

MINISTRY OF HEALTH

PUBLIC NOTICE: CALL FOR COMMENTS AND INVITATION FOR PUBLIC PARTICIPATION ON THE DRAFT REGULATIONS FOR THE SOCIAL HEALTH INSURANCE ACT, 2023 AND THE DRAFT REGULATORY IMPACT STATEMENT

The Social Health Insurance Act No. 16 of 2023 was enacted on the 19th October, 2023. The Act confers upon the Cabinet Secretary for Health, in consultation with the Board of the Social Health Authority to make Regulations under sections 24, 30, 44(6), 46(2), 47 (5) and 50 (1) relating to various matters required to be prescribed under the Act, in particular, Implementation of the Primary Healthcare Fund, Implementation of the Emergency, Chronic and Critical Illness Fund, procedures for Operationalization of the Dispute Resolution Tribunal, Registration of Members to the Social Health Insurance Fund, Identification of Beneficiaries, Claims and Benefits, Contributions and Empanelment and Contracting. To this end and pursuant to sections 24, 30, 44(6), 46(2), 47 (5) and 50 (1) of the Social Health Insurance Act;

IT IS NOTIFIED for information of the general public that the Cabinet Secretary for Health, in consultation with the Board of the Social Health Authority, has developed the following two (2) sets of draft regulations to the Social Health Insurance Act:

1. The Social Health Insurance (General) Regulations, 2023

The Object of these Regulations are to;

- a) provide for the implementation of the Primary Healthcare Fund;
- b) provide for the implementation of the Social Health Insurance Fund; and
- c) provide for the implementation of the Emergency, Chronic and Critical Illness Fund.

2. The Social Health Insurance (Dispute Resolution Tribunal) Regulations, 2023

The object of these Regulations shall be to set out the procedure to facilitate just, expeditious and impartial determination of complaints, disputes and appeals arising out of decisions made under the Social Health Insurance Act, 2023.

In light of the foregoing, the two (2) sets of the Regulations are key towards facilitating the effective implementation of the provisions of the Social Health Insurance Act No. 16 of 2023.

FURTHER in compliance with Section 6 of the Statutory Instruments Act No. 23 of 2013 which require the regulation making authority to, prepare a regulatory impact statement about the proposed Regulations, the Cabinet Secretary for Health has, through a Technical Working Group comprised of officers from the Ministry of Health, the Council of Governors, the Kenya Law Reform Commission, the National Assembly and NHIF, prepared a Regulatory Impact Statement for the proposed Regulations.

FURTHER AWARE THAT Article 10 of the Constitution as read with section 5 of the Statutory Instruments Act No. 23 of 2013 require a regulation-making authority to undertake public participation and make appropriate consultations with persons who are likely to be affected by proposed regulations. The provisions of section 5 further provide that the consultations envisaged under the Statutory Instruments Act No. 23 of 2013 shall involve notification, by advertisement, of bodies that, or of organizations representative of persons who, are likely to be affected by the proposed instrument or invite submissions or participation in public hearings to be held concerning the proposed instruments.

NOW THEREFORE, pursuant to Article 10 of the Constitution and section 5 and 6 of the Statutory Instruments Act No. 23 of 2013, the Cabinet Secretary, in consultation with the Board of the Social Health Authority, invites interested members of the public, stakeholders and organizations to submit any comments, views or make representations regarding the two (2) draft regulations and the draft Regulatory Impact Statement.

The comments, views, representation and any written memoranda may be forwarded to the Office of the Cabinet Secretary, Nairobi; hand-delivered to the Office of the Cabinet Secretary on **Afya House 7th Floor, Nairobi**; or emailed to regulations@health.go.ke ; to be received on or before, 12th December, 2023, at 5:00 pm. The two (2) sets of draft regulations and the draft Regulatory Impact Statement are available at the following links: - <https://www.health.go.ke>

Additionally, there shall be physical and virtual meetings for public consultations at venues to be communicated on by the Social Health Authority through official emails, the Ministry Website, the NHIF Website, phone calls and letters.

All interested persons should submit written comments on the draft Regulations and draft Regulatory Impact Statement in the prescribed format as follows;

TEMPLATE TO SUBMIT COMMENTS

NAME OF ORGANIZATION/INDIVIDUAL PERSON				
S/No.	Regulation/Clause	Issue of Concern	Justification	Recommendations
1.				
2.				

**NAKHUMICHA S. WAFULA
CABINET SECRETARY/MINISTRY OF HEALTH**