

(Legislative Supplement No. 78)

LEGAL NOTICE NO. 170

IN EXERCISE of the powers conferred by section 23 of the Medical Practitioners and Dentists Act, the Cabinet Secretary for Health, after consultation with the Council, makes the following Rules—

THE MEDICAL PRACTITIONERS AND DENTISTS  
(INSPECTIONS AND LICENSING) RULES, 2022

PART I—PRELIMINARY

1. These Rules may be cited as the Medical Practitioners and Dentists (Inspections and Licensing) Rules, 2022. Citation.

2. In these Rules, unless the context otherwise requires— Interpretation.

“Committee” means the Inspections, Licensing, Finance and General Purposes Committee constituted in accordance section 4A of the Act;

“inspector” means an officer who is authorized to inspect health institutions licensed under the Act;

“internship training institution” means a facility that the Council has recognized and approved for purposes of internship-training including level 5 and level 6 private and public hospitals;

“medical director” means the healthcare professional who is in charge of clinical care in the health institution;

“registrar” means a registered medical or dental practitioner undertaking post graduate training;

“senior registrar” means a registered medical or dental practitioner who has completed post graduate training and is undertaking two years supervised practice.

PART II—INSPECTIONS, LICENSING, FINANCE AND  
GENERAL PURPOSES COMMITTEE

3.(1) Pursuant to section 4A(1)(c), the Council shall constitute the Inspections, Licensing, Finance And General Purposes Committee consisting of— Committee.

(a) the chairperson who shall be a member of the Council who is a registered medical or dental practitioner;

(b) two members of the Council; and

(c) two other persons who have the knowledge and skills co-opted to the Committee by the Council.

(3) The quorum at meetings of the Committee shall be a simple majority.

(4) The chairperson of the Committee shall preside over all meetings of the Committee and in the absence of the chairperson, the members of the Council present at the meeting shall elect one of their number to chair the meeting.

(5) A person co-opted under paragraph (1)(b) shall attend the meetings of the Committee and participate in its deliberations.

(6) The decisions of the Committee shall be by consensus.

(7) The Committee shall present its decisions to the Council for approval and ratification.

(8) Subject to these Rules, the Committee may regulate its own procedure.

4. The Committee shall—

Functions of the Committee.

- (a) inspect all health institutions registered under the Act and give such recommendations as may be appropriate;
- (b) undertake inspections of health institutions registered under the Act;
- (c) make recommendations for renewal of licences for health institutions;
- (d) make recommendations to the Council on budgets and procurement plans; and
- (e) undertake any other activity that may be necessary for the fulfillment of its functions under the Act and these Rules.

#### PART III—LICENSING

5. (1) Pursuant to sections 12,13 and 15 of the Act, Council shall issue the following licences—

Licences.

- (a) medical and dental practitioners internship license;
- (b) community oral health officer internship license;
- (c) medical and dental practitioners general practice license;
- (d) community oral health officer practice license;
- (e) medical and dental practitioners registrar license;
- (f) medical and dental practitioners senior registrar license;
- (g) medical and dental practitioners specialist practice license;
- (h) temporary foreign medical and dental student license;
- (i) temporary foreign medical and dental general practitioners license;
- (j) temporary foreign medical and dental registrar license;
- (k) temporary foreign medical and dental senior registrar license;

- (l) temporary foreign medical and dental specialist license;
- (m) health institution license; and
- (n) medical camp license.

6. A person or an institution shall apply to the Council for a registration or licence in the prescribed under the Medical Practitioners and Dentists (Forms and Fees) Rules. Forms.

7.(1) The fees payable in all matters connected with these Rules wherever applicable shall be those prescribed under the Medical Practitioners and Dentists (Forms and Fees) Rules. Fees.

(2) The Council shall not approve an application for a licence or temporary registration under these Rules before the prescribed fees is paid.

8.(1) A medical or dental graduate, or community oral health graduate who intends to undertake internship training shall make apply to the Council for an internship licence. Internship licence.

(2) An application under subrule (1) shall be accompanied by—

- (a) in the case of a medical or dental graduate—
  - (i) a national identity card or passport ;
  - (ii) certified copy of Kenya Certificate of Secondary Education certificate or its equivalent;
  - (iii) certified copy of degree or letter of completion from the training institution;
  - (iv) copy of Council internship qualifying examination certificate;
  - (v) copy of posting letter from the Ministry of Health or offer letter from other internship training institutions;
  - (vi) evidence of signed Hippocratic or Physician oath; and
  - (vii) a current passport size photograph.
- (b) in the case of a community oral health graduate—
  - (i) a national identity card or passport ;
  - (ii) certified copy of Kenya Certificate of Secondary Education certificate or its equivalent;
  - (iii) letter of completion from the training institution;
  - (iv) certified copy of Diploma or Degree certificate from a recognized institution;
  - (v) copy of posting letter from the Ministry of Health or other internship training institutions;
  - (vi) signed copy of oath; and
  - (vii) a current passport size photograph.

(3) The Council shall issue an internship licence to an applicant who meets the requirements set by the Council.

9.(1) A foreign medical or dental student who wishes to perform specific work or works in specific institutions in Kenya shall apply to the Council for a temporary licence. Temporary licences.

(2) An application under subrule (1) shall be accompanied by—

- (a) certified copy of passport;
- (b) proof of registration as a medical or dental student;
- (c) a letter from the foreign medical school or dental school confirming that the applicant is a student;
- (d) an admission letter from the receiving institution;
- (e) proof of indemnity cover for the students; and
- (f) a current passport size photograph.

(3) The Council shall issue an internship licence to an applicant who meets the requirements set by the Council.

10.(1) A medical or dental practitioner who intends to engage in general practice in the country shall apply to the Council for a licence. Medical practitioners and dentists licence.

(2) An application under subrule (1) shall be accompanied by—

- (a) proof that the applicant has attained fifty continuous development points; and
- (b) proof that the practitioner has professional indemnity.

(3) The Council shall issue a general practice licence to a medical or dental practitioner who satisfies the Council that they have attained fifty continuous development points and have in their possession a professional indemnity.

11.(1) A medical or dental practitioner, undergoing a post graduate training programme shall apply to the Council for a medical and dental practitioner registrar licence or a medical and dental practitioners senior registrar licence, respectively. Licensing of registrars.

(2) An application under subrule (1) shall be accompanied by—

- (a) in the case of an application for a medical and dental practitioners registrar licence—
  - (i) copy of admission letter into post graduate training programme;
  - (ii) letter from the training institution indicating the programme in which they are registered and the status of the registrar; and
- (iii) proof of professional indemnity cover.
- (b) in the case of an application for a medical and dental practitioners senior registrar licence—

- (i) certified copy of degree certificate or its equivalent or letter of completion from the training institution;
- (ii) letter from the supervisor;
- (iii) proof of professional indemnity cover; and
- (iv) proof that the applicant has attained fifty continuous professional development points.

(3) Notwithstanding subrule (2) medical practitioner who is making an application for a medical and dental practitioners senior registrar licence for the first time shall not be required to have attained continuous professional development points.

(4) A registrar who does not intend to proceed as a senior registrar after completing post graduate training the registrar may upon application be licensed as a general practitioner.

12.(1) A foreign medical or dental practitioner, undergoing a post graduate training programme shall apply to the Council for a temporary foreign medical and dental practitioner registrar licence or a temporary foreign medical and dental practitioner senior registrar licence, respectively.

Temporary foreign medical and dental registrar licence.

- (2) An application under subrule (1) shall be accompanied by—
- (a) in the case of an application for a temporary foreign medical and dental practitioner registrar licence —
    - (i) certified copy of passport;
    - (ii) copy of registration certificate from the Council;
    - (iii) copy of admission letter into post graduate training programme;
    - (iv) letter from the training institution indicating the programme in which they are registered and the status of the registrar; and
    - (v) proof of professional indemnity cover.
  - (b) in the case of an application for a medical and dental practitioners senior registrar licence—
    - (i) certified copy of passport;
    - (ii) copy of registration certificate from the Council;
    - (iii) certified copy of degree certificate or its equivalent or letter of completion from the training institution;
    - (iv) letter from the supervisor;
    - (v) proof of professional indemnity cover; and
    - (vi) proof that the applicant has attained fifty continuous professional development points.

(3) A temporary foreign medical and dental practitioner registrar who does not intend to proceed as a senior registrar after completing

post graduate training the registrar may upon application be licensed as a general practitioner.

13.(1) A medical or dental practitioner recognized as a specialist under section 11B of the Act who intends to practice in the country shall apply to the Council for a specialist licence.

Specialist licence.

(2) An application under subrule (1) shall be accompanied by—

- (a) proof that the applicant has attained fifty continuous professional development points; and
- (b) proof that the specialist has a professional indemnity.

14.(1) A foreign medical or dental practitioner recognized as a specialist under section 11B of the Act who intends to practice in the country shall apply to the Council for a temporary foreign medical and dental specialist licence.

Temporary foreign medical and dental specialist licence.

(2) An application under subrule (1) shall be accompanied by—

- (a) certified copy of passport;
- (b) letter of offer from employing institution;
- (c) proof that the applicant has attained fifty continuous professional development points; and
- (d) proof that the specialist has a professional indemnity.

15.(1) A person who intends to practice as a community oral health officer shall apply to the Council for a community oral health officer practice licence.

Community oral health officer licence.

(2) An application under subrule (1) shall be accompanied by—

- (a) proof that the applicant has attained fifty continuous professional development points; and
- (b) proof that the community oral health officer has a professional indemnity cover.

16.(1) A person who intends to operate a health institution shall apply to the Council for a health institution licence—

Health institution licence.

(2) An application under subrule (1) shall be accompanied by—

- (a) proof of the institution indemnity cover;
- (b) current list and licensure of health professionals;
- (c) name of medical director; and
- (d) evidence of a submitted inspections checklist.

17.(1) A person or an organization who intends to hold a medical camp shall upon application submit the following to be eligible for a licence—

Medical camp licence.

(2) An application under subrule (1) shall be accompanied by—

- (a) name of medical director of the medical camp;

- (b) list and licensure of all health professionals ; and
- (c) a follow up plan for patients served.
18. (1) The Council may issue non-clinical licences to applicants who are eligible and have met requirements set out in their respective categories. Non-clinical licences.
- (2) An applicant for a non-clinical licence shall not be required to produce proof of continuous professional development points and proof of professional indemnity.
19. The Council may, at any time, before issuing a licence request from an applicant such additional information as may be necessary for the determination of an application for a licence under these Rules. Additional information.
20. (1) The Council may issue any licence subject to such conditions as the Council may consider necessary. Conditions in licences.
- (2) A health institution licence issued under rule 15 shall be only in respect of the premises named therein and shall not apply to any other premises.
- (3) A licensee who fails to display a licence in a conspicuous place at the premises and any licensee who fails to do so shall be guilty of an offence.
21. (1) The Council shall reject the application of an applicant who does not meet the requirements of the Act and inform the applicant in writing stating the reasons for the rejection. Rejection of application.
- 22.(1) An application for renewal of a licence by— Renewal of a licence.
- (a) a general medical or dental practitioner under section 14(1) of the Act shall be made at least thirty days before the date of expiry of the licence;
- (b) a health institutions under section 15(5) of the Act;
- (c) a recognized specialist shall be made at least thirty days before the date of expiry of the licence.
- (2) The Council may, on application—
- (a) for renewal of a licence; or
- (b) upgrading of a health institution,
- request for such additional information as may be relevant from an applicant as the Council considers necessary.
- (3) A person who includes, or causes to be included, in the application, or in response to a request for additional information by the Council, information which that person knows or has cause to believe is incorrect, commits an offence.
23. (1) Pursuant to section 14 of the Act, the Council may refuse to renew, or suspend, withdraw or cancel any practising licence, if satisfied that any person under the Act is guilty of professional misconduct or is in breach of any provisions of this Act or any Refusal to renew, or suspend, withdraw or cancel any practising licence

regulations made thereunder, within a period of twelve months immediately preceding the date of the application for renewal.

(2) The Council shall, before refusing to grant or renew, or suspend, withdraw or cancel a licence, give to the applicant or licensee not less than twenty-eight days' notice in writing stating its intention to so act.

(3) The notice under subrule (2) shall inform the applicant or licensee of their right to be heard and request the applicant or licensee to confirm the Council in writing whether applicant or licensee wishes to be heard on the question of the proposed refusal or cancellation within twenty-one days of receipt of the notice.

(4) Where the applicant or licensee informs the Council in writing under subrule (3) that he or she wishes to be heard, the Council shall give the applicant or licensee an opportunity to show cause why the Council should not refuse to renew, or suspend, withdraw or cancel the licence.

(5) Where the Council after hearing the applicant or licensee refuses to grant or renew a licence, or suspends, withdraws or cancels a licence, the Council shall inform the applicant or licensee of its decision, in writing, within fourteen days of the decision stating the reasons for the decision.

(6) An appeal to the High Court under section 14 (4) of the Act against the decision of the Council under this rule shall be made within thirty days of the receipt of the decision.

#### PART IV – INSPECTIONS

24. (1) Pursuant to section 15(10) of the Act, the Council shall inspect all health institutions registered and licensed under the Act.

Inspection of health institutions.

(2) The Council shall after an inspection, grade a health institution on the basis of criteria determined by the Council from time to time.

(3) The medical director of a health institution shall provide evidence of engagement of all health professionals practicing in the health institution during an inspection.

(4) The Council shall, in the event that the licence of a health institution is suspended, withdrawn or cancelled a health institution for failing to meet the licensing criteria determined by the Council, and display a notice in a conspicuous place at the entrance, for public information.

(5) A person who interferes or tampers with the notice displayed under subsection (4) commits an offence and upon conviction liable to a fine not exceeding twenty thousand or imprisonment for a term not exceeding six months or both.

25. (1) The Council shall appoint inspectors for the purposes of verifying compliance with the provisions of the Act and Regulations.

Appointment of inspectors.



(2) The Council shall issue all inspectors appointed under these Rules with identity cards which shall be produced by the inspectors at the request of any person in charge of any place that is to be inspected.

26. The inspectors shall have the following powers—

Powers of inspectors.

- (a) power to enter any premises where a medical and dental practitioner practices or is registered as a health institution;
- (b) power to order production of documents;
- (c) power to take possession of documents, take measurements, photographs and samples; and
- (d) power to issue sanctions or order closure of non-compliant facility.

27. (1) The inspectors shall at all times during inspections clearly identify themselves to the person in charge, by presenting the notice of inspection, identification card and an entry and search warrant issued, where applicable.

Conduct of inspections.

(2) The health institutions shall, during the inspection, facilitate access, make available the necessary staff, resources to allow inspectors to complete the inspection in a timely, orderly and expeditious manner.

(3) An inspector may question any user, occupant, health care personnel or any other person on the premises of a health institution about any information that is relevant to the inspection, or require the person in charge to produce any document, record or material for inspection.

(4) The person in charge may provide the inspectors with any relevant information, documents, records, objects or materials for the inspector's consideration during the inspection.

28. (1) The proprietor and the medical director of a health institution shall acquaint themselves fully with—

Responsibilities of owners, etc. health institutions.

- (a) the qualifications;
- (b) licensing requirements; and
- (c) the professional conduct standards,

of all health professionals working at the health institution and shall consult the Council or relevant professional body in case of any doubt.

(2) The proprietor and the medical director of health institution, as well as the medical or dental practitioners concerned, shall be held responsible for any instance of professional negligence occurring within the premises about which they know or ought reasonably to have known.

29. The medical director of a health institution shall ensure that no medical or dental practitioners working in the health institution engages in practice outside the area of the scope of practice for which they have been licensed.

Practice within scope.

## PART V— MISCELLANEOUS

- 30.(1) Any practitioner registered under the Act who moves to practice outside the country shall notify the Council. Practice outside jurisdiction.
- (2) The Council shall maintain a register of medical and dental practitioners practicing outside the country.
- (3) Upon return to the country a medical or dental practitioner who had been practicing outside the country may apply for a licence in the prescribed form.
- (4) The Council may exempt a medical or dental practitioner from the payment of annual fees for the period the practitioner was practicing outside the country upon being provided with proof of practice for the duration the practitioner was outside the country.
- (5) Where a medical or dental practitioner has been out of practice for a period of more than five years, the Council shall consider an application from a practitioner who has and make appropriate recommendations.
31. The Council may consider any objection on licensure raised against a practitioner by a professional association or any other person and determine it in such manner as it deems fit. Objections against practitioners.
32. Any person who hinders or obstructs an authorized officer of the Council from carrying out inspections commits an offence. Offences.
33. The Council may, whether or not proceedings are brought against any person for an offence under these rules, where it is satisfied that there has been a contravention of any of these rules or of the conditions of any licence granted thereunder, and notwithstanding that such contravention is not an offence, cancel or refuse to renew any licence granted thereunder. Legal proceedings.
34. Wherever under these rules, notice is to be served on an applicant or information is to be supplied to him, the notice or letter containing the information shall be sent to him either by registered post or by hand delivery, or any other means as approved by the Council. Mode of service.
35. The Medical Practitioners and Dentists (Inspections and Licensing) Rules, 2014 are revoked. Revocation.  
LN 154/2014.

Made on the 5th August, 2022.

MUTAHI KAGWE,  
*Cabinet Secretary for Health.*