Bill for Introduction into the National Assembly—

The Health Records and Information Managers Bill, 2015 .................. 1655
THE HEALTH RECORDS AND INFORMATION MANAGERS BILL, 2015

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THE HEALTH RECORDS AND INFORMATION MANAGERS BILL 2015

A Bill for

AN ACT of Parliament to make provision for the training, registration and licensing of the health records and information managers; to regulate their practice; to provide for the establishment, powers and functions of the Health Records and Information Managers Board and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Health Records and Information Managers Act, 2015.

2. In this Act, unless the context otherwise requires—

“approved institute” means an institute for the training of persons seeking registration or enrollment under this Act which has been declared by notice in the Gazette to be so approved by the Cabinet Secretary on the recommendation of the Board;

“Association” means the Association of Medical Records Officers of Kenya;

“Board” means the Health Records and Information Managers Board established by section 3;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to health;

“College” means the Kenya Medical Training College established by the Kenya Medical Training College Act, Cap 261, or such other college as the Board may approve for the purposes of the Act;

“Committee” means the Disciplinary Committee of the Board established by section 26;

“Health institution” includes a hospital, nursing home, convalescent home, maternity home, health centre, dispensary, Clinic or other institution where health or health services are rendered, either free or on the payment of fees.
“Health Records and Information management department” means part of a facility in a health institution in which health records and information services are carried out;

“Health Records and Information Diploma” means a diploma in Health Records and Information Management/Science issued by the Kenya Medical Training College or other similar institution approved by the Board;

“licence” means a licence granted to a Manager under section 15;

“Manager” means a person who manages health records and information;

“medical practitioner” means a person registered under the Medical Practitioners and Dentists Act (Cap. 253) as a medical practitioner;

“Officer” means a manager who holds a diploma or a degree in health records and information management;

“private practice” means the practice of health records and information management, as the case may be, for a fee;

“private practitioner” means a person registered under this act as either a health records and information manager licensed to maintain health records and information for a fee;

“Register” means the register of managers required to be maintained under section 16;

“Registrar” means the Registrar of the Board appointed under section 13;

“Technician” means a manager who holds a certificate in health records and information management;

“Unqualified person” means any person who is not duly registered as a manager under the Act.

PART II—THE HEALTH RECORDS AND INFORMATION MANAGERS BOARD

3. (1) There is established a Board to be known as the Health Records and Information Managers Board.

(2) The Board is a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—
(a) suing and being sued;
(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
(c) borrowing money or making investments; and
(d) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

4. The Headquarters of the Board shall be in Nairobi, Kenya the Board may establish offices in the Counties.

5. The Board shall have all powers necessary for the proper performance of its functions under the Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

(a) control, supervise and administer the assets of the Board in such manner and for such purpose as best promotes the purpose for which the Board is established;

(b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Board;

(c) receive any grants, gifts, donations or endowments and make legitimate disbursements there from;

(d) enter into Agreement with other bodies or organisations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purpose for which the Board is established;

(e) open a bank account or bank accounts for the funds of the Board; and

(f) invest any funds of the Board not immediately required for its purposes;

(2) Subject to the Act, the Board may, either generally or in any particular case, delegate to any committee, member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of the Board under the Act.
(3) The Board shall pay its members such remunerations, fees or allowances for expenses as it may determine with approval of the Association.

(4) The Board may appoint such officers and other staff as necessary for the proper discharge of its functions under the Act, upon such terms and conditions of service as the Board may determine.

(5) No matter or thing, done by a member of by any officer, employee or agent thereof shall; if the matter; or thing is done bona fides for executing the functions, powers or duties of the Board, render the member, officer, employee or agent personally liable to any action, claim or demand whatsoever.

6. (1) The Board shall—

(a) establish and improve standards of all branches of the health records and information managers profession in all their aspects and to safeguard the interests of all managers;

(b) establish and improve the standards of professional health records and information management in Kenya;

(c) with the approval of the Cabinet Secretary, make provision for the training and instruction for persons seeking registration or enrolment under this Act;

(d) with the approval of the Cabinet Secretary, prescribe and regulate syllabuses of instruction and courses of training for persons seeking registration or enrolment under this Act;

(e) recommend to the Cabinet Secretary institutions to be approved institutions for training of persons seeking registration or enrolment under this Act;

(f) with the approval of the Cabinet Secretary, prescribe and conduct examinations for persons seeking registration or enrolment under this Act;

(g) have regard to the conduct of persons registered, enrolled or licensed under this Act, and take such disciplinary measures as may be necessary to maintain a proper standard of conduct among such persons;
(h) direct and supervise the compilation and maintenance of registers, rolls and records required to be kept under section 20;

(i) advise the Cabinet Secretary on matters concerning all aspects of health records and information management.

(2) The Board shall, before the end of the month of June in each year, cause a report on the work carried out by the Board during the previous year, together with a statement of the accounts for that year, to be supplied to the Cabinet Secretary, and shall cause such further information as may be required by the Cabinet Secretary from time to time to be supplied to him.

7. The Board shall consist of —

(a) one appointee from the Director of Medical services.

(b) the Deputy Director Health Records and Information Management, Ministry of Health;

(c) the Registrar, who shall also be the secretary to the Board and shall be a registered Manager;

(d) the Director of technical training in the Ministry of Education for the time being responsible for Higher education;

(e) one registered Manager, who shall be in private practice, to be nominated by the Board;

(f) the Chairperson of the Association;

(g) the Secretary General of the Association;

(h) two Managers in Public practice appointed by the Cabinet Secretary; and

(i) two other members co-opted by the Board from time to time whose knowledge and experience is deemed necessary for the better performance of its functions.

8. (1) No person shall be qualified for appointment or election as a member of Board if the person—

(a) is an undischarged bankrupt; or

(b) has his or name removed from the appropriate
register or his or her registration, enrolment or licence has suspended under section 17.

(2) A member of the Board shall vacate office if he or she—

(a) becomes subject to any of the disqualifications referred to in subsection (1); or

(b) has been absent from more than two consecutive ordinary meetings of the Board without its leave; or

(c) gives notice in writing to the Board of his desire to resign from office and his resignation is accepted.

(3) Every vacancy caused by the death of a member or by vacation of office under subsection (2) shall, in the case of a member appointed by the Cabinet Secretary, be filled by a person appointed by the Cabinet Secretary, and in every other case, unless the Board otherwise decides, shall be filled by a person appointed by the Board and every person so appointed shall hold office for the residue of the term for which his predecessor was appointed or elected.

9. (1) The Association shall once in every three years elect from among its members a chairman and a vice-chairman who shall hold office for that term.

(2) The vice-chairman shall act as chairman whenever the chairman is unable to act and when so acting shall have the powers and discharge the duties of the chairman.

(3) If the chairman and the vice-chairman are both absent from any meeting of the Board, the members present shall elect one of their number present to preside at the meeting and the person so elected shall, during the absence from that meeting of the chairman and vice-chairman, have all the powers and discharge all the duties of the chairman.

(4) If the chairman or vice-chairman vacates his office before the period of his appointment expires, a new chairman or vice-chairman, as the case may be, shall be elected at the meeting of the Association next following the vacation of office for the unexpired portion of the period for which the chairman or vice-chairman whose seat has become vacant was elected.

(5) notwithstanding the provisions of this subsection, the Cabinet Secretary may, if at any time it appears to him
that the Board has failed to carry out any of its functions under this Act in the national interest, revoke or annul the appointment, nomination or election of any member of the Board and may himself nominate a new member in the place of that member for the remainder of the period of office of that member.

10. The members of the Board shall hold office for a period of 3 years from the date of their appointment, nomination or election, as the case may be, but shall be eligible for re-appointment, re-nomination or re-election for one further term.

11. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the First Schedule.

(2) Except as provided in the First Schedule, the Board may regulate its own procedure.

12. The Board may, by resolution either generally or in any particular case, delegate to any committee or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act or under any other written law.

13. (1) The Board shall, with the approval of the Cabinet Secretary, appoint a Registrar who shall be a registered Manager and who shall perform such duties as may be prescribed by this Act or directed by the Board.

(2) The Board may, with the approval of the Cabinet Secretary, appoint such other officers as the work of the Board may require, and those officers shall perform such duties as the Board may direct.

(3) The Registrar shall keep up to date or cause to be kept up to date all registers, rolls and records required to be kept under or for the purposes of this Act, subject to any directions which may from time to time be issued to him by the Board.

(4) A fee, to be known as a retention fee, may be prescribed for payment annually or at such longer intervals as the Board may deem appropriate, by any person whose name appears on a register or roll as a condition of maintaining his name thereon.
(5) The Registrar and other officers appointed under this section shall be paid such remuneration and allowances as the Board, with the approval of the Cabinet Secretary, may from time to time determine.

(6) The Registrar shall perform such duties as prescribed by this Act

14. The Registrar shall be a person who—

(a) has successfully attended a course of instruction for Managers prescribed by the Board, at any approved training institution in Kenya; or

(b) has attended a course of instruction for Managers recognised by the Board as equivalent to the course prescribed, at any training institution outside Kenya approved by the Board; or

(c) holds such other qualifications as the Board may prescribe, and

(d) has completed such approved period of probation as may be prescribed by the Board.

PART III—TRAINING AND REGISTRATION OF HEALTH RECORDS AND INFORMATION MANAGERS

15. (1) A person may apply to the Registrar for registration under this section.

(2) Every application under sub-section (1) shall be in the prescribed form and shall be accompanied by such fee as may be prescribed by the Board.

(3) The Registrar shall consider every application made under this section and shall register the applicant if satisfied that the applicant is—

(a) duly qualified in terms of this section;

(b) a Kenyan citizen and

(c) is a fit and proper person to be so registered.

(3) The Registrar shall register every qualified person by entering his name, address, professional qualifications and such other particulars as the Board may prescribe, in the register kept for that purpose pursuant to section 16.

(4) The Registrar shall, on payment of the prescribed fee, issue a certificate of registration to every person registered under the Act.
16. (1) The Registrar shall maintain a register of Managers with respective categories reflecting their areas of specialty.

(2) The Registrar shall, not later than the last day of March in every year, cause to be published in the Gazette, the names and addresses of all Managers Registered in the previous year.

17. The Registrar shall remove from the register—

(a) the names of all deceased persons;

(b) the names of all persons struck off from the register any entries fraudulently or erroneously made.

18. (1) No person shall, being in charge of a training institution in Kenya may—

(a) admit persons for training with a view to qualifying for registration under the Act; or

(b) conduct a course of training or administer the examinations prescribed for the purposes of registration under the Act; or

(c) issue any document or statement implying that the holder thereof has undergone a course of training or passed the examinations prescribed by the Board for purposes of registration:

unless such institution is approved and accredited by the Board for that purpose in accordance with the Act has paid the prescribed fee.

(2) The Board shall make regulations to prescribe the procedure for approving and accrediting training institutions for the purposes of this section.

19. (1) No person shall practice as a Manager unless that person is registered under this Act.

(2) A person who contravenes the provisions of subsection (1) above; commits a criminal offence and shall be liable on conviction to imprisonment for a term not exceeding five years or a fine not exceeding five million shillings, or to both.

(3) No person shall, while in charge of a health institution or any Health Records and Information
Department in Kenya employ any person who is not registered under the Act as a Manager.

(4) A person who contravenes the provisions of subsection (3) above; commits a criminal offence and shall be liable on conviction to a fine not exceeding four million shillings or imprisonment for a term not exceeding five years, or to both.

(5) A person who wilfully makes a false or misleading statement or utters a false certificate in an application for registration under section 16, commits an offence and shall be liable to conviction to a fine not exceeding four million shillings, or to imprisonment for a term not exceeding five years, or to both.

20. (1) The Registrar shall, under the direction of the Board, compile and maintain custody of—

(a) a register of Technicians;

(b) a register of Officers; and

(c) such other registers as may from time to time be prescribed by the Board with the approval of the Cabinet Secretary.

(2) Subject to the payment of a retention fee, there shall be entered and maintained in the appropriate register the name and address of every person entitled to be registered under this Act together with his professional qualifications and such other particulars as may be prescribed by the Board.

21. Except as otherwise provided in this Act or in any regulations made thereunder, a person shall be entitled to registration on the appropriate register upon satisfying the Board that the person—

(a) is of good character;

(b) has paid the prescribed registration fee; and

(c) has undergone a prescribed course of instruction and passed the examination conducted or prescribed by the Board or has undergone a course of training and passed an examination which the Board recognizes as equivalent to the training and instruction prescribed under this Act.
PART IV—PROVISIONS RELATING TO PRIVATE PRACTICE AND GENERAL LICENCING

22. (1) A person shall not engage in private practice unless such person—

(a) is a citizen of Kenya;
(b) is registered as a Manager under this Act;
(c) has served in his category for a period of not less than three years;
(d) holds an annual licence for that year;
(e) is a holder of such other qualification as may be prescribed by the Board.

(2) Notwithstanding the provisions of subsection (1), a person who is not a citizen of Kenya may be licensed to practice as a Manager if he satisfies the Board that such person—

(a) is of good character;
(b) has paid the prescribed fee;
(c) has undergone a course of training and passed an examination equivalent to the training and examination prescribed under the Act.

(3) A licence issued under subsection (2)—

(a) shall be for such period and for such purpose as the Board may prescribe;
(b) may, on its expiry, be renewed for such period, not exceeding one year, as the Board may prescribe.

(4) Where a licence issued under subsection (2) is renewed, details of the renewal shall be entered in the appropriate register.

(5) Where a licence issued under subsection (2) expires and is not renewed within thirty days of expiry, the name of the holder of the licence shall be removed from the register and the Board may decline further requests for renewal of such a licence or impose a prescribed levy on such further requests.

(6) For the purposes of this Act a Manager shall be deemed to engage in private practice if—
(a) he or she practises on his own account and is entitled to receive, for his or her own financial benefit, the entire amount of all fees and charges;

(b) he or she practises in partnership with others and is entitled to receive, for his own financial benefit, a share of the fees and charges;

(c) a person shall not be deemed to engage in private practice as a Manager if such person is employed by—

(i) the Government or any other public body;

(ii) any person or employer where all fees and charges accrue to the person or employer despite the fact of him being employed in his professional capacity as a Manager.

(7) An application for a practising certificate or its renewal shall be made to the Board in the prescribed form and shall be accompanied by such fee as the Board may from time to time determine.

(8) The Board shall issue to such person a practising certificate for that year if it is satisfied that the person fulfils the requirements set out in subsection (1) and has paid the fee referred to in subsection (7) of this section.

(9) A practising certificate shall be valid from the date on which it is issued and shall expire on the thirtieth day of December of every year unless its holder ceases to be a registered person under this Act.

(10) Where a practising certificate ceases to be in force in accordance with subsection (7), the person to whom the certificate was issued shall deliver it to the Board within thirty days from the date on which he ceases to be registered.

(11) Any person who contravenes subsection (1) or (2), in addition to being culpable of professional misconduct, commits an offence and is liable to a fine not exceeding Three million shillings or to imprisonment for a term not exceeding one year, or to both.

PART V—OFFENCES

23. (1) Any person who, not being eligible to be registered, enrolled or licensed under this Act, uses any title appropriate to a person so registered, enrolled or licensed,
or holds himself out directly or indirectly as being so registered, enrolled or licensed, or wears any uniform, badge or other distinguishing device prescribed for the use of persons so registered, enrolled or licensed, or any imitation thereof, shall be guilty of an offence and shall be liable to a fine not exceeding three million shillings or imprisonment for a term not exceeding two years or to both.

(2) Any person who, not being eligible to be registered, enrolled or licensed under this Act, practises for gain as a Health Records and Information Manager, except in an area which the Cabinet Secretary has, by notice in the Gazette, determined to be suitable for such practice by persons who are not so registered, enrolled or licensed, or, except in such circumstances as may be specifically laid down in regulations made under this Act, shall be guilty of an offence and shall be liable to a fine not exceeding three million shillings or imprisonment for a term not exceeding two years or to both.

24. (1) Any person who, though eligible to be registered, enrolled or licensed under this Act, is not so registered, enrolled or licensed and who practices as a Health Records and Information Manager, shall be guilty of an offence and liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding six months.

(2) Any person who, being registered, enrolled or licensed under this Act—

(a) holds himself out, directly or indirectly, as being—

(i) registered in any register or enrolled in any roll under this Act in which his name is not registered or enrolled;

(ii) licensed under this Act to do anything which he is not licensed to do; or

(b) uses any name, title or description other than that which he is entitled to use under this Act, commits an offence and on conviction shall be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

25. (1) Any person, being in charge of any health or other institution which is not approved by the Board as an Offences by persons eligible to be registered enrolled or licensed.
institution for the training of persons seeking registration or enrolment under this Act, who—

(a) admits to the institution under his charge any person for the purpose of training in any of the categories of Health Records and Information Managers in respect of which provision is made for registration or enrolment under this Act;

(b) purports to be conducting courses of training or examinations under this Act or regulations made thereunder;

(c) issues any document, statement, badge, seal or uniform implying that the institution under his charge is approved by the Board as an institution for training of persons seeking registration or enrolment under this Act;

(d) issues any document, statement, certificate, badge or seal implying that the holder thereof has undergone a course of instruction or passed an examination prescribed by the Board, commits an offence and on conviction shall be liable to a fine not exceeding three million shillings or imprisonment for a term not exceeding two years or to both.

(2) Any person who purports to conduct examinations on behalf of the Board while not being authorized by the Board so to do commits an offence and on conviction shall be liable to a fine not exceeding three million shillings or imprisonment for a term not exceeding two years.

PART VI—DISCIPLINARY PROVISIONS

26. (1) There is established a Disciplinary Committee of the Board, which shall consist of—

(a) the chairman of the Board, or a nominee thereof who shall be the chairman of the Committee;

(b) one representative of the Cabinet Secretary who shall not be a member of the Board;

(c) two representatives of the Attorney-General, one of whom shall be elected the secretary of the Committee;
(d) the registrar who shall be an ex-officio member of the Committee; and

(e) two Managers, one each from public and private practice, of distinguished professional standing nominated by the Board, who shall not be member of the Board.

(2) The Board may refer a matter to the Committee if the it has reason to believe that any person registered as a Manager, either before or after he became registered—

(a) has been convicted by a court of law of an offence punishable by imprisonment for more than six months, the commission of which in the opinion of the Board has dishonoured him or her in the public estimation; or

(b) has been convicted of or has acted in a manner amounting to; Professional negligence or professional misconduct in respect of the profession, including any breach of provisions of the Act or regulations made pursuant to the Act.

(3) The quorum of the Committee shall be five members.

27. The Committee shall hear and determine matters referred to it by the Board or any other aggrieved person.

28. (1) a Manager whose conduct has been referred to the Committee shall be afforded a fair hearing and may appear either in person or be represented by an advocate of the High Court of Kenya.

(2) The Committee may administer oaths or affirmation and may, subject to any regulations, summon and enforce the attendance of persons as witnesses and the production of books and documents or other relevant evidence, on request by either party.

(3) Subject to any regulations made under the Act, the Committee shall regulate its own procedure.

29. (1) Where the Committee determines, unanimously or by a majority of its members, that a Manager whose conduct has been referred to it is guilty of any of the matters referred to under section 26, the Committee may—
(a) issue the Manager with a letter of admonishment; suspend the registration certificate of the Manager for a specified period not exceeding twelve months;

(b) suspend the practising certificate of the Manager for a period not exceeding three months;

(c) withdraw or cancel the practising certificate of the Manager;

(d) impose a fine as prescribed in the Act or regulations or as it deems appropriate in the circumstances; or

(e) remove the name of the Manager from the register.

(2) The Committee may order that a Manager reimburse the costs and witness expenses incurred in connection with the disciplinary hearing and such costs shall be civil debt recoverable summarily by the Board.

(3) Where the Committee recommends to the Board that a Manager is unfit to practice as a result of ill-health, the Board may, if satisfied with the Committee’s recommendations, withdraw the Manager’s certificate of registration or practising certificate until such a time as the Board is satisfied that the Manager is able to resume his or her duties.

(4) A Manager who has been suspended from practice or whose licence has been withdrawn or cancelled shall from the date of such suspension withdrawal or cancellation, surrender his or her registration and practising certificates and annual licence to the Registrar.

(5) A person being a Manager who refuses or fails to surrender his or her registration and practising certificates and annual licence to the Registrar on request commits an offence and on conviction shall be liable to a fine not exceeding two hundred thousand shillings.

(6) A Manager who is aggrieved by the decision of the Committee or the Board in the exercise of its powers under this Part, may within twenty-one days from the date of the decision of the appeal to the High Court.

30. (1) A Manager who has been suspended from practicing may appeal to the Board citing valid reasons for the lifting of the suspension at any time before its expiry.
(2) Where the Board is satisfied that the suspension of a Manager should be lifted, the Board shall lift the suspension and restore the registration and practising certificates and annual licence of a Manager subject to the payment of the prescribed fee.

31. A Manager whose name has been removed from the register may appeal to the Board for restoration of his name in the register after the expiry of a period of three years from the date of such removal.

(2) The Board may, after considering the appeal made under subsection (1) cause the name of the person appealing to be restored in the register upon payment of the prescribed fee.

32. (1) Where the name of a person has been removed from the register, the name of that person shall not, subject to the provisions of this Act, be restored to the register.

(2) Where an order has been under section 29, the Board may either on its own motion or on the application of the person concerned, and in either case after holding such inquiry as the Board thinks fit, without fee or on the payment of a fee not exceeding the registration or licence fee—

(a) cause the name of that person to be restored to the register;
(b) terminate the suspension of the registration;
(c) grant a new licence; or
(d) terminate the suspension of the existing licence.

(4) Subsection (1) shall not apply where a person’s name has been removed from the register at his or her request or with his or her consent and the name of that person shall on his application and on the payment of the prescribed fee be restored to the register.

33. (1) A Manager commits an act of professional misconduct if such Manager—

(a) allows any person to practise in his or her name as a registered Manager, unless such person is the holder of a practising certificate and is in partnership with or employed by the Manager;
(b) enters into partnership with a person who does not hold a practicing certificate, or secures any professional business through the services of such a person or by means not open to a Manager;

(c) pays or allows or agrees to pay, directly or indirectly, to any person, other than a person who holds a practising certificate, is a retired partner or the legal representative of such a partner, any share, commission or brokerage out of the fees for, or profits of his or her professional services;

(d) solicits clients or professional work or advertises professional attainments or services by use of means not prescribed by the Board;

(e) discloses information acquired in the course of professional engagement to any person other than a client, without the consent of the client, or otherwise than required by law;

(f) fails to observe and apply professional standards prescribed by the Board;

(g) is grossly negligent in the conduct of his or her professional duties;

(h) expresses an opinion on any matter with which he is concerned in a professional capacity without obtaining sufficient information on which to base the opinion;

(i) is convicted of a crime under the Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003);

(j) fails to declare a conflict of interest in relation to any particular matter or acts in a matter notwithstanding the presence of an undisclosed conflict of interest; or

(k) fails to do any other act which prescribed by the Board.

PART VII—FINANCIAL PROVISIONS

34. The funds of the Board shall comprise of—

(a) such monies as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act; and
(b) all monies from any other source provided for or donated or lent to the Board.

35. The financial year of the Board shall be the period of twelve months ending on the thirtieth of June in every year.

PART VIII—PROVISIONS ON DELEGATED POWERS

36. (1) The Board, in consultation with the Cabinet Secretary, may make rules generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the rules made under this section may provide for—

(a) the attendance of witnesses and the production of books and documents at an inquiry held by the Board;

(b) forms to be used in connection with this Act or fees to be charged under this Act.

(c) the conditions of admission to the registers and rolls and of the issue of licences;

(d) the manner in which the various categories of persons for whom provision is made in this Act for registration or enrolment may be established and their training regulated;

(e) the conditions under which training schools for persons desirous of obtaining registration or enrolment under this Act may be approved and the courses of training and instruction to be undergone by persons seeking such registration or enrolment;

(f) the subject matter of training courses and examinations to be conducted by the Board;

(g) the conditions of admission for entry to training courses and examinations to be conducted by the Board;

(h) the standards and conditions of professional practice of persons registered, enrolled or licensed under this Act;

(i) the fees payable in respect of examinations, registration, enrolment, issue of licences, issue of
certificates and badges and in respect of any other matters under this Act;

(j) the procedure for election of those members of the Board who are required to be elected;

(k) the powers and duties of local supervising authorities, different powers and duties for which may be prescribed for different local supervising authorities;

(l) provide for the disposal of fees collected, the authorization of such disbursements as may be necessary and the management of any funds within the control of the Board;

(m) the keeping and opening of new registers, rolls and records and the closing of existing registers, rolls and records or parts thereof.

(3) For the purposes of Article 94 (6) of the Constitution—

(a) the purpose and objective of delegation under this section is to enable the Board and Cabinet Secretary to make rules to provide for the better carrying into effect of the provisions of this Act and to enable the Board to discharge its functions more effectively;

(b) the authority of the Board and the Cabinet Secretary to make rules under this Act will be limited to bringing into effect the provisions of this Act and to fulfil the objectives specified under this section;

(c) the principles and standards applicable to the rules made under this section are those set out in the Interpretation and General Provisions Act (Cap 2) and the Statutory Instruments Act, 2013.

PART IX—MISCELLANEOUS PROVISIONS

37. (1) A certificate under the seal of the Board stating that a person is or was at any date registered, enrolled or licensed under this Act shall be conclusive evidence of the fact stated in the certificate.

(2) All certificates under the seal of the Board shall remain the property of the Board.
(3) A person whose name is removed from the register under section 29 (1) (e), or in the case of a deceased person, his legal representative, shall, within thirty days of the publication of such removal, surrender the certificate of registration of that person to the Registrar.

(4) A person who destroys or defaces a certificate or registration or fails to surrender certificate of registration under sub-section (3); commits a criminal offence and is liable on conviction to imprisonment for a term not exceeding three months.

(5) A person who without reasonable excuse, is in possession of a certificate of registration not issued to him, or fails to surrender such certificate under sub rule (3) commits an offence and is liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

38. Any person convicted of an offence under the Act for which no penalty is provided shall be liable to a fine not exceeding five hundred thousand shillings.

39. Any person who wilfully makes or causes to be made any false entry in, or falsification of, any register, roll or record kept under this Act, or who procures or attempts to procure himself or any other person to be registered, enrolled or licensed under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, shall be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

FIRST SCHEDULE (s. 11)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. (1) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.
(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be seven and no meeting shall be held or continued, notwithstanding that there is a quorum, unless the Registrar or a person deputed by him is present.

(5) The chairperson shall preside at every meeting of the Board at which he is present but, in the absence of the chairperson, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote in addition to a deliberative vote.

(7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.
(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

3. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

4. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.
MEMORANDUM OF OBJECTS AND REASONS

The objective of this Bill is to provide for the training, registration and licensing of health records and information managers. The Bill further seeks to regulate the practice of health records and information managers and provide for the establishment, powers and functions of the Health records and Information Managers Board.

The establishment and operationalization of the Board shall increase the levels of professionalism of health records and information managers and promote higher standards of accountability for their actions.

PART I—contains the preliminary provisions.

PART II—contains provisions on the establishment of the Health Records and Information Managers Board. Clause 3, 5 and 6 establish the Board and provide for its powers and functions respectively.

PART III—contains provisions on the training and registration of health records and information managers

PART IV—contains provisions relating to the private practice of health records and information managers and their licensing.

PART V—contains offences and penalties related to the registration, enrollment, licensing and training of health records and information managers.

PART VI—contains provisions for the discipline of health records and information managers. Clause 26 establishes a Disciplinary Committee to which references of professional misconduct may be submitted.

PART VII—contains financial provisions.

PART VIII—contains provisions on the exercise of delegated powers by the Board in consultation with the Cabinet Secretary.

PART IX—contains miscellaneous provisions.

The First Schedule sets out regulations for the conduct of the business and affairs of the Board.

The Bill does not contain any provisions limiting any fundamental rights or freedoms.

The Bill is a Bill concerning County governments.

The enactment of this Bill will not occasion additional expenditure of public funds.

Dated the 6th May, 2015.

NETO AGOSTINHO,
Member of Parliament.