PRESS RELEASE

CASES OF ALLEGED MEDICAL NEGLIGENCE LODGED AT THE MEDICAL PRACTITIONERS AND DENTISTS BOARD

The attention of the Medical Practitioners and Dentists Board (MP&DB) has been drawn to the Daily Nation Newspaper exclusive report dated 29th February, 2016 in which doctors have been depicted as careless and incompetent.

The fact of the matter is that this story is not factual and is misleading and has cast a blanket condemnation to doctors who are performing their duties professionally.

This does not mean that there are no culpable doctors; there are doctors who have been investigated and punished by the Medical Practitioners and Dentists Board as stipulated under Cap 253 Laws of Kenya.

Section 20 of the Medical Practitioners and Dentists Act, Cap 253 Laws of Kenya and the Medical Practitioners and Dentists (Disciplinary, Proceedings) (Procedure) Rules 2013 and Professional Conduct Committee (PCC) established under Rule 4 of the Medical
Practitioners and Dentists (Disciplinary Proceeding)(Procedure) Amendment Rules, 2013 mandates the Board, to inquire into cases of malpractice by medical and dental practitioners as well as health institutions.

It is not true that only one doctor has been found guilty of misconduct over the last 19 years. The breakdown of cases handled by the Board since 1999 is as follows:

Cases lodged 886
Cases determined at Preliminary Inquiry Committee (PIC) Level 743

Cases Determined at Tribunal Level 15

Cases determined at Professional Conduct Committee (PCC) Level
(PCC seating at respective counties -13
(i) Nairobi 4
(ii) Kisumu 2
(iii) Kisii 2
(iv) Trans-Nzoia 2
(v) Kiambu 2
(vi) Nyeri 1

Currently the Board has 115 cases pending at various stages of investigation.
PENALTIES UNDER PRELIMINARY INQUIRY COMMITTEE (PIC)

(i) levy reasonable costs of the proceedings from parties;
(ii) make an order compelling a medical practitioner or dentist to undergo continuous professional development of not more than fifty points;
(iii) suspend the licence of a medical institution for a period of not more than six months;
(iv) make an order for the closure of an institution pending the compliance by that institution, of a condition or requirement under the licence issued to it under the Act; and
(v) make such further recommendations as the committee deems fit.

[L.N. 21/2012, s. 2, L.N. 223/2013, r. 3.]

PENALTIES UNDER PROFESSIONAL CONDUCT COMMITTEE (PCC)

(i) levy reasonable costs of the proceedings from parties;
(ii) order a medical practitioner or dentist undergo continuous professional development for a maximum of up to fifty points;
(iii) suspend licenses for medical institutions for up to six months;
(iv) order closure of institutions until compliance with the requirements of the operating licence;
(v) admonish a doctor or dentist or the institution and conclude the case; and
(vi) make such further recommendations as the committee deems fit.

The Professional Conduct Committee may summon or correspond with persons including medical practitioners and dentists to whom a complaint relates as it thinks fit and may peruse or inspect all instruments relating to the complaint. [L.N. 21/2012, s. 3, L.N. 223/2013, r. 4.]
PENALTIES UNDER TRIBUNAL

(i) Penalties are as in PIC and PCC above plus the following:

(ii) Direct suspension of a doctor's or dentist's registration or licence for a period not exceeding twelve months.

(iii) Direct removal from the register. In such cases this remains effective indefinitely unless and until a doctor or dentist makes a successful application for restoration of his/ her name in the register. Suspensions and removal from the register shall be made by a two-thirds majority of the Board members in accordance with the Act.

(iv) Suspend licences for medical institutions for up to six months.

The Board has continued to apply the above penalties based on evidence presented /available on case to case basis.

[Signature]
DANIEL M. YUMBYA
CHIEF EXECUTIVE OFFICER
MEDICAL PRACTITIONERS AND DENTISTS BOARD

29th February, 2016