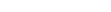
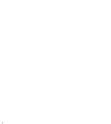
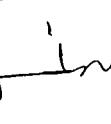
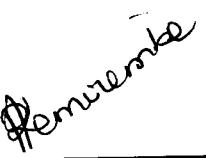
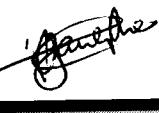
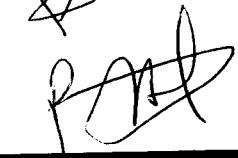


REPUBLIC OF UGANDA



REPORT OF THE SECTORAL COMMITTEE ON HEALTH ON THE UGANDA NATIONAL HEALTH LABORATORY SERVICES BILL, 2016

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1.0 Introduction

Rt. Hon. Speaker and Hon. Members,

The Uganda National Health Laboratory Services Bill, 2016, was read for the first time on 19th January 2017, and it was subsequently referred to the Committee on Health for scrutiny, and consideration in accordance with Article 90 (1) of the Constitution of the Republic of Uganda and Rule 118 of the Rules of Procedure of Parliament. The Committee now reports.

2.0 Background to the Bill

Government through Ministry of Health noted the nonexistence of a clear legal framework to provide for the central coordination, collaboration and supervision of health laboratories in the country and hence the necessity for the Uganda National Health Laboratory Services bill. Laboratory services play a pivotal role in disease diagnosis, monitoring treatment, control and research. It has been globally acknowledged that organized, well-coordinated national health laboratory systems are pre-requisite for acceptable overall health outcomes. This desire has been expressed in various international and regional resolutions and declarations of which Uganda is a signatory such as the World Health Organization (WHO) General Assembly Resolutions, the Yaoundé Declaration, the Maputo Declaration and The Kigali Accord.

Due to the developments in technology and the emergence of new diseases and re-emergence of diseases that had been thought of as eradicated, laboratory services are experiencing increasing complexities which demand specialization in emerging areas of technology such as molecular biology, immunology, immuno-chemistry, DNA technology among others.

This calls for a robust and well trained staff development program to ensure a continuous mass of specialists such as Pathologists, Microbiologists, Toxicologists and Clinical Chemists for the National Health Laboratory Network.

The bill therefore, seeks to establish the Uganda National Health Laboratory Services as the body to coordinate and supervise all health laboratories in order to increase efficiency and effectiveness while reducing the risks associated with uncoordinated provision of services.

The Central Public Health Laboratories (CPHL), alongside the National Tuberculosis Laboratories has been coordinating health laboratories however there is need to empower them legally by codifying their mandate into a law and to change the name to Uganda National Health Laboratory Services (UNHLS) where it will be empowered to carry out the following functions;

- (i) to coordinate the activities of Health laboratories and act as the overall authority on Health laboratory services in Uganda.
- (ii) to test the equipment and reagents used in health laboratory.
- (iii) to set standards for Health laboratory service delivery in collaboration with other regulatory authorities, for both public and private Health facilities at the various levels.
- (iv) to monitor the quality of Health laboratory services using the national and international Health laboratory standards and work with regulatory authorities for the improvement of the quality of Health laboratory services
- (v) to collaborate with other relevant institutions concerned with the Health laboratory component in national disaster preparedness and outbreak response
- (vi) to collaborate with other relevant institutions in the monitoring of chemical and microbial hazards to humans.
- (vii) to carry out operational research to generate data that guides Health laboratory service delivery.

2.1 Object of the Bill

The Committee noted that, the bill seeks to establish the Uganda National Health Laboratory Services as an autonomous body, to provide for its purpose and functions; to establish a Board, its composition and functions and to provide for the employees of Uganda National Health Laboratory Services and for related matters. ~~AS~~ *Asumwe Evarlyne* *JKS* *W*

2.2 Benefits of the bill

The Committee observed that once the Bill is passed into Law, it will benefit the country significantly through;

- (i) enhanced capacity to monitor quality of Health Laboratory services in both public and private health facilities in the country;
- (ii) reduced morbidity and mortality as a result of effectiveness in diagnosis and management of diseases in humans;
- (iii) reduced donor dependence in health laboratory services delivery;
- (iv) increased foreign exchange earnings from referrals into the country as a result of a flamboyant health laboratory services delivery system.

2.3 Legal framework in support of the UNHLS Bill, 2016

(i) The Constitution of the Republic of Uganda, 1995

The Government of Uganda has a constitutional obligation to respect the freedoms granted under the National objectives mentioned hereunder in regard to providing health services to its people and to promote healthy life-styles. It provides;

(ii) Objective XIV: General social and economic objectives.

The state shall endeavor to fulfill the fundamental rights of all Ugandans to social justice and economic development and shall, in particular ensure that- All Ugandans enjoy rights and opportunities and access to ...health services....'

(iii) Objective XX: Health services

The State shall take all practical measures to ensure the provision of basic Health services to the population.

The two objectives clearly demonstrate the constitutional obligation of the state to provide basic health services which include efficient and effective health laboratory services. It's imperative to note that investing in the promotion of people's health ensures that they remain productive to contribute to national development.

(1) Uganda National Health Laboratory Services Policy, 2017

The UNHLS policy states that accurate and reliable diagnosis is the cornerstone of disease management and prevention. Laboratories provide the bulk of available diagnostic techniques and are indispensable in health care delivery. A reliable and properly organized laboratory system not only generates information critical to individual case management but also to disease surveillance and control. In addition, operational research which plays a key role in designing diagnostic and treatment schemes cannot do without laboratory data.

It further states that, maintaining a functional and effective national health laboratory structure and network is a complex undertaking that requires the guidance, support and regulation of well laid down policies. Therefore there is no other way of ensuring effective laboratory services, than through this bill.

(2) Uganda National Health Laboratory Services Strategic Plan (NHLSSP) (2010-2015)

The Health Sector Strategic Plan HSSP II (2005 - 2009) predating the HSSP (2010-2015) recognized laboratory services as integral to the delivery of Uganda National Minimum Health Care Package (UNMHCP) and attainment of the country's health goals. It prescribed the development of a National Health Laboratory Policy, establishment of effective leadership for national health laboratory services, strengthening of quality assurance, upgrading of staff and improving their competencies, and provision of adequate supplies and equipment at all levels. **The Committee recommended that the Central**

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John *W.B* *President* *Chairman* *Mr. K.* *Mr. S.*

Public Health Laboratories operate as an autonomous entity spearheading the coordination and strengthening of laboratory services nationwide.

3.0 Methodology

On 31st July, 2017, the Committee through the New Vision and the Daily Monitor newspapers invited the general public to submit memoranda or express interest to appear before the Committee. Consequently, a great number of stakeholders expressed interest and others submitted written memoranda to the Committee.

Following the expression of interest, the Committee as a result interacted and received views from the following stakeholders:

- 1) Ministry of Health (MOH)
- 2) The Central Public Health Laboratories (CPHL)
- 3) The Allied Health Professionals Council (AHPC)
- 4) The National Medical Stores (NMS)
- 5) Uganda AIDS Commission (UAC)
- 6) Department of Government Analytical Laboratory (DGAL)
- 7) Uganda National Health Research Organization (UNHRO)
- 8) The School of Public Health (Makerere University)
- 9) Ministry of Agriculture, Animal Industry and Fisheries (veterinary and Laboratory Department)(MAAIF)
- 10) Uganda Virus Research Institute (UVRI)
- 11) Faculty of Veterinary Medicine, MUK
- 12) The National Drug Authority (NDA)
- 13) M/s Namutebi Sarah, Laboratory Technologist (MBA) Murchison Bay Hospital
- 14) The Uganda Police, Directorate of Police Forensic Laboratory
- 15) The Ministry of Science and Technology
- 16) Uganda National Health Consumers' Organization (UNHCO)

Assumwe Evans

Mr. S. M. M.

A. J. J. A.

Mr. Brembo

Mr. Murembe

Ms. B. O. S.

Mr. Heller

Mr. Bwanga
Mr. O. O.

17) National Council of Traditional Healers and Herbalists Associations
18) The Council of Pharmaceutical Society of Uganda
19) Mr. Kasango Dembe Simon, Laboratory Technologist
20) The Uganda Human Rights Commission (UHRC)
21) The Uganda Health Laboratory Technology Association (UMLTA) (A
Consortium of District Lab Officers)

3.2 In addition to the above, the Committee had the opportunity to bench mark in India and Namibia. The purpose of the benchmark was to understand and learn on the best practices in following areas; the legal framework on laboratory services; issues of governance/management of the institutions coordinating and managing laboratories in both countries; collaboration efforts with other sister organizations among other operational aspects.

The Committee had informative interactions in both Countries and the information received greatly guided the Committee in drafting the amendments to the Bill.

4.0 OBSERVATIONS

During the process of scrutinizing the bill, the Committee observed that there were strong views in support of the bill; however there was also expression of discontentment with certain provisions of the bill by some stakeholders that required harmonization and amendment. The following are the observations that the Committee made;

1) The title of the bill

The Committee upon interacting with a number of stakeholders was reliably informed that the title of the bill envisages the principle of 'one health' and yet it is not reflected in the substantive provisions of the bill. The 'One Health' concept recognizes that the health of people is connected to the health of animals and the environment. The goal of One Health is to encourage the collaborative efforts of multiple disciplines-working locally, nationally, and

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globally-to achieve the best health for people, animals, and the environment. The One Health approach is important because most of the infectious diseases in humans are spread from animals and the surrounding environment to humans.

However, capturing the 'One Health' concept requires;

(a) the bill to include all Ministries, Departments and Agencies (MDAs) that have or handle laboratory services in Uganda such as Ministry of Agriculture, Animal Industry and Fisheries handling the animal and plant laboratories, Uganda National Health Research Organization handling research, Faculty of Veterinary Medicine, Department of Government Analytical Laboratories under Ministry of Defense and Internal Affairs handling the forensics among other MDAs. Encompassing all the above MDAs may not be practical under the prevailing structures in Uganda where most of the mentioned Departments and Agencies are supervised by different Ministries and therefore will require large amounts of resources and time to carry out proper consultations to produce a comprehensive bill.

(b) The Stakeholders further opposed the title of the bill by arguing that the word **laboratory** connotes plant, animal, forensic and human laboratories, this implies that UNHLS will usurp the powers and mandate of other agencies handling other types of laboratories established by other acts of Parliament, such as Ministry of Agriculture, Animal Industry and Fisheries, Uganda National Health Research Organization, DGAL etc. which would result into duplicity of mandates.

(c) The stakeholders therefore proposed to the Committee two ways of solving the challenge;

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Ag. Minister *Minister* *Minister*
(i) amend the title of the bill in order to narrow the scope of the mandate of UNHLS to deal with only human health laboratories - by substituting for the word '**health**' with '**medical**', or

(ii) The Minister to withdraw the bill and carry out wide consultations including all MDAs concerned with the 'one health' concept in order to make it a multi-disciplinary bill encompassing humans, plants and animals.

The Committee after various consultations adopted the definition of the word health laboratory from the International Standards Organization (ISO) 15189:2003 which defines a health laboratory as

'a laboratory for biological, micro biological, immunological, chemical, immune-hematological, biophysical, cytological, pathological or for examination of other materials derived from the human body for the purpose of diagnosis, prevention and treatment for disease in, or assessment of health of human beings, and investigations including the interpretation of results and advice on further appropriate action'.

The Committee noted that in the Uganda National Health Laboratory Services Policy of 2009, the term 'Health Laboratory' was preferred to 'Medical Laboratory' in order to be consistent with other Health sector policies.

Recommendation

John Mwesigwa *Samuel Ssenyonjo* *Abdulai Mwesigwa*

- 1. The Committee recommends that the title of the bill remains as is; 'The National Health Laboratory Services Bill' in order to be consistent with other Health Sector laws and policies.**
- 2. to allay the fears of the some stakeholders who expressed fear of losing their mandates to UNHLS, an 'exclusion clause' is inserted in the bill to exclude laboratories that are managed and monitored by**

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other MDAs such as Research laboratories for Universities, forensics, plant and Veterinary, among others so as to clearly indicate that the UNHLS Bill is for human health laboratories.

3. *in order to cater for the ‘one health’ concept in the current bill, a clause is inserted in the bill to provide for collaboration with other regulatory and relevant institutions.*
4. *in future, Government considers the possibility of reviewing the entire laboratory services sector so as to establish an authority that will take care of all of laboratory services in the Country.*

2) Existence of other regulatory Agencies created by Acts of Parliament in the laboratory sector that may require collaboration with Uganda National Health Services.

The Committee learnt that there are a number of Acts of Parliament that established regulatory bodies to supervise and monitor different types of laboratories. Such a law is the Allied Health Professionals Act of 1996 which empowers the Allied Health Professionals Council (AHPC) to register all laboratory professionals before they can practice in the country and renew the registration on an annual basis. As such, the council approves laboratory training courses within the country to ensure that their graduates qualify for registration.

The AHPC is also mandated to register all private laboratories as a prerequisite for setup and to renew their practicing licenses on an annual basis. The council also regulates all laboratory practice and is responsible for any disciplinary action against laboratory professionals who don't abide by the required regulations. The Committee also took cognizance of S. 29 (c) of the Allied Health Professionals Act that recognizes the working relation between AHPC and the Health and Dental practitioners Council established under the

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Health and Dental Practitioners Act, 1998 to approve laboratory services provided by laboratory technologists.

The National Drug Authority (NDA) is established under the National Drug Authority Act to regulate laboratory supplies and equipment imported into the country or manufactured within and in so doing, it contributes to the laboratory service delivery system.

Recommendation

The committee recommends that the Uganda National Health Laboratory services bill to be enacted into law in order to act as the coordination body of health laboratories in Uganda.

3) THE POSITIVE ASPECTS OF THE BILL

The bill will greatly enhance the realization of the fundamental right of all Ugandans to the highest attainable standard of health by ensuring access to timely, accessible, quality and affordable health care. This is reflected in the purpose of the Act that defines the mandate of the Uganda National Health Laboratory Services (UNHLS) as effective support of implementation of Health service delivery. Accordingly, the proposed law is timely as there is need for better management of quality public and private Health laboratory services.

The bill is in line with the Uganda National Health Laboratory Services Policy, 2009, and 2017 that in essence recognizes that, health services are essential for delivery of quality services to all Ugandans and that it is therefore crucial in addressing inappropriate treatment; chronic ill health; high out of pocket expenditure on health; and loss of income, economic productivity and life.

The Bill is also in line with the National Health Laboratory Strategic Plan (2010/15 -2019/20) that seeks to strengthen coordination, implementation and management of services and ensuring that the services are transparent and responsive to the needs of the country. With the establishment of the

UNHLS, the health laboratory industry which is currently operating unregulated and subject to abuse will be standardized.

Establishment of the UNHLS will provide a clearly defined quality assurance system and set the standard in respect to the national and regional referral specialized health laboratories; laboratories run at private and Non-For-Profit (NFP) hospitals and health care centers.

Enactment of the law will help to merge and elevate the Central Public Health Laboratory and the National Tuberculosis Laboratories, currently operating as units under the Ministry of Health to an autonomous body with a mandate to coordinate and provide leadership for health laboratory services (delivery) to ensure efficiency and effectiveness.

4) GENERAL PROVISIONS IN THE BILL THAT REQUIRE SCRUTINY

The principles of legality require that all laws should be clear, ascertainable and non-retrospective so to demonstrate and reflect effective rule of law.

(i) Clause 5(b) --Forensic Services

Under Section 5(b) the bill seeks to establish modern and high technology reference laboratory services with international standards that will address the challenges of testing specimens for complex diagnostic and forensic purposes. Aware that the Government Analytical Laboratory under Ministry of Internal Affairs and Uganda Police Force are the Primary stakeholders in the forensic service delivery, reference to word 'forensic' would suggest that the laboratory services referred to within the bill include those that are required for resolving crimes (forensic refers to *the application of science to decide questions arising from crime or litigation*).

Recommendation

Forensic services should be excluded from the mandate of UNHLS to avoid duplication of mandates.

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Clause 7(a) highlights one of the key functions of UNHLS as to coordinate the activities of other laboratories that are vested in UNHLS. It is not clear which laboratories are vested in UNHLS.

Recommendation

As already mentioned, an exclusion clause shall be inserted to clarify on the laboratories under the coordination of UNHLS.

(ii) Clause 7(d) makes reference to 'regulatory authorities' without referring to which regulatory authority. This provision is ambiguous.

Recommendation

The regulatory authorities referred to in Clause 7(d) should be spelt out within the clause.

(iii) clause 5(b) provides for establishment of modern and high technology reference laboratory services for forensic purposes as an object of the bill. The Committee observed that this provision is ambiguous in that it seeks to regulate *forensic services* and yet it is the mandate of the Department of Government Analytical Laboratories under Ministry of Internal Affairs and Uganda Police Force Directorate of Health Services (established under the Identification of Offenders Act, 1960) to handle forensic service delivery to which the Uganda Police force is a primary stakeholder.

Recommendation

The scope of the bill should be limited to Health laboratories in order to avoid duplicity of functions.

5) ALIGNMENT TO THE NDP & SDGS

Sustainable Development Goals, (SDGs) & the National Development Plan

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Furthermore, the Committee observed that the bill, in proportion to *Goal number 3* of the Sustainable Development Goals, (SDGs) the objectives of the National Development Plan 2 (NDP2) as well as Uganda's Vision 2040, is aimed at achieving increased access to quality health services as already indicated above. The above outcome from the objective shall be a healthy and productive population that effectively contributes to socio-economic growth.

6) Affirmative Action

Noting that Article 33(5) of the Constitution of Uganda provides for affirmative action for the purpose of redressing imbalances especially in terms of gender, Clause 9(7) refers to the requirement of the Board to have membership entailing male and female without specifically mentioning the numerical figure/composition. For instance, Clause 10(3) of the Local Government Act provides for 1/3 of each Local Council to be filled by Women. A similar format of the provision should be used in the bill.

Recommendation

The Composition of the Board under Clause 9(7) should clearly state the numerical figure for women as 1/3.

7) Challenges and Conclusion

In conclusion, the Committee noted that the healyh laboratory sub-sector is facing the following challenges;

- a) Absence of a law that provides for coordination of all laboratories in the Country.
- b) Lack of autonomy, poor coordination, inferior quality services among other issues lead to limited ability to mobilize resources.

The Committee therefore recommends expeditious consideration and approval of the bill in order to establish the National Healthy Laboratory Services as an autonomous body which is quite essential for the monitoring, coordination, setting standard and quality management of the Health laboratories.

PROPOSED AMENDMENTS TO THE UGANDA NATIONAL HEALTH LABORATORY SERVICES BILL, 2016

The Committee therefore recommends that;

The Bill entitled the Uganda National Health Laboratory services be passed into law subject to the following proposed amendments

AMENDMENTS TO THE UGANDA NATIONAL HEALTH LABORATORY SERVICES BILL, 2016

1. Clause 2. Purpose of the Act.

Amend clause 2 of the bill by;

(i) Inserting the word '*quality*' between '*of*' and '*health*' appearing on the last line and '*laboratory*' between '*health*' and '*service*'. The clause will read;

'The purpose of the act is to define the mandate of the Uganda National Health Laboratory Services, to enable it effectively support the implementation of quality health laboratory service delivery in Uganda'.

Justification

To emphasize the need for the Uganda National Health Services (UNHLS) to ensure that high standard laboratory service is delivered to the public.

2. Clause 3. Interpretation.

(i) Insert the following definitions according to alphabetical order and renumber accordingly;

(a) **'Health laboratory'** refers to a public/government, private, clinical and public health facility for the biological, micro biological, immunological, chemical, immune-hematological, biophysical, cytological, pathological or for examination of other materials derived from the human body for the purpose of diagnosis, prevention and treatment for disease in, or assessment of health of human beings, and investigations including the

interpretation of results and advice on further appropriate action

(b) '**Health laboratory service**' means a comprehensive service that includes the diagnosis, interpretation of the results, giving of results and the associated participation in patient care offered in a public/government, private, clinical and public health facility;

Justification

To provide understanding and clarification of the defined words in the context of the bill

3. Insertion of new clause after clause 3 to provide for exclusion from application of the act.

Insert a new provision to provide for exclusion from application of the act and re-number accordingly;

The new provision will provide as follows;

Exclusion from application of the act

This act doesn't apply to-

- (1) any laboratory which is not a human health laboratory;
- (2) any laboratory providing forensic services and owned by government;
- (3) any research laboratory supervised by the Ministry of Health, except if incorporated by agreement or an act of Parliament; and
- (4) any research laboratory belonging to the health science faculties of universities or any academia, except if incorporated by agreement or an act of Parliament.

Justification

To avoid duplication of mandates provided by other Ministries, Departments and Agencies and the academia 

4. Clause 5. Objects of UNHLS

The Committee is proposing to amend clause 5 by;

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(i) Under paragraph (b) substitute the word 'diagnostic' with 'diagnosis' and delete the words 'and forensic purposes'.

The paragraph will read as follows;

'to establish modern and high technology reference laboratory services with international standards that will address the challenge of testing specimens for complex diagnosis'

Justification

To avoid duplicity of mandates, it is the mandate of the Government Analytical Laboratory under Ministry of Internal Affairs to carry out forensic services in Uganda.

(ii) delete paragraph (c) and re-number accordingly.

Justification

Reduced referrals will automatically result from enhanced quality health laboratory services; it doesn't have to be included in the law.

(iii) Under paragraph (d) amend by; *deleting*

- (a) substituting for the word 'improve' with 'enhance',
- (b) inserting the words 'and effectiveness' between 'efficiency' and 'in' on the first line,
- (c) adding the phrase 'and delivery of laboratory services' before the words 'in the country'. The clause will read;

'to enhance efficiency and effectiveness in management of health/laboratories and delivery of health laboratory services in the country.'

Justification

To ensure effective management of health laboratories and quality delivery of health laboratory services.

5. Clause 6. Seal of UNHLS

The Committee proposes to amend clause 6 (2) by;

(i) Under sub clause (2) deleting the last letter 's' appearing on the word signatures and deleting the words 'the Chairperson of the Board and' to read;

The seal shall, when affixed to any document, be authenticated by the signature of the Executive Director.

Justification

Authentication of signatures is an administrative function which the Chairman of the Board shouldn't participate.

- (ii) Delete the entire sub clause 2 (3)
- (iii) Delete the entire sub clause (3)

Justification

It is a consequential amendment of sub clause 2.

6 Clause 7. Functions of UNHLS

(i) Amend paragraph (a) by;

(a) Substitute for the word 'other' appearing between 'of' and 'laboratories', the word 'health'.
(b) Delete the phrase 'that are vested in UNHLS'
(c) Substitute for the word 'investigations', the word 'services'

the clause will read as follows;

'to coordinate the activities of health laboratories and act as the overall authority on health laboratory services in Uganda'. 

Justification

To clarify the scope of the laboratories vested in UNHLS.

ii) Substitute the existing paragraph (c) with the following;
To set standards for health laboratories in the country. ✓

Justification

UNHLS as the coordinator of the health laboratory sector should be empowered to set standards for health laboratories in the country.

iii) Under paragraph (d), Insert the words 'international and' before 'national' and insert the word 'health' between 'of' and 'laboratory' to read as follows;

'To monitor the quality of health laboratory services using the national and international health laboratory standards and work with regulatory authorities for the improvement of the quality of health laboratory services'

Justification

In monitoring the quality of the services, international standards should be considered in addition to the national standards.

iv) Under paragraph (h) re-draft the sub clause to read as follows;

'to collaborate with other agencies in identifying and characterizing the origin of potential foodborne pathogens and waterborne hazards implicated in disease prevalence and outbreak'

Justification

This function requires a multi-disciplinary action i.e. collaboration with other relevant stakeholders such as MAAIF.

v) Under paragraph (i) add the phrase 'in humans' after the word 'testing' and 'health' before 'laboratory', the paragraph will read;

'to provide diagnostic testing in humans and health laboratory based surveillance for diseases of public health importance'.

Justification

To limit the scope of UNHLS to human diagnosis

vi) Under paragraph (k) add the word 'health' before 'laboratory' to read;
'to coordinate the health laboratory component in national disaster preparedness and disease outbreak response'

Justification

To clarify the scope of UNHLS's function of coordinating national disasters to health laboratories.

vii) Re-draft paragraph (l) to read;

'to collaborate with other relevant institutions in the monitoring of chemical and microbial hazards to human.'

Justification

To encourage collaboration with other relevant agencies since the functions requires a multi-discipline approach.

viii) Insert a new paragraph to provide as follows;

'to determine, evaluate and clear for entry into the Country health laboratory equipment, in vitro diagnostic devices, reagents and supplies and conduct post-market surveillance of the devices, reagents and supplies after entry.'

Justification

As a coordinator for laboratory services, it is pertinent to empower UNHLS to clear for entry into the Country laboratory equipment and reagents for ease of monitoring and to eliminate importation of fake equipment.

ix) Insert a new paragraph to provide as follows;

'to coordinate the health laboratory sector in disease and epidemic outbreak in humans and in particular, to issue the official response to the Minister for policy guidance.'

Justification

UNHLS as coordinator of the health laboratories should be responsible for disease and epidemic outbreaks in humans.

To provide for UNHLS as the issuer of the official response to outbreaks.

Clause 8. Independence of UNHLS

Amend the clause by deleting the entire clause

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Justification

The kind of services offered by UNHLS require a lot of collaboration and consultation, the existence of the clause might deter other MDAs to work harmoniously with UNHLS. Besides, the autonomy is already granted in clause 4.

7. Clause 8. Powers of the UNHLS

Insert a new sub clause to provide for Powers of UNHLS. It will read as follows ;

The Powers of the UNHLS.

In carrying out the functions specified under this Act, UNHLS may—

- (a) establish a mechanism for inter-agency cooperation and collaboration with relevant national and international institutions and bodies;*
- (b) promote partnerships;*
- (c) charge fees for services provided by the UNHLS.*
- (d) refer to a relevant regulatory authority for disciplinary action, a health laboratory service provider who contravenes a provision or provisions of this act.*

Justification

The empowerment is vital for the smooth operation of UNHLS.

8. Clause 9- The Board

(i) Under Sub clause 9 (2), amend as follows;

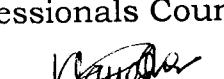
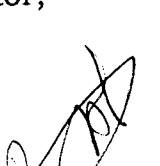
(a) delete paragraph (a).

(b) Under paragraph (b), add the phrase 'or his or her appointed representative' at the end of the sentence.

(c) Under paragraph (c) substitute for the word 'disciplined' with 'uniformed' and delete the word 'appointed on merit'

- (d) Under paragraph (d), substitute the entire clause with the phrase 'National Reference Medical Laboratories'
- (e) Under paragraph (e) substitute the existing phrase with 'a representative from the private health laboratory services sector'
- (f) Delete Paragraph (f)
- (g) Under paragraph (h) substitute for existing with 'a retired Laboratory Professional'
- (h) Substitute for the provision with 'a representative from Health Civil Society Organizations.'

The membership of the Board shall therefore consist of;

- (a) the Director General of Health Services, Ministry of Health or his or her appointed representative;
- (b) a representative from the uniformed forces with expertise in bio-safety and bio-security;
- (c) a representative from the National Reference Medical Laboratories;
- (d) a representative from the private health laboratory services sector;
- (e) a representative from the Allied Health Professionals Council;
- (f) a senior retired Laboratory Professional; 
- (g) a representative from Health Civil Society Organizations. 

Justification

- The Executive Director is not a member of the board, he or she is an ex official.
- It is not necessary for representatives from Ministry of Educationa and Ministry of Finance to be part of the Board

(iii) Amend sub clause (4) by substituting it with the following

'The Executive Director shall be an officio member of the Board with no voting rights and Secretary to the Board'.

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Justification

To clarify on the functions of the Executive Director on the Board

(ii) Substitute the existing sub clause with the following;

The Minister shall in appointing the members of the Board, ensure that;

- (a) 1/3 of the members are women;
- (b) there is balance of skills and experience in the fields of health laboratory technology, economics, management and law.

Justification

To abide by Article 33(5) of the Constitutions of Uganda which provides for affirmative action and the resolution of Parliament of Uganda to consider gender balance in all representations.

8. Clause 13: Termination of members of the Board

Under sub clause 13 (2) (g), add the word 'consistently' between 'been' and 'absent' on the 2nd last line.

Justification

To avoid ambiguity as to when one can be terminated as a board member.

9. Clause 16: Functions of the Board

The Committee recommends amending Clause 16 by;

- i) under paragraph (b), substitute for the word 'stuff' with 'staff'.

Justification

For grammatical correction

- ii) under paragraph (d), add the word 'health' before 'laboratory'.

- iii) under paragraph (f) (i), substitute for the word 'stuff' with 'staff'.

Justification

For grammatical correction and clarity.

10. Clause 17. Power of Minister to give guidelines

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Amend sub clause (1) by substituting the phrase 'in writing' with 'by statutory instrument'.

Justification

The policy guidelines should be of a binding nature.

11. Clause 19: Secretary to the Board

Delete Clause 19 and re-number accordingly

Justification

For purposes of reducing on operational costs of the Board, it may not be necessary to have an independent office of Secretary to the Board; instead the Executive Director may work as Secretary to the Board.

12. Clause 22- Experts and Consultants

(i) Amend sub clause (2) by, substituting the word 'afforded' with 'accorded'

Justification

For grammatical correction

13. Clause 23. Executive Director.

(i) Amend sub clause (2) by breaking it in the following paragraphs;

(2) The Executive Director shall be a person of -;

- (a) high moral character;
- (b) Proven integrity;
- (c) Senior health laboratory professional; and
- (d) Possess a management qualification.

Justification

To remove ambiguities in the qualifications of the Executive Director

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(ii) Amend sub clause (3)(a) by substituting for the phrase 'an undercharged' with 'declared' to read 'if he or she is declared bankrupt'

Justification

For clarity

14. Clause 24. Functions of Executive Director

Amend clause 24 (2) (c) by;

- (a) Deleting the word 'draft' appearing between 'prepared' and 'annual'
- (b) Substitute for the word 'co-operate' with the word 'corporate'
- (c) Substitute for the word 'adoption' with the word 'approval'

The clause will read;

'Preparing or causing to be prepared annual corporate plan and budget for consideration and approval by the Board.'

Justification

For grammatical correction

15. Clause 25- Tenure of office of Executive Director

Amend sub clause (1) by adding the phrase 'for one further term'

Justification

To set a limit as to the number of terms, reappointment of the Executive Director can be done in order to ensure efficiency and effectiveness of the Executive Director.

16. Clause 26 – Deputy Executive Director

Amend sub clause (1) by substituting for the word 'four' with 'three' and adding the phrase 'one further term'.

Justification

To set a limit as to the number of terms, reappointment of a Deputy Executive Director can be done in order to ensure efficiency and effectiveness of the Deputy executive Director.

17. Clause 29-Funds of UNHLS

Amend clause 29 by;

(i) inserting a new sub clause (2) to read as follows and re-number accordingly;

(3) *All monies collected by UNHLS shall be remitted to the consolidated fund in accordance with section 29 of the Public Finance Management Act, 2015.*

Justification

To comply with the Public Finance and Management Act, 2015

(ii) Substitute the current sub clause (2) with the following;

UNHLS may, in consultation of the Accountant General, open and maintain such bank accounts as are necessary for the performance of its functions.

Justification

To comply with the Public Finance and Management Act, 2015

18. Clause 31: Investment of surplus funds

Delete the entire clause.

Justification

To comply with the Public Finance and Management Act, 2015

19. Clause 32. Annual budget estimates

Amend clause 32 by substituting the existing sub clause (2) with the following.

(2) *The Board, shall within three months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Board.*

Justification

To comply with the Public Finance and Management Act, 2015

20. Clause 39: Regulations

Amend sub clause (2) by creating a new paragraph (c) to read as follows and re-number accordingly;

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(2) (c) how to determine, evaluate and clear for entry into the Country medical laboratory equipment, in vitro diagnostic devices, reagents and supplies and conduct post-market surveillance after entry.”

21. Clause 41. Vesting of assets and liabilities.

Amend clause 41 by;

- (1) under 41(a) by inserting between 'laboratories' and 'before', the phrase 'and the National Tuberculosis Reference Laboratories'.
- (2) under 41 (c) by inserting between 'laboratories' and 'shall', the phrase 'and the National Tuberculosis Reference Laboratories'
- (3) Under 41 (d) by inserting after the word 'laboratories' appearing on the 2nd line, the phrase 'and the National Tuberculosis Reference Laboratories'
- (4) Under 41 (e) by inserting between 'laboratories' and 'shall', the phrase 'and the National Tuberculosis Reference Laboratories'

Justification

The National Tuberculosis Reference Laboratories has been working alongside the Central Public Health Laboratories that is getting vested into UNHLS, this automatically affects the National Tuberculosis Reference Laboratories.

SCHEDULE 2

2. Quorum

- (1) Amend paragraph 2 (1) by inserting the word 'at least' between 'be' and 'one'
- (2) delete the word 'temporary' appearing on the second line.

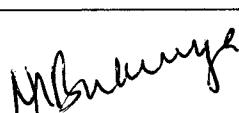
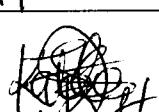
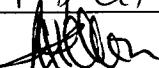
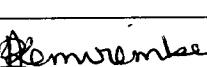
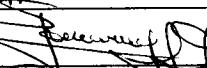
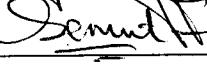
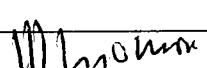
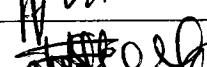
Justification

For clarity

Acimwe Bonyine

**SIGNATURE SHEET FOR THE REPORT OF THE SECTORAL COMMITTEE ON
HEALTH ON THE UGANDA NATIONAL HEALTH LABORATORY SERVICES BILL,**

2016

N O	NAME	CONSTITUENCY	PARTY	SIGNATURE
1	Hon. Dr. Bukenya Micheal (Chair person)	Bukuya County	NRM	
2	Hon. Kahunde Hellen- (Vice Chairperson)	DWR Kiryandongo	NRM	
3	Hon. Adoa Hellen	DWR Serere	NRM	
4	Hon. Ayebazibwe Justine	DWR Isingiro	NRM	
5	Hon. Babirye kityo Sarah	Youth Rep.	NRM	
6	Hon. Bebona Babungi. J	DWR Bundibugyo	NRM	
7	Hon. Kemirembe Pauline	DWR Lyantode	NRM	
8	Hon. Mbwatekemwa Gaffa	Kasambya County	NRM	
9	Hon. Kajungu Mutambi	DWR Mbarara	NRM	
10	Hon. Kamusiime Innocent P	Butembe county	NRM	
11	Hon. Muheirwe M Daniel	Buhagazi county	NRM	
12	Hon. Ndamira Catherine	DWR Kabale	NRM	
13	Hon. Ayaka Rose Atim	DWR Karacha	NRM	
14	Hon. Nayebale Sylvia	DWR Gomba	NRM	
15	Hon. Adome Bildad Moses	Jie County	NRM	
16	Hon. Alyek Judith	DWR Kole	NRM	
17	Hon. Lyomoki Sam	Workers Rep	NRM	
18	Hon. Ssebikali Yoweri Joel	Ntwetwe County	NRM	
19	Hon. Ssembatya Edward N	Katikamu South	NRM	
20	Hon. Rwakimari Beatrice	DWR Ntungamo County	NRM	

21	Hon. Mbabazi Kyomuhendo Janepher	DWR Kagadi	NRM	<i>Janepher</i>
22	Hon. Baguma Spellanza	DWR Kyenjojo	NRM	<i>K</i>
23	Hon. Atyanga Stella	DWR Moroto	NRM	<i>Atyanga</i>
24	Hon. Mirembe Lydia D	DWR Butambala	INDEP	<i>Mirembe</i>
25	Hon. Baseke Fred	Ntenjeru south	INDEP	<i>Baseke</i>
26	Hon. Kinobere Herbert Tom	Kibuku county	INDEP	<i>Tom</i>
27	Hon. AOL Ocan Betty	DWR Gulu	FDC	<i>Betty</i>
28	Hon. Sizomu Gershomu	Bungokho North	FDC	<i>Sizomu</i>
29	Hon. Atim Joy Angom	DWR Lira	UPC	<i>Atim Joy</i>
30	Hon. Asimwe Everlyne Buregyeya (Cpt.)	UPDF	Army	<i>Asimwe Everlyne</i>