



MEDICAL & DENTAL PRACTICE REGULATION IN KENYA

DURING

34TH KENYA DENTAL ASSOCIATION SCIENTIFIC CONFERENCE AND EXHIBITION 2016

22nd OCTOBER, 2016

**PRIDE INN PARADISE HOTEL
MOMBASA, KENYA**

DANIEL YUMBYA

CHIEF EXECUTIVE OFFICER

MEDICAL PRACTITIONERS AND DENTISTS BOARD



PRESENTATION OUTLINE



- Legal Foundation
- Amendments in the Act
- Composition
- Secretariat
- Functions of the Board
- Board Committees
- Licenses issued by the Board



LEGAL FOUNDATION



- The Board is established under Section 4 of the Medical Practitioners and Dentists Act Cap. 253.
- The Act was enacted by Parliament in 1977 and became operational on 1st January 1978.



AMENDMENTS TO CAP 253



- i) Section 19 A** included by **Misc. Amendment No. 19 of 1984** which provides for the report of medical or dental practitioners who have been convicted for an offence under the Penal Code;
- ii) Section 11 A** included by **Misc. Amendment No 11 of 1992** which provides for the supervisory functions of the Board;
- iii) Section 4(e)** amended by **Misc. Amendment N. 11 of 1992** which provides for representation of Universities to the Board;

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- iv. **Section 4 (15)** included by **Misc. Amendment No. 11 of 1992**
which provides that the Board shall be a body corporate with perpetual succession;
- v. **Section 9 (2)** amended By **Misc. Amendment No 12 of 2012**
which provides that Registrar shall publish in print or electronic media list of all medical and dental practitioners;



AMENDED RULES



Section 23 of the Act provides that the CS in consultation with the Board make rules generally for the better carrying out of the provisions of the Act. The following rule have been gazetted;

- i) The Medical Practitioners and Dentists (Election of Members of the Board) Rules; gazette under **Legal Notice No. 18 of 1978** and amended by **Legal Notice No. 216 of 1994;**
- ii) The Medical Practitioners and Dentists Board (Forms and Fees) Rules , gazette under **legal Notice No. 19 of 1978 amended in 1988 (LN. 204/88), in 2000 (LN. 26/00), in 2012 (LN. 75/12) and in 2015**
- iii) The Medical Practitioners and Dentists (Private Medical Institutions) **Rules 2000;**



- iv. The Medical Practitioners and Dentists (Registration, Licensing, Assessment and Internship Rules) **gazette in 1979 amended in 2010 (L.N 135/10)**. This rules and the Medical Practitioners and Dentists (**Continuing Professional Development) Regulations 2005** were revoked in **2014 under Legal Notice No. 37 of 2014 by The Medical Practitioners and Dentists (Training, Assessment and Registration) Rules, 2014;**
- v. The Medical Practitioners and Dentists (Disciplinary Proceedings) (Procedure) **Rules gazette in 1979 amended in 2012** under **legal Notice No. 21/12 and in 2013 under legal Notice No. 75/13**

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vi. Medical Practitioners and Dentists (Professional Fees) Rules, 2016.

vii. Medical Practitioners and Dentists (Practitioners and Health Facilities) (Advertising) Rules, 2016.

viii. Medical Practitioners and Dentists (Medical Camp) Rules, 2016.

ix. Medical Practitioners and Dentists (Fitness to Practice) Rules, 2016.



FUNCTIONS OF THE BOARD



- 1. Education & Training:** Approval of Medical & Dental Schools, Core Curricula, Conduct Examination and CPD
- 2. Registration:** Medical, Dental practitioners and Health Institutions
- 3. Licensing :**Medical & Dental Practitioners, Foreign Doctors, Health Institutions and Clinics
- 4. Inspections:** Medical/ Dentals Schools, Internship Centers, Health facilities
- 5. Disciplinary:** Preliminary Inquiry Committee (National), Professional Conduct Committee (County) and Tribunal(National)

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6. Database: Maintaining a database of all registered and licensed medical & dental practitioners & health institutions

7. Advisory-Ministry of Health and other government agencies

8. Collaboration & Partnership

- International, Regional and Local agencies – IAMRA, General Medical Council-UK, AMCOA, EAC & National Boards/Councils , Professional Associations like KMA, KMPDU
- Donor Agencies –University of Nairobi, CDC/Emory Project, IFC/WorldBank, FunzoKenya among others

9. Monitoring & Evaluation- Performance contracting



BOARD'S SECRETARIAT



The Board has an established secretariat headed by the Chief Executive Officer.

Departments:

- Administration
- Finance
- Registration and Licensing
- Legal Services
- Standards and Compliance
- Information Communication Technology (ICT)

The staff establishment is 65 but currently only 30 officers are in place.

Recruitment, training and capacity building on progress.



COMMITTEES OF THE BOARD



- 1) Training, Assessment and Registration Committee
(TARC)
- 2) Inspection and Licensing Committee (ILC)
- 3) Preliminary Inquiry Committee (PIC)
- 4) Professional Conduct Committee (PCC)- *constituted on recommendations of PIC at County level*



COMMITTEES OF THE BOARD



Training, Assessment and Registration Committee (TARC)

Establishment

The committee is established under Rule 3 of the **Medical Practitioners and Dentists (Training, Assessment and Registration) Rules, 2014**

Functions

- Accredit and regulate all medical schools, dental schools, internship training centres, continuing professional development and continuing education programme providers;
- Inspect all medical schools, dental schools and internship training centres;
- Index all medical and dental students;
- Conduct examinations by the Board;
- Conduct internship qualifying examinations;

Contd....¹⁴



COMMITTEES OF THE BOARD



Training, Assessment and Registration Committee (TARC)

Functions

- Review post-graduate qualifications for the purpose of awarding specialist recognition;
- Scrutinize applications for approving specialists and sub-specialist status;
- Conduct all pre-registration and pre-internship examinations by the Board and peer reviews;
- Approve the registration of medical practitioners and dentists;
- Implement the continuing professional development programmes by the Board;
- Monitor and ensure compliance with the continuing professional development;
- Perform such other functions as may be assigned to it by the Board from time to time.



REGISTRATION STATUS



	<u>Registered</u>	<u>Active/Retained</u>
– Medical Doctors	10,638	6,359
– Dentists	1,227	651
– Specialists	2,630	2,416
– Foreign Doctors on Temporary License		
Medical	2,519	1,266
Dental	113	37
– Medical Schools in Kenya	11	11
– Dental Schools in Kenya	2	2
– Medical Schools in EAC	29	29
– Dental schools in EAC	7	7
– Medical Officers Interns	359	359
– Dental Officers Interns	30	30
– Internship Training Centers		
• Medical	75	75
• Dental	10	10
• Specialist Recognition	2	2
– Post graduate Teaching Hospitals	4	4
– Health Institutions (Various categories)	4,868	3,252



WHO recommended doctor patient ratio



Total Kenya Population
42,000,000

Kenyan Doctors

Active Doctors(Medical & Dental) **8,313**

Thus

42,000,000/8,313

Kenyan Position **1: 5,052**

All doctors(Including foreign doctors)

Thus

42,000,000/9611

Including foreign doctors **1: 4,370**



- **WHO recommended doctor patient ratio**
 - 1 doctor per 1,000 population by 2015
 - 1 doctor per 600 population by 2020
- **Based on ever registered doctors medical (10,638) dentists (1,227)**
 - 1 doctor per 3,948 population
 - 1 dentist per 34,223 population
- **Based on retained (Active for year 2016) medical doctors (6359) dentists (651)**
 - 1 doctor per 6,605 population
 - 1 dentist per 64,516 population



2. Inspection and Licensing Committee (ILC)

Establishment

The Committee is established under **Rule 3 (1) of the Medical Practitioners and Dentists (Inspections and Licensing) Rules, 2014**

Functions

- Issue licenses to all eligible medical and dental practitioners;
- Approve and license the premises for the practice by medical and dental practitioners;
- Inspect clinics, health centres, medical centres, mortuaries, maternity and nursing homes;
- Inspect hospitals including faith-based hospitals and Government hospitals;



COMMITTEES OF THE BOARD



2. Inspection and Licensing Committee (ILC)

- Review, whenever it is in its opinion necessary, all applications for licenses to engage in private practice by medical and dental practitioners;
- Maintain a register of all persons and facilities licensed under these Rules;
- Review the fees charged in private practice by medical and dental practitioners, from time to time; and
- Undertake any other activity that may be necessary for the fulfillment of its functions under these Rules.



3. Preliminary Inquiry Committee

Establishment

The Committee is established under Rule 4 of **the Medical Practitioners and Dentists (Disciplinary Proceeding) (Procedure) Amendment Rules, 2013**

Functions:

- Conduct inquiries into the complaints submitted to it under these Rules and make appropriate recommends to the Board.
- Ensure that the necessary administrative and evidential arrangements have been met so as to facilitate the Board to effectively undertake an inquiry under rule 6;
- Promote mediation and arbitration between the parties and refer matters to such mediator or arbitrator as the parties may in writing agree; and
- At its own liberty, record and adopt mediation agreements or compromise between the parties on the terms agreed and thereafter inform the chairperson.



3. Professional Conduct Committee (PCC)

Establishment

The Committee is established under **Rule 4 A of the Medical Practitioners and Dentists (Disciplinary Proceeding) (Procedure) Amendment Rules, 2013**

Functions:

1. Conduct inquiries into the complaints within such counties as the Board may specify and make appropriate recommendations to the Board;
2. Ensure that the necessary administrative and evidential arrangements have been met so as to facilitate the Board to effectively undertake an inquiry under rule 6;
3. Convene sittings in respective counties to determine complaints;
4. Promote arbitration between the parties and refer matters to such arbitrator as the parties may in writing agree.



4. TRIBUNAL

- The Full Board exercising judicial or quasi judicial functions to determine disciplinary matters is known as a Tribunal
- Board members act as the jury.
- The Tribunal hears matters referred to it by the Preliminary Inquiry Committee and the Professional Conduct Committee.



PENALTIES UNDER THE TRIBUNAL



- a) Admonish a doctor, dentist or institution and conclude the case.
- b) To place the doctor or dentist under probation(the Board may at its
- c) own discretion direct the doctor or dentist to be supervised during the probation period which does not exceed six (6) months.
- d) To order for the payment of costs for the Board's sitting(s) to be paid by the medical or dental practitioner or the institution on such terms as shall be deemed fit in the circumstances;
- e) To direct the suspension of a doctor's or dentist's registration or licence for a period not exceeding twelve (12) months**
- f) To direct removal from the register;**
- g) To suspend licenses for medical institutions for up to six (6) months
- h) To order the closure of medical/ dental institution until compliance with
- i) requirements of operating licenses.



INQUIRY INTO COMPLAINTS



Complaints received by the Board are investigated by the following :

1. Preliminary Inquiry Committee
2. Professional Conduct Committee
3. Tribunal

The Committees in investigating and determining complaints/cases are guided by the following;

- Complaint filed by the complainant;
- the response by the Respondent;
- Medical reports by practitioners;
- the patient's file;
- Testimony of the parties.



WHO CAN COMPLAIN?



The Board may receive complaints from the following:-

- Aggrieved members of the public,
- Patients or their relatives,
- Health care professionals,
- Health institutions,
- Advocates,
- Professional bodies/ Associations,
- Director of Medical services,
- Office of the Ombudsman,
- Media etc.



TYPE OF CONDUCT RAISING DISCIPLINARY INQUIRY



1. Transfer without proper instructions
2. Lack of informed consent
3. Patient abandonment
4. Anesthesia medical malpractice
5. Malpractice during birth
6. Emergency room errors
7. Psychiatric malpractice
8. Dental malpractice
9. Surgical errors
10. Malpractice in diagnosis
11. Failing to submit medical report
12. Mismanagement
13. Unprofessional/ unethical conduct
14. Negligence
15. Lack of consent
16. Malpractice
17. Overcharging
18. Misdiagnosis
19. Wrong treatment/ wrong medication



No. of Cases lodged with the Board



Year	No. Of cases lodged
2016	41
2015	59
2014	55
2013	78
2012	68
2011	84
2010	75
2009	78
2008	85
2007	74
2006	65
2005	49
2004	41
2003	27
2002	11
2001	10
2000	12
1999	06
1998	03
1997	1
TOTAL	922



INQUIRY INTO COMPLAINTS



SPECIALTY	NUMBER	%
Obstetrics & Gynaecology	246	26.7%
Surgery	165	17.9%
Internal Medicine	128	13.9%
Financial	94	10.2%
Paediatrics	84	9.1%
Orthopaedic	83	9.0%
Dental	42	4.6%
Other (this includes but not limited to failing to give medical reports, sexual harassment, absconding duty, attitude etc)	44	4.8%
Ophthalmology	10	1.1%
Dermatology	13	1.4%
Psychiatry	8	0.9%
Pathology	5	0.5%
	922	100.0%



Sanctions



Sanctions	Number
Deregistered	1
Cancelled License	4
License suspended for a period 6-12months	5
Directed to undergo supervised training for a period 6-12 months	5
Directed to Continuous Professional Development for 30-50 points	15
Matters referred for Mediation /Alternative Dispute Resolution	106
Medical /Dental Practitioners or Institutions admonished/cautioned	140
Party directed to pay part cost of PIC/PCC Proceedings	104
Matters referred to other regulatory bodies	50
Complaint settled by respective parties	5
Institutions directed to put in place and implement institutional reforms such as Standard Operating Procedures, communication , patient referrals , notes	7
Complaints withdrawn by the complainant	13
Others (eg Employment Matters referred to Court)	11

Cases Determined

Cases Determined at Preliminary Inquiry Committee	844
Cases Determined at Tribunal (at National Level)	15
Cases Determined at Professional Conduct Committee	14
TOTAL NUMBER OF CASES DETERMINED	873

Cases Pending

Cases Lodged	922
Cases Determined	873
Cases Pending	49



Professional Conduct Committee hearings held



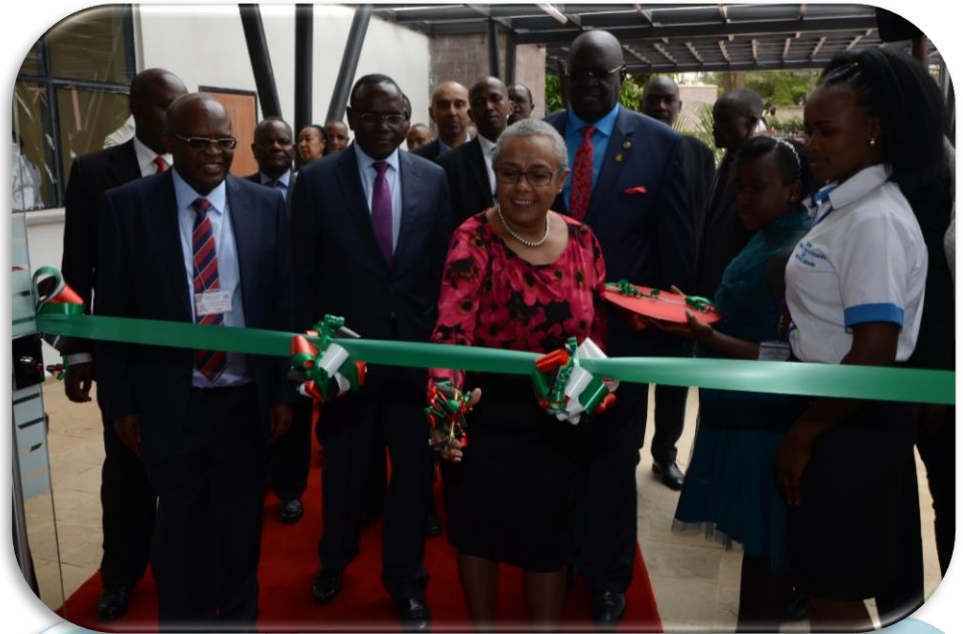
Nairobi County	4 cases
Nyeri County	1 case
Kiambu County	3 cases
Trans Nzoia County	2 cases
Kisumu County	2 cases
Kisii County	2 cases



TYPES OF CERTIFICATES/LICENSES ISSUED BY THE BOARD



- 1) Internship License
- 2) Permanent Registration Certificate as a Medical or Dental Practitioner
- 3) Retention Certificate
- 4) Private Practice License
- 5) Specialist Recognition Certificate
- 6) Locum License
- 7) Certificate of Status
- 8) Temporary License for Foreign Doctors
- 9) Health Facility Registration Certificate
- 10) Health Facility License
- 11) License to Conduct a Medical Camp



THANK YOU

