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**THE BUNGOMA COUNTY HEALTH SERVICES ACT**

*(No. 5 of 2019)*

**THE BUNGOMA COUNTY HEALTH CARE FINANCING  
REGULATIONS, 2021**

*Arrangement of Regulations*

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**THE BUNGOMA COUNTY HEALTH SERVICES ACT**

*(No. 5 of 2019)*

**IN EXERCISE** of the powers conferred by Section 50 of the Bungoma County Health Services Act (No. 5 of 2019), the Bungoma County Executive Committee

Member for Health makes the following Regulations—

**PART I—PRELIMINARY**

1. These Regulations may be cited as the Bungoma County Health **Citation**  
Care Financing Regulations, 2021.
2. In these Regulations, unless the context otherwise requires — **Interpretation**
  - "Board"** means the Bungoma County Health Fund Management Board established under Regulation 12;
  - "Chief Officer"** means the Bungoma County Chief Officer responsible for matters relating to health;
  - "Hospital Management Board and Health Facility Committee"** means a Hospital Management Committee or a Health Facility Management Committee; "County" means Bungoma County;
  - "County Assembly"** means the Bungoma County Assembly;
  - "County Executive Committee Member"** means the County Executive Committee Member responsible for matters relating to health;
  - "Financial Year"** means the period of twelve months ending on the 30<sup>th</sup> June every year;
  - "Fund"** means the Bungoma County Health Services Fund established under regulation 3;

“**Health Service Unit**” means a dispensary , health centre, hospitals, public health office, sub county and county health management team

**"Gazette"** means a gazette published by the authority of the County government or a supplement of such gazette;

**"Health Facility"** means a health institution gazetted as a Level 2 or Level 3 hospital and includes a Dispensary or a Health Center;

**"Hospital"** means a health institution gazetted as such and includes a Level 4 or Level 5 Hospital;

## **PART II—ESTABLISHMENT OF THE FUND**

- 3. (1) There is established a Fund to be known as the Bungoma County Health Services Fund. Establishment of the Fund.**
- (2) The accounting officer will give quarterly authority to incur expenditure from the fund
- (3)The Fund shall consist of—
- (a) monies appropriated by the County Assembly for that purpose;
  - (b) sums received as contributions, donations, gifts or grants;
  - (c) refunds and capitations from any institution duly paid into the Fund;
  - (d) Monies received as user charges;;
  - (e) monies earned or realized from any investment of the Fund;
  - (f) such other monies as may be payable or vested in the Fund.
- (4) The County Government shall allocate funds for operational expenses and maintenance expenses.

(5) There shall be paid out of the Fund payments in respect of any expenses incurred in pursuance of the object and purpose for which the Fund is established.

(6) Any expenditure incurred by a health service unit on the Fund shall be on the basis of, and limited to, the annual allocation and the Authority to Incur Expenditure.

(7) The receipts, earnings, accruals and the balance of the Fund at the close of each financial year shall be retained for the purpose for which the Fund is established.

4. The objects and purposes of the Fund are to;

**The objects and purposes of the Fund**

- (a) Provide financial resources for health products & technologies' and other infrastructural developments
- (b) Support health information systems
- (c) Support capacity building of human resource and governance structures.
- (d) Support Sub County Management teams and County Health Management Team
- (e) Support primary health care activities
- (f) Support and empower rural communities to take charge of improving their own health;
- (g) Improve the quality of health care services in the health facilities.
- (h) Support clinical and operation research

5. The officer administering the Fund shall-

**Administration of the Fund.**

- (a) supervise and control the administration of the Fund by the

- accounting officer through delegation;
- (b) open and operate a bank account at a bank approved by the CECM for the time being responsible for Finance;
  - (c) develop a criteria for the allocation of funds for approval in collaboration with the health management teams
  - (d) The accounting officer may impose conditions on the use of the expenditure authorized by him or on his behalf and may impose any reasonable prohibition, restriction or other requirement concerning such use or expenditure;
  - (e) institute prudent measures for the proper utilization for monies deposited in the Fund using suitable internal controls and appropriate mechanisms for accountability including audit of accounts by internal auditors of the County Government;
  - (f) cause to be kept proper books of accounts and records relating to all receipts, payments, assets and liabilities of the Fund and to any other activities and undertakings financed by the Fund;
  - (g) prepare, sign and transmit to the Controller and Auditor-General in respect of each financial year and within three months after the end thereof, a statement of account relating to the Fund specifying all contributions to the Fund and the expenditure incurred from the Fund, and such details as the County Treasury may from time to time direct, in accordance with the provisions of the Public Audit Act;
  - (b) (i) furnish such additional information as he may be required that is proper and sufficient for the purpose of examination

and audit by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act.

6. The Chief Officer shall cause to be kept books of accounts and other books and records in relation to the Fund. **Books of Accounts**
7. (1) The day to day management of a Health Facility shall be appointed by the Chief Officer Health. **In-charge of the Health Facility**  
(2) The In-charge –
  - (i) shall be the authorized officer of the Health facility, an authority delegated by the County Chief Officer;
  - (ii) shall be the team leader for the implementation of the Ministry's policies and programs in the facility;(3) Where any impropriety is established on the part of the In-charge of a Health Facility, the County Chief Officer shall forthwith revoke the designation of such In-charge as the authorized officer and appoint another replacement.
8. (1) Where funds from the County Government for a particular activity are found to be inadequate the concerned health facility shall in writing notify the accounting officer of health of the deficit three months prior to the commencement of the activity. **Insufficient funds for activities.**  
(2) Upon receipt of the notice, the Accounting Officer in liaison with the County Executive Committee Member for Health shall consult on how to meet the deficit.
9. (1) The Chief Officer shall, within three months after the end of a **Statement of**

financial year, prepare a statement of accounts of the Fund's for **accounts** that financial year and submit it to the County Assembly.

(2) Every statement of account prepared under this regulation shall include details of the balances between the assets and liabilities of the Fund and shall indicate the financial status of the Fund as at the end of the financial year concerned.

**10.** (1) The Accounting Officer shall cause to be opened a bank **Bank Account** account for every Health Service Unit in the County.

(2) The Accounting Officer shall appoint bank signatories in writing as follows;

(a) For level 2 and 3 the Chairperson of the Committee, secretary who will be the in-charge and the treasurer of the committee.

(b) For hospitals the medical superintendent as the mandatory, Accountant and the Health Administrator as alternate signatories.

(c) For County Health Management Team the County Director of Health shall be the mandatory signatory with the Accountant and County Health Administrator alternate signatories

(d) For Sub County Health Management Team the Sub County Medical Officer of Health shall be the mandatory signatory with the sub county Accountant and Sub County Health Administrator alternate signatories

(e) For the County Public health office the mandatory signatory shall be County Public Health Officer

and the County Accountant.

(3) As soon as is practicable, the officer in-charge of a Health Facility shall cause to be banked in the Fund Health Facility Revenue Account, all monies received.

(4) Every withdrawal from the bank account of a Health Facility shall be from a specific vote duly budgeted for and specifically authorized.

**11.** (1) The County Executive Committee Member, shall authorize the user charges payable by members of the public for different health services provided by Health Service Unit and approved by the County Assembly **Appropriation in Aid**

(2) The County Executive Committee Member shall upon approval cause the user charges to be published in the Gazette.

(3) The Health Facilities shall provide health services to the members of the public who pay the prescribed user charges except for exemptions.

(4) The person in-charge of a Hospital or a Health Facility may, upon investigation and for documented reasons, wave the user charges payable by a particular person.

(5) The County Executive Committee Member in consultation with the facilities management board from time to time shall review the user charges.

(6) No health unit shall issue alternative fees and charges other than those authorized by the CECM Health.

(7) 25% of the revenue collected by a health unit shall be used for development.



12. The Members of the Board, Committee of health facility or the in-charges who contravenes regulation 13 shall jointly and severally be guilty of an offence under these regulations. **Offence.**

13. (1) In addition to the functions stipulated under Sections 10 and 12 of the Bungoma County Health Services Act, 2019, with the authority of the Health Facility Board or Committee, an officer in-charge of a Hospital or Health Facility may utilize the Fund to — **Utilization of the facility fund**

- (a) purchase medical supplies;
- (b) maintain the Hospitals and Health Facilities;
- (c) purchase Hospital equipment;
- (d) hire temporary professional or other staff for the Hospital or Health Facility;
- (e) improve the capacity of staff to offer health services including training and continuous professional development;
- (f) pay for basic administrative expenses;
- (g) undertake any other activity that is approved by the Health Facility Board or Committee.

(2) Sub County hospitals shall give 10% of their quarterly revenue collections to the Sub County Medical Officer of Health for primary health care activities

(3) Webuye County Hospital and Bungoma County Referral hospitals shall give 2.5% of their quarterly revenue collections to the County Director of Health for support services.

(4) Webuye County Hospital and Bungoma County Referral hospitals shall give 2% of their quarterly revenue collections to

the respective Sub County Medical Officer of Health for the support of primary health activities

(5) 2.5% of the revenue generated from the health unit shall support the health Executive office and the County Director of Health

**14.** (1) A Board of Hospital or Management Committee shall prepare **Annual** annual estimates of revenue and expenditure for the institution **Estimates** under its charge, in such form and at such times as the Accounting Officer may prescribe.

(2) The Board of Hospital or Management Committee shall oversee expenditure for the purpose of the Health Facility in accordance with estimates approved by the County Assembly, and any approved expenditure under any vote head of the estimates may not be exceeded without the prior written approval of the Accounting Officer

(3) A Board of Hospital or Management Committee may, with the approval of the County Accounting Officer and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or bequests to a Health Facility.

(4) The Secretary to a Board of Hospital or Management Committee of a Health Facility shall be responsible for the day-to-day management of the affairs of the facility, and shall present any account of such expenditure to the Board of Hospital or Management Committee.

**15.** (1) A Board of Hospital or Management Committee shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Facility. **Accounts and Audit**

(2) Within a period of four months from the end of each financial year of the County Government, the in-charge of health service unit shall submit to the Chief Officer, the accounts of the Facility together with—

(a) a statement of the income and expenditure of the Facility during that year; and

(b) a balance sheet of the Facility on the last day of that year.

(3) The accounts of the Facility shall be audited and Reported upon in accordance with the Public Audit Act, 2015.

(4) The in-charge of a health service unit shall furnish the Accounting officer, annual statement of accounts and such other information about the revenue, expenditure, assets and liabilities of the Facility as he may require quarterly.

**Signed on the 10<sup>th</sup> December, 2020.**

**County Executive Committee Member Health and Sanitation**