LEGAL NOTICE NO. 37

THE MEDICAL PRACTITIONERS AND DENTISTS ACT

(*Cap*. 253)

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

THE MEDICAL PRACTITIONERS AND DENTISTS (TRAINING, ASSESSMENT AND REGISTRATION) RULES, 2014

PART I—PRELIMINARY

Citation.

1. These Rules may be cited as the Medical Practitioners and Dentists (Training, Assessment and Registration) Rules, 2014.

Interpretation.

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

"assessment" means the determination of the suitability of a person for registration under the Act including by means of oral or written examination or both, and the determination of a period, if any, which the Board considers necessary for a person to undergo remedial training;

"Committee" means the Training, Assessment and Registration Committee established under rule 3;

" co-ordinator" means the person for the time being appointed as examinations co-ordinator under rule 13;

"intern" means a person holding a medical or dental degree or its equivalent recognized by the Board, or a person who has passed the internship qualifying examination, and who is undergoing a prescribed period of internship in a recognized institution;

"internship" means training employment;

"internship qualifying examination" means a written or oral examination or both which determines the suitability of foreign trained graduates who hold degrees or diplomas recognized by the Board to undergo internship;

"recognized institution" means an institution accredited for internship and gazetted in accordance with rule 32;

"registered" means registered as a medical practitioner or dentist under section 6 of the Act;

"remedial training" means a period of extra training in a defined discipline or disciplines determined from time to time, by the Board;

"supervisor" means a medical or dental practitioner of specialist status appointed by the Board to supervise the performance of an intern in any one of the approved disciplines during the period of internship; and

"unit of continuing education" means a measurement assigned by the Board to all or part of a continuing education activity.

PART II—ESTABLISHMENT OF THE TRAINING, ASSESSMENT AND REGISTRATION COMMITTEE

Establishment of the Committee.

3. There shall be established a Committee to be known as the Training, Assessment and Registration Committee.

Functions of the Committee.

4. The functions of the Committee shall be to—

(a) accredit and regulate all medical schools, dental schools, internship training centres, continuing professional development and continuing education programme providers;

(b) inspect all medical schools, dental schools and internship training centres;

(c) index all medical and dental students;

(d) conduct examinations by the Board;

(e) conduct internship qualifying examinations;

(f) review post-graduate qualifications for the purpose of awarding specialist recognition;

(g) scrutinize applications for approving specialists and sub specialist status;

(h) conduct all pre-registration and pre-internship examinations by the Board and peer reviews;

(i) approve the registration of medical practitioners and dentists;

(j) implement the continuing professional development programmes by the Board;

(k) monitor and ensure compliance with the continuing professional development;

(l) perform such other functions as may be assigned to it by the Board from time to time.

Membership of the Committee.

5. (1) The Committee shall be composed of not more than five members appointed by the Board from among its members.

(2) The Committee shall elect its own chairman and shall have the powers to co-opt not more than three private practitioners who are not members of the Board, for the purposes of transacting the business of the Committee, whenever expedient.

(3) The persons co-opted under sub- rule (2) may not vote in any matter before the Committee.

(4) The Committee may regulate its own procedure.

PART III—SPECIALISTS PRACTICE AND RECOGNITION

Specialities in medical and dental practice.

6. The major specialities in medical and dental practice shall be as provided in the Schedule to these Rules.

Recognition of specialists by the Board.

7. (1) The Board may recognize a medical or dental practitioner as a specialist in any of the specialities referred to in rule 6.

(2) The Board shall publish a list of the specialists so recognized annually in the Gazette or in any other manner as may be approved by the Board.

(3) For a medical or dental practitioner to be recognized as a specialist under sub-rule (1), he or she must-

(a) be a holder of a postgraduate qualification equivalent to the masters of medicine or dental surgery degree recognized by the Board and having not less than five years formal training and experience under supervision of a recognized specialist in a recognized institution:

Provided that if a postgraduate qualification is awarded after a three year period of training, no medical or dental practitioner shall be recognized as a specialist unless he or she has had at least two years' experience after obtaining the postgraduate qualification;

(b) possess a diploma recognized by the Board, obtained before 1st January, 1978, not being equivalent to the masters of medicine degree of the University of Nairobi and has worked in a recognized institution for at least seven years during which period he or she has gained adequate experience and clinical skills under the supervision of a specialist in that field and has published papers in reputable medical journals.

(4) No medical or dental practitioner may be recognized by the Board if his or her training is less than three years.

(5) Unless the Board otherwise directs, before a medical or dental practitioner can be recognized as a sub specialist, he must possess a

basic specialist qualification in his or her discipline and have at least six months' training and experience under supervision of a recognized sub specialist in a recognized institution.

PART IV—ADMISSIONS CRITERIA

Admission criteria for medicine and surgery.

8. (1) All candidates admitted to the Bachelor of Medicine and Bachelor of Surgery degree programme or its equivalent must satisfy the following indexing requirements—

(a) For Kenya Certificate of Secondary Education holders, minimum university admission requirement is C+ (plus) and in addition, an average of B plain in each the of the following cluster subjects—

(i) Biology;

(ii) Chemistry;

(iii) Physics or Mathematics; and

(iv) English or Kiswahili;

(b) For Kenya Advanced Certificate of Education holders, a minimum of two principal passes in Biology, Chemistry and a subsidiary pass in either Mathematics or Physics;

(c) For International Baccalaureate (IB), a minimum of grade 5 or above in International Baccalaureate;

(d) For Diploma holders in Medical Sciences, a minimum "O" level Division II pass or C+ (plus) mean grade and a credit C+ pass in the cluster subjects in K.C.S.E., in addition to a three year diploma with a minimum of a credit pass from a medical training institution recognized by the Board;

(e) Proficiency in English language;

(f) For holders of any degree in Biological Sciences or equivalent qualifications from a recognized university, subject to passing Graduate Record Examination (GRE);

(g) Other qualifications deemed to be equivalent to those in paragraphs (a)-(d) above from institutions recognized by the different institutions' Senates.

(2) The fee for indexing of medical and dental students shall be as prescribed by the Board.

Admission requirements for dental surgery.

9. All candidates admitted to the Bachelor of Dental Surgery degree programme or its equivalent must satisfy the following indexing requirements—

(a) For Kenya Certificate of Secondary Education holders, minimum university admission requirement is C+ (plus) and in addition, an average of B plain in each of the following cluster subjects—

(i) Biology;

(ii) Chemistry;

(iii) Physics or Mathematics; and

(iv) English or Kiswahili;

(b) For Kenya Advanced Certificate of Education holders, a minimum of two principal passes in Biology, Chemistry and a subsidiary pass in either Mathematics or Physics;

(c) For International Baccalaureate (IB), aminimum of grade 5 or above in Biology, Chemistry, Physics or Mathematics, English or Kiswahili subject clusters;

(d) For Diploma holders in Medical Sciences, a minimum "O" level Division II pass in K.A.C.E or C+ (plus) mean grade and a credit C+ pass in the cluster subjects in K.C.S.E., in addition to a three year diploma with a minimum of a credit pass from a medical training institution recognized by the Board in any of the following fields—

(i) dental technology;

(ii) dental surgery assistants;

(iii) dental hygiene;

(iv) community oral health;

(v) clinical medicine;

(vi) laboratory technology;

(vii) radiography;

(viii) Pharmaceutical technology;

(ix) nursing; and

(x) other equivalent disciplines;

(e) Proficiency in English language. International students from non-English speaking countries shall provide evidence of competence in English language by the production of the Test of English as a Foreign Language (TOEFL) certificate or its equivalent;

(f) For holders of any degree in Biological Sciences or equivalent qualifications from a recognized university, subject to passing Graduate Record Examination (GRE);

(g) Other qualifications deemed to be equivalent to those in paragraphs (a)-(c) above from institutions recognized by the different institutions' Senates.

PART V—ASSESSMENT AND REGISTRATION

Application for registration.

10. (1) An application for registration by an applicant shall be submitted to the Registrar in the prescribed form together with the prescribed fee and shall be accompanied by-

(a) a full and sufficient evidence of the course or courses studied and the examination undergone in order to ascertain the authenticity of the degree, diploma or other qualifications submitted and the institutions in which they were undertaken together with legible photocopies of the applicant's degrees, diplomas or other qualifications and testimonials, all of which shall be attested by an official of the Board;

(b) a short statement of the career history of the applicant since qualifying and documentary evidence of any work experience in medicine or dentistry by the employer or institution specifying the exact nature and the extent of the work performed and the period of employment or appointment.

(2) A person shall not be registered unless he or she—

(a) produces his or her national identity card or passport;

(b) is of good character;

(c) possesses the requisite knowledge and skills required by the Board;

(d) is a citizen of Kenya or a national of a State within the East African Community;

(e) is proficient in English or Kiswahili;

(f) is of sound physical and mental health.

(2) An application by a person registered in a foreign country shall, in addition to the documents specified in sub-rule (1), be accompanied by a certificate of good standing and registration or similar certificate containing evidence of registration from the appropriate foreign authority.

(3) All the applications for registration shall be submitted to the Committee for approval before the certificates of registration issued by the Board.

Exemption from registration fees.

11. A medical or dental practitioner who was previously registered in Kenya and who on 1st January, 1978 had attained the age of sixty-five and retired shall be exempted from paying any registration fee.

Assessment examinations.

12. No person to whom section 11(2) of the Act applies shall be registered unless he or she has passed or has been exempted from an assessment examination.

Panels.

13. (1) The Committee shall constitute a medical and a dental Panel each consisting of a co-ordinator of assessment examinations and examination examiners.

(2) The co-ordinator shall be theChairperson of each Panel.

(3) Each Panel shall sit at least once in three months.

(4) The Committee shall appoint examiners for each Panel.

Submission of written reports.

14. The co-ordinator shall as soon as possible after completion of an assessment examination, submit to the Committee, for onward submission to the Board by the Committee, a written report signed by the members of the Panel, giving in the case of each candidate-

(a) the name and address;

(b) the marks attained in the examination and the results;

(c) any recommendations as to whether the candidate should be referred for further internship or remedial training and for how long;

(d) any other general recommendations, observations or remarks.

Candidate to be informed where Board decides application.

15. Where a report is submitted under rule 14 recommending that a candidate should not be registered, the Board shall, unless it proposes to authorize registration notwithstanding the report, inform the candidate concerned of the substance of the Board's report and decision, in writing, within a period of three months, from the date of the decision.

Appeals.

16. (1) A candidate may, within fourteen days of his or her being informed of the Committee's recommendation that he or she should not be registered, appeal to the full Board against the report and recommendation.

(2) A decision by the Board on appeal under this rule shall be final and the Board shall inform the appellant, of its decision in writing, within a period of fourteen days from the date of the decision.

Fees payable.

17. A candidate for an assessment examination shall pay to the Board the prescribed fee.

PART VI—INTERNSHIP QUALIFYING EXAMINATIONS AND REMEDIAL TRAINING

Internship qualifying examination.

18. Any person who has qualified outside Kenya shall be required to engage in internship and, unless exempted under rule 23, shall be required to pass an internship qualifying examination (in this Part referred to as "the examination"), which may be written or oral or

both, recognized and approved by the Board and which is of equivalent standard to the qualifying examinations in medicine or dentistry by the universities in Kenya approved by the Board.

Conduct of examination.

19. (1) The examination shall be conducted by the Committee and shall be held at least twice a year.

(2) All candidates for the examination shall undergo an attachment at a training institution approved by the Board for a period of four months during which time they must rotate in all relevant clinical areas.

(3) A candidate shall not be eligible to sit for the examination if he or she fails to produce—

(a) his or her identity card or passport;

(b) a letter of successful completion of attachment specified in sub-rule (2); and

(c) certified copies of the degree certificate and other testimonials.

Remedial training.

20. (1) A candidate who fails the examination shall be required to undergo a period of remedial training in those disciplines in which in the opinion of the Committee he or she has insufficient or inadequate knowledge.

(2) A remedial training period shall as far as possible be continuous and shall not exceed a total of twelve months.

(3) On expiry of a remedial training period, a written report shall be submitted to the Board by the candidate's supervisor through the administrator or medical superintendent of the relevant hospital or institution.

(4) A person shall be required to undergo remedial training if he or she—

(a) fails to pass the examination;

(b) does not satisfy his supervisors during his or her internship;

(c) has been subject to disciplinary action arising out of professional incompetence.

Repeat examinations.

21. A person who fails the examination shall be allowed two more attempts which shall be made during the remedial training period, and any person who fails the examination three times shall be deemed unsuitable for internship or registration.

Fees for repeat examinations.

22. A candidate for the examination shall pay the prescribed fee, each time it is attempted.

Exemption from examination.

23. A medical or dental graduate who is a holder of a degree or its equivalent from a university within the East African Community which is recognized by the Joint East African Medical and Dental Boards or Councils shall be eligible for exemption from the examination.

Voluntary remedial training.

24. A period of remedial training may be undergone voluntarily by any person before attempting the examination.

Offences.

25. (1) An administrator of a medical institution in Kenya which, without prior approval of the Board, offers internship to a person who has neither passed the examination nor been exempted under rule 23, commits an offence.

(2) A person who has neither passed the examination nor been exempted under rule 23 and who, without prior approval of the Board, undergoes internship, commits an offence and is liable to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding twelve months, or to both.

PART VII—INTERNSHIP

Internship.

26. A person who is a degree holder, diploma or other qualification which is recognized by the Board or who has passed the internship qualifying examination referred to in Part VI shall undergo a prescribed period of internship.

Licence guidelines for internships.

27. (1) An intern shall receive from the Board at the commencement of the period of internship—

(a) an internship licence, on payment of the prescribed fee;

(b) a copy of "Guide Lines for Interns" detailing all the disciplines and areas which he or she is expected to cover during the prescribed period of internship before being considered for registration.

(2) An intern who undertakes internship training without a licence, commits an offence.

Supervision for interns.

28. During the period of internship, an intern shall be under the supervision and guidance of the employing institution in conjunction with the approved supervisors and he or she shall be offered every opportunity and facility to enable him or her undergo his or her internship.

Internship assessment form.

29. On completion of internship, an intern shall submit a duly completed form and logbook to the Board through the immediate supervisors of the recognized institution where he or she has completed his or her internship, and through the head of that institution.

Procedure upon receipt of assessment form.

30. Upon receipt of the supervisor's recommendations, the Board shall issue a registration certificate, or direct the intern to undergo a further period of internship in the disciplines in which his or

her performance may have been found to be unsatisfactory; and such further period of internship may be undertaken in the same or a different institution or institutions for such period as advised by the supervisor.

Conditions for recognized institutions.

31. (1) Institutions which shall be recognized by the Board for internship must meet the following requirements—

(a) they must have gazetted as approved medical institutions in accordance with the Act;

(b) provision of constant supervision of interns, in the case of medical interns, by at least one specialist and one other full-time medical practitioner with postgraduate qualification in each of the following disciplines—

(i) medicine;

(ii) paediatrics;

(iii) obstetrics and gynaecology;

(iv) surgery,

and such other specialists or disciplines as may be specified by the Board, from time to time;

(c) provision of constant supervision of interns, in the case of dental interns, by at least one specialist and one full-time dental practitioner with postgraduate qualification in each of the following disciplines—

(i) oral and maxillofacial surgery;

(ii) prosthetics, restorative dentistry or periodontology;

(iii) paediatric dentistry or orthodontics,

and such other specialists or disciplines as may be specified by the Board, from time to time;

(d) availability of a medical library and resource centre ; and

(e) provision of a fully functional dental laboratory in the case of dental interns.

(2) The Board shall inspect every institution offering internship training to ensure compliance with this rule, from time to time.

Publication of list of recognized institutions.

32. The Board shall each year publish in the Kenya Gazette or in any other manner as may be approved by the Board, a list of all recognized institutions where internship may be undertaken.

Observance of Board guidelines.

33. All recognized institutions that provide internship training shall adhere to the guidelines set out by the Board.

Withdrawal of recognition.

34. Any institution that fails to meet the minimum requirements set out in rule 31 shall have its recognition withdrawn by the Board.

PART VIII—CONTINUING PROFESSIONAL DEVELOPMENT

Conduct of continuing professional development programmes.

35. (1) The Board shall conduct education programmes as may from time to time be deemed relevant and may accredit any programme conducted by any institution, body or other organization (in these Rules referred to as "the sponsoring agency").

(2) The Board shall assign a unit or units of continuing education for each programme to be used in awarding credits to members participating thereof.

Award of credits and certificates.

36. The Board or the sponsoring agency may award credits to participants in the continuing education programme and shall issue certificates of participation to all participants who have successfully completed the programme.

Record of accredited programmes.

37. (1) The Board shall keep a record of all accredited programmes showing their sponsoring agencies, the description of any such programmes and whether the sponsoring agency has filed a record of its participants.

(2) The Board or the sponsoring agency shall keep a record of the participants in any programme, showing whether the participants successfully completed their programmes or not.

(3)The sponsoring agency shall, upon the completion of any programme, file a return with the Board.

Requirement for continuing educational programmes.

38. Every continuing professional development or education programme shall emphasize ethical, practical and professional aspects of clinical practice or strategic health planning relevant to the practice of medicine and must be aimed at the improvement of the professional competence of the medical and dental practitioners.

Application for accreditation.

39. (1) Any sponsoring agency seeking accreditation shall make an application in that regard to the Board in the prescribed form.

(2) The Board shall consider the application for accreditation and shall approve or reject the same, having regard to the following—

(a) whether the objective of the programme is that of the improvement of the professional competence of medical and dental practitioners;

(b) whether the applicant has the infrastructure sufficient and conducive for disseminating the programmes;

(c) whether the applicant has the expertise and resources necessary for achieving the goals of continuing professional development or continuing education programme;

(d) whether the programme is an educational programme;

(e) whether the programme is an activity dealing with the subject matter that is directly relevant to the practice of medicine and dentistry;

(f) whether the method of presentation sought to be utilised is appropriate for dissemination of the relevant skills and knowledge to the participants; and

(g) any other matter that may appear relevant.

Participation fees.

40. The Board may prescribe a fee to be paid by participants taking part in any continuing education programme, and, in the case of an accredited programme, the Board shall approve any such fee levied by a sponsoring agency.

Proof of compliance.

41. Every application for an annual retention certificate shall be accompanied by proof that the applicant has secured five units upon attending and participating in the continuing education programmes during the preceding year.

Delegation of functions.

42. The Board may delegate any or all of its functions under these Rules to a committee appointed by itself.

Revocation of L.N. 156/1979 and L.N. 132/2005.

43. The Medical Practitioners and Dentists (Registration, Licensing, Assessment and Internship) Rules, 1979, and the Medical Practitioners and Dentists (Continuing Professional Development) Regulations, 2005, are revoked.

SCHEDULE (r. 6)

A. MAJOR SPECIALITIES IN MEDICAL PRACTICE

1. Anaesthesia.
2. Obstetrics and Gynaecology.
3. Internal medicine.
4. Paediatrics and child health.
5. Pathology.
6. Psychiatry.
7. Radiology.
8. General surgery.
9. Cardiothoracic surgery.
10. Neurosurgery.
11. Ophthalmology.
12. Orthopaedic surgery.

13. Ear, Nose and Throat (Otorhinolaryngology).
14. Plastic and reconstructive surgery.
15. Family Medicine.
16. Geriatrics.
17. Occupational Medicine.
18. Dermatology.
19. Palliative medicine.
20. Microbiology.
21. Public Health.

B. SUB SPECIALITIES IN MEDICAL PRACTICE

1. Anaesthesia—
   (a) Critical care;
   (b) Neuro;
   (c) Cardiac;
   (d) Paediatric.
2. Internal Medicine—
   (a) Cardiology;
   (b) Neurology;
   (c) Nephrology;
   (d) Gastroentology;
   (e) Rheumatology;
   (f) Venereology;
   (g) Communicable diseases;
   (h) Tropical medicine;
   (i) Haematology;
   (j) Endrocrinology;
   (k) Immunology;
   (l) Chest and respiratory medicine
3. Obstetrics and Gynaecology—
   (a) Endocrinology;
   (b) Oncology;
   (c) Infertility;
   (d) Maternal and foetal medicine;
   (e) Adolescent medicine.

4. Pathology—
   (a) Forensic medicine;
   (b) Immunology;
   (c) Haematology;
   (d) Microbiology;
   (e) Clinical pathology/clinical chemistry;
   (f) Cytology.
5. Psychiatry—
   (a) Paediatric;
   (b) Adult psychiatry.
   6. Radiology—
   (a) Radiodiagnosis;
   (b) Nuclear medicine.
7. Paediatrics—
   (a) Cardiology;
   (b) Neurology;
   (c) Nephrology;
   (d) Gastroentology;
   (e) Rheumatology;
   (f) Haematology;
   (g) Neonatology;
   (h) Endrocrinology;
   (i) Tropical medicine;
   (j) Immunology;
   (k) Venereology;
   (l) Communicable diseases;
   (m) Chest and respiratory medicine.
8. Surgery—
   (a) Neurosurgery;
   (b) Cardiothoracic surgery;
   (c) Paediatric surgery;
   (d) Urology;
   (e) Plastic surgery;
   (f) Vascular surgery.

9. Cardiothoracic surgery—

(a) Cardiac and thoracic surgery;

(b) Vascular surgery.

10. Neurosurgery—

(a) Adult neurosurgery;

(b) Paediatric neurosurgery.

11. Ophthalmology.

12. Orthopaedics.

13. Ear, Nose and Throat.

14. Plastic surgery.

15. Family medicine.

16. Geriatrics.

17. Occupational medicine.

C. MAJOR SPECIALITIES IN DENTISTRY—ORAL AND MAXILLOFACIAL SURGERY

1. Orthodontics.
2. Prosthodontics.
3. Periodontology.
4. Oral and maxillofacial Surgery.
5. Restorative Dentistry.
6. Paediatric dentistry.
7. Dental radiology.
8. Oral Public Health.
9. Oral medicine.
10. Oral pathology.
11. Science and dental materials.
12. Immunology, Endodontics.
13. General Dental Practice.

Note.—The Board may approve such other specialities, from time to time.

Dated the 11th April, 2014.

JAMES MACHARIA,
Cabinet Secretary for Health.