived at:

1. (a) County governments and the national government will jointly undertake a coordinated and comprehensive review of the existing health policies and legislation, starting with;
 - NHIF Act,
 - Kenya Medical Supplies Authority (KEMSA) Act, 2013 and;
 - Pharmacy and Poisons Act, in the next six months to align these to the requirements of the devolved governance system.
- (b) Having reviewed various laws and policies that are problematic in institutionalising and financing devolution, through a clear division of functions between the national and county governments, the meeting resolved that the COG, County Assemblies, National assembly, and Senate

jointly work together to streamline all these laws and policies to be fully aligned to devolution or, where repugnant, be repealed.

(Actors: Council of Governors, Ministry of Health, Office of the Attorney General, Kenya Law Reform, National Assembly and Senate).

2. County Governments shall enhance their capacity for analysis and utilisation of county generated data to track progressive realisation of Article 43 of the Constitution and inform the review of County Integrated Development Plans (CIDPs) and annual budgetary allocations.

(Actors: County Governments, Ministry of Health)

3. County Governments will engage the National Government to restructure budget making process, to enable adequate and timely participation of county governments in the generation of the National Budget Policy Statement and sharing of the equitable revenue.

(Actors: COG, County Governments, Parliament, National Treasury, Commission of Revenue Allocation)

4. County Governments will, in the next budget cycle, adopt the Model law for Facility Improvement Funds to ring-fence funds for health services.

(Actors: CoG, County Government)

5. Both levels of government will support the enforcement of National Hospital Insurance Funds reforms in the following areas;

- beneficiary management,
- Benefits management,
- Healthcare providers management,
- digital transformation, organizational transformation, and,

- positioning NHIF as a strategic purchaser in line with the Kenya Health Financing strategy.

(Actors: CoG, National and County Governments)

6. In view of the amendments to the NHIF (Amendment) Bill that were approved recently, expunging the provision requiring every Kenyan above 18 years to contribute to the fund, CoG to engage the National Assembly to reconsider recommendation No 7 and 11 to allow for mandatory contributions.

(Actors: COG, National Assembly, Senate)

7. The County governments will undertake a rapid assessment of county health fiscal spaces to inform health finance transitions discourse.

(Actors: CoG, County Governments)

8. County Governments will engage the National Government on the implementation of county-led financial protection schemes and pursue consolidation and expansion of existing risk pooling schemes towards equitable access to health services and efficiency enhancement.

(Actors: CoG, National Government, County Governments)

9. County Governments will, in the next budget cycle, increase budget allocations for both Health Products and Technologies and supply chain systems strengthening activities and make provision in the current budget cycle, to fast-track settlement of outstanding debts to Kenya Medical Supplies Authority (KEMSA).

(Actors: COG, County Governments, KEMSA)

10. County Governments, leveraging on the strength of the regional blocs and in close collaboration with local research institutions, Technical Vocational Educational and Training (TVET) Institutions and private firms, shall utilise the

applicable preferential procurement provisions to spur both local production and local procurement of Health Products and Technologies.

(Actors: County Governments)

11. County Governments will strengthen the Logistics Management Information System for health commodities supply chain through implementation of integrated systems that assure end to end visibility of products to support demand and supply planning.

(Actors: COG, County Governments, National Government (MOH))

12. County Governments shall review their county legislations to support enforcement functions in respect to county pharmacies through strengthened HPT governance at county level and establish elaborate mechanism to support coordinated information sharing with the Health Products and Technologies regulator(s)

(Actors: County governments, Regulator(s) including Pharmacy and Poisons Board and Kenya Bureau Standards)

13. Recognising the critical role of the following institutions in Intergovernmental Relations - National Cabinet, National Treasury, Ministry of Devolution - County Governments will engage the National Government to restructure processes of approval of health policies and legislation to ensure compliance with the Constitution and devolved system.

(Actors: Council of Governors (COG), Intergovernmental Relations Technical Committee and Summit)

14. County Governments and National Government shall engage parliament to resolve conflicts between the two houses of parliament in legislative processes and support harmonised and efficient review of health laws and policies

(Actors: Council of Governors (COG), County Governments, Parliament)

15. The County governments will ensure that, on an annual basis and in collaboration with the Ministry of Health, a database of doctors undergoing postgraduate studies is submitted to the Ministry of Health, and the National Treasury, through MOH, to make provision in every budgeting cycle for the payment of Personnel Emoluments for those doctors to the Counties.

(Actors: Council of Governors (COG), MOH, IGRTC and Summit)

16. County Governments to strengthen Emergency Preparedness and Readiness of their Health Systems, increase budgetary allocation to emergency health, ensure effective coordination between Counties and National Government actors in disaster management, review the Public Health Act Cap 242 and clearly unbundle the disaster management functions between the two levels of government.

(Actors: Council of Governors (COG), County governments, Ministry of Health, Parliament)

17. County Governments to increase budget allocations to preventive health services, improve outcome measurement of preventive health services and strengthen collaboration with Agriculture, Education, Environment and other relevant sectors.

(Actors: Council of Governors (COG), County governments, Ministry of Health)

18. County Governments Commit to strengthen County Disease Surveillance, Reporting and Response through rolling out Event Based Surveillance, enhancing data for decision making at all levels and initiating administrative and policy reviews to enhance routine reporting by Private health facilities and community health units.

(Actors: Council of Governors (COG), County Governments, Ministry of Health)

19. County Governments shall scale up and sustain COVID 19 Pandemic Response efforts. In particular, counties will accelerate COVID 19 Vaccination at county levels to meet agreed targets; and in collaboration with National Government review, enhance and enforce access protocols and guidelines to public areas.
20. All those present at this forum reaffirm their commitment to the achievement of Universal Health Coverage.

This can only be achieved through strong partnerships amongst:

- county governments
- national ministries, department, and agencies
- private sector,
- development partners;

God bless Kenya and its people.

Signed

H.E. Prof. Anyang' Nyong'o, EGH

Chair of Council of Governors Health Committee

H.E. Martin Wambora, EGH,

Chair of Council of Governors
