

Approved for tabling.



REPUBLIC OF KENYA



NATIONAL ASSEMBLY

SWA
9/7/15
Paper Laid
By Hon. (Dr) Robert Lukose
On Thursday, 09th 07. 2015
(Afternoon) M/M

ELEVENTH PARLIAMENT – THIRD SESSION - 2015

THE DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ON THE MATTER OF IRREGULAR REGISTRATION OF A PRIVATE EYE CLINIC – EYE AND U KENYA

CLERK'S CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES
PARLIAMENT BUILDINGS
NAIROBI

JULY, 2015



TABLE OF CONTENTS

TABLE OF CONTENTS	2
ABBREVIATIONS	3
1.0 PREFACE	4
1.1 COMMITTEE MANDATE	4
1.2 COMMITTEE MEMBERSHIP	4
1.3 THE MATTER UNDER INVESTIGATION – IRREGULAR REGISTRATION OF A PRIVATE EYE CENTRE	5
1.4 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS	6
1.5 ADOPTION OF THE REPORT	6
1.6 ACKNOWLEDGEMENT	7
2.0 BACKGROUND	8
3.0 CONSIDERATION OF THE MATTER OF REGISTRATION OF EYE AND U – KENYA	9
4.0 SUBMISSIONS BY THE WITNESSES	10
4.1 SUBMISSIONS FROM THE CHAIRMAN, OPHTHALMOLOGICAL SOCIETY OF KENYA (OSK)	10
4.2 SUBMISSIONS FROM THE CEO, KENYA MEDICAL PRACTITIONERS AND DENTISTS BOARD	10
4.3 SUBMISSIONS FROM DR. SAMIRA DEDHIA SONI - EYE AND U EYE CENTRE	12
5.0 COMMITTEE OBSERVATIONS	13
6.0 COMMITTEE RECOMMENDATIONS	14

ABBREVIATIONS

CEO	Chief Executive Officer
COECSA	College of Ophthalmology of Eastern Central and Southern Africa
ILC	Inspections and Licensing Committee
OSK	Ophthalmological Society of Kenya

1.0 PREFACE

Mr. Speaker, Sir

I wish to table the Report of the Departmental Committee on Health on its consideration of the Matter of Irregular Registration of a Private Eye Clinic – Eye and U Kenya pursuant to Standing Order 199. The matter was brought to the Committee by Hon. Shakeel Shabbir, MP through a letter dated 9th December, 2014. (Annex 1)

1.1 Committee Mandate

The Committee on Health is one of the Departmental Committees of the National Assembly established under Standing Order 216 and mandated to, inter alia;

1. Investigate and inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments’.
2. Study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
3. Study and review all legislation referred to it;
4. Study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
5. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
6. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
7. Make reports and recommendations to the House as often as possible, including recommendation or proposed legislation.

1.2 Committee Membership

The Committee was constituted by the House on Thursday 16th May, 2013 and comprises of the following Members:-

- | | | |
|---------------------------------------|---|------------------|
| 1. The Hon. Dr. Rachel Nyamai, M.P. | - | Chairperson |
| 2. The Hon. Dr. Robert Pukose, MP | - | Vice Chairperson |
| 3. The Hon. Alfred Agoi, M.P. | | |
| 4. The Hon. Christopher Nakuleu, M.P. | | |

5. The Hon. David Karithi, M.P.
6. The Hon. Dr. Dahir Duale Mohamed, M.P.
7. The Hon. Dr. David Eseli, M.P.
8. The Hon. Dr. Enoch W. Kibunguchy, M.P.
9. The Hon. Dr. James Murgor, M.P.
10. The Hon. Dr. James Nyikal, M.P.
11. The Hon. Dr. James O. Gesami, M.P.
12. The Hon. Dr. Naomi Shaban, M.P.
13. The Hon. Dr. Patrick Musimba, M.P.
14. The Hon. Dr. Stephen Wachira, M.P.
15. The Hon. Dr. Susan Musyoka, M.P.
16. The Hon. Eng. Stephen Mule, M.P.
17. The Hon. Fred Outa, M.P.
18. The Hon. Hassan Aden Osman, M.P.
19. The Hon. James Gakuya, M.P.
20. The Hon. John Nyaga Muchiri, M.P.
21. The Hon. Joseph O. Magwanga, M.P.
22. The Hon. Kamande Mwangi, M.P.
23. The Hon. Leonard Sang, M.P.
24. The Hon. Masoud Mwahima, M.P.
25. The Hon. Michael Onyura, M.P.
26. The Hon. Mwinga Gunga, M.P.
27. The Hon. Paul Koinange, MP
28. The Hon. Raphael Milkau Otaalo, M.P.
29. The Hon. Zipporah Jesang Kering, M.P.

1.3 The Matter under Investigation – Irregular Registration of a Private Eye Centre

Mr. Speaker, Sir

On 15th December, 2014, the Committee received concerns raised by the Ophthalmological Society of Kenya through Hon. Shakeel Shabbir, MP alleging that Eye and U Kenya, a private eye Centre had been irregularly registered by the Medical Practitioners and Dentists Board.

On 26th February, 2015, the Committee met with the Medical Practitioners and Dentists Board, Ophthalmological Society of Kenya, Dr. Samira Soni (the proprietor of the Eye and U Eye Centre) and Hon. Shakeel Shabbir, MP to answer to the concerns raised.

•
•
•
•
•

•
•
•
•
•

1.4 Committee Observations and Recommendations

The Committee observed that there was need for the Medical Practitioners and Dentists Board to ensure fairness and strict adherence to the regulations in a bid to protect the lives of Kenyans and ensure those given specialist licensing have adhered to laid down requirements.

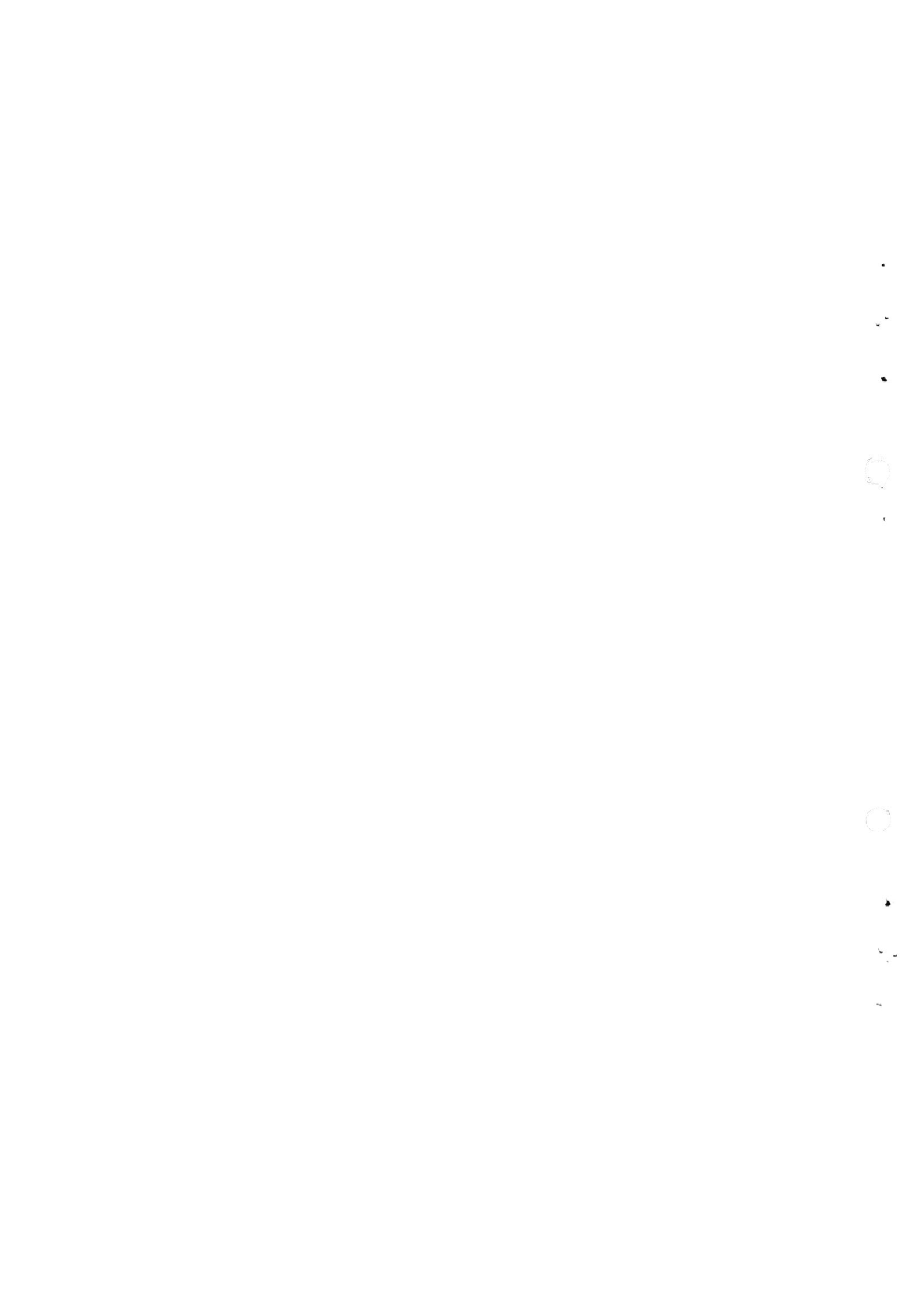
The Committee further observed that the Eye and U Kenya, a Private Eye Centre, had been duly registered by the Medical Practitioners and Dentists Board. However, the Committee was concerned with the mode of operation of the Board which was considered wanting.

It recommends that the Medical Practitioners and Dentists Board should curb conflict of interest in executing its mandate especially with regard to constituting Peer Review Committees. Equally, the Board should be fair in treating all its members during training and registration processes and particularly ensure that all doctors are exposed to proper supervision before they acquire specialist licensing.

1.5 Adoption of the Report

We, Members of the Departmental Committee on Health, have pursuant to Standing Order 199 adopted this Report and affixed our signatures (Annex 2) to affirm our approval and confirm its accuracy, validity and authenticity on 10th March, 2015:-

1. The Hon. Dr. Racheal Nyamai, M.P. (Chairperson)
2. The Hon. Dr. Robert Pukose, M.P. (Vice Chairperson)
3. The Hon. Dr. James Murgor, M.P.
4. The Hon. Christopher Nakuleu, M.P.
5. The Hon. Dr. Dahir D. Mohamed, M.P.
6. The Hon. Mwinga Gunga, M.P.
7. The Hon. Dr. Stephen Wachira, M.P.
8. The Hon. Hassan Aden Osman, M.P.
9. The Hon. James Gakuya, M.P.
10. The Hon. Raphael Milkau Otaalo, M.P.
11. The Hon. Kamande Mwangi, M.P.
12. The Hon. Michael Onyura, M.P.
13. The Hon. Zipporah Jesang, M.P.
14. The Hon. Dr. James Nyikal, M.P.
15. The Hon. Joseph O. Magwanga, M.P.
16. The Hon. David Karithi, M.P.
17. The Hon. Leonard Sang, M.P.



18. The Hon. Dr. James O. Gesami, M.P.
19. The Hon. Dr. Susan Musyoka, M.P.
20. The Hon. Alfred Outa, M.P.
21. The Hon. Stephen M. Mule, M.P

1.6 Acknowledgement

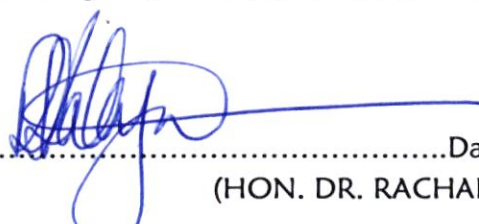
Mr. Speaker, Sir

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings. I also wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in the activities of the Committee and preparation of this Report.

Mr. Speaker, Sir,

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Health, to table its Report on the Consideration of the matter of Irregular Registration of a Private Eye Centre – Eye and U Kenya Pursuant to Standing Order 199 (6) for adoption by the National Assembly.

Signed.....



.....Date.....

09/07/2015

(HON. DR. RACHAEL NYAMAI, MP)

CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON HEALTH

2.0 BACKGROUND

- 2.1 The Ophthalmological Society of Kenya, which originated the matter over the irregular registration of the Eye and U Eye Centre, is a group of practitioners of ophthalmology that seeks to advance the interests of its members in Kenya. It is affiliated to the Ophthalmological Society of East Africa.
- 2.2 Registration of a private medical facility is done by the Inspections and Licensing Committee (ILC) of the Medical Practitioners and Dentists Board. The Committee is composed of not more than five (5) members appointed by the Board from among its members and the Chief Executive Officer. The Committee elects its chairman and has powers to co-opt not more than three (3) other persons who are not members of the Board, for purposes of transacting the business of the Committee, whenever it is expedient. However, the persons so co-opted are not entitled to vote in any matter before the Committee.
- 2.3 The requirements for registration and licensing of health facilities are provided for under *CAP 253 Medical Practitioners and Dentists (Private Medical Institutions) Rules 2000*. They include:
- a) A duly filled form 1X
 - b) Documents:
 - i. A company or business registration certificate
 - ii. Certified copies of professional certificates of all health professionals working therein including licenses from their respective regulatory authorities.
 - iii. Building architectural plans for inpatient facilities
 - c) Inpatient facilities should have waste disposal and management systems in place.
 - d) Submit an inspection report from the Country Director of Health or County Health Management Team or Joint Board/ Council Inspection Team or Inspection and Licensing Committee of the Medical Practitioners and Dentists Board.
 - e) It is the responsibility of the proprietor to ensure:
 - i. licenses are up to date
 - ii. Health professionals working therein are registered and licensed by their respective Boards/Councils.
 - f) Payment of prescribed fees.
- 2.4 The process of registration and licensing health facilities includes:
- a) Filled in application forms are submitted to the Board.

- b) Registration and licensing manager processes the applications and forwards to the Chief Executive Officer and Chair, licensing and registration committee
- c) Upon approval, an Annual Licence is prepared and forwarded to the registrar for signature and seal. Subsequently, Registration Certificate is prepared for the signature of the Chairman and Registrar.
- d) License/registration certificates are dispatched to the respective institutions.
- e) List of approved institutions is submitted to the inspections and licencing committee for adoption.
- f) List of approved institutions by the committee is quarterly submitted to the full board for ratification.

3.0 CONSIDERATION OF THE MATTER OF REGISTRATION OF EYE AND U – KENYA

3.1 On 15th December, 2014, the Departmental Committee on Health, received a communication through a letter signed by the Hon. Shakeel Shabbir highlighting the concerns raised by the Ophthalmological Society of Kenya (OSK) and an Ophthalmologist, Dr. Mukesh Joshi, of Laser Eye Centre regarding the irregular registration of a Private Eye Centre named “Eye and U Kenya” in Westlands, Nairobi.

3.2 Subsequently, the Hon. Shakeel Shabbir, MP appeared before the Committee on 19th February 2015 to present the concerns raised in the letter. He informed the Committee that the communication was as a result of valid concerns raised by stakeholders in the field of Ophthalmology. The following were the issues raised; that:-

- Eye and U Clinic had been established by Indian investors who, it emerges, were not only investors but had the intention of practicing Ophthalmology in Kenya;
- The Centre has six foreign Ophthalmologists and had not contracted any registered Kenyan Ophthalmologist;
- The only locally based doctor at the centre was Dr. Samira Soni (an Indian Doctor with a valid Kenyan work permit). She had no specialist recognition in Ophthalmology from the Kenya Medical Practitioners and Dentists Board after having declined to render

supervised services at a public institution for two years as is the standard practice.

- It was not clear who certified the competence of the six foreign doctors.
- Registration and recognition of the Eye Centre in question will not protect local interests, locally developed talents and the interest of Kenyan patients and might lead to deterioration of the practice of Ophthalmology in the Country.

4.0 SUBMISSIONS BY THE WITNESSES

4.1 Submissions from the Chairman, Ophthalmological Society of Kenya (OSK)

On 26th February 2015, Dr. Muchai Gachago, Chairman, Ophthalmological Society of Kenya, appeared before the committee at Parliament buildings and presented submissions on behalf of the Ophthalmological Society of Kenya. He informed the Committee that:-

4.1.1 Members of OSK had raised concerns about the registration of the Eye and U Kenya Eye Centre. The society had concerns regarding the specialist recognition of Dr. Samira Soni as it was not clear how this was done.

4.1.2 OSK was not comfortable with the licensing of foreign doctors working at the facility. The procedures for their vetting and licensing were not clear and that such registration might lead to influx of foreign doctors in the country hence compromise the practice of Ophthalmology

4.2 Submissions from the CEO, Kenya Medical Practitioners and Dentists Board

Dr. Daniel Yumbya, the CEO, Kenya Medical Practitioners and Dentists Board presented the Board's submissions before the Committee on 26th February. He informed the Committee that:

4.2.1 The Mandate of the Board is to regulate training, practice of medicine and dentistry as well as health care standards in hospitals, medical centres and clinics.

4.2.2 On 7th May 2014, the Board received an application from Dr. Samira Soni for registration and licensing of the Eye and U Ophthalmic Health Centre in Westlands, Nairobi. It was revealed that the application was accompanied by a clinic inspection report recommending registration and licensing which was signed by among others, Dr. Sam Ocholla, County Health Director, Nairobi. The application was approved by the Chairman, Private Practice Committee (Inspection and Licensing Committee) on 9th May, 2014. The Registration and License was ratified by the 108th Full Board Meeting.

4.2.3 The directors at the facility are:

Name	Designation	Nationality
i. Dr. samira Dedhia Soni	Incharge	Kenyan

ii. Dr. Amit Manubhai Patel	Partner	Indian
iii. Dr. Shrikant Mohandlal Dalwadi	Partner	Indian
iv. Dr. Kaushik Ishvarbhai Solanki	Partner	Indian

4.2.4 The doctors licenced to work in the facility are:

Name	Nationality
i. Dr. Samira Dedhia Soni (Incharge)	Kenyan
ii. Dr. Kaushik Ishvarbhai Solanki	Indian
iii. Dr. Bhavin Shankralal Shah	Indian
iv. Dr. Shaileen Parikh	Indian

4.2.5 Doctors with consulting rights are:

Name	Nationality
i. Dr. Millicent Kariuki	Kenyan
ii. Dr. Daniel Kiage	Kenyan
iii. Dr. Nyenze E. Muindi	Kenyan
iv. Dr. Margaret Njuguna	Kenyan

4.2.6 Five doctors who had applied for temporary licences for foreign doctors at the facility were peer reviewed on 21st May, 2014. The peer review reports recommended as follows:

Name	Status
i. Dr. Shaileen Parikh	recommended for licensing
ii. Dr. Bhavin Shankarlal Shah	recommended for licensing
iii. Dr. Kaushik Ishvarbhai Solanki	recommended for licensing
iv. Dr. Shrikant Mohanlal Dalwadi	not recommended
v. Dr. Amit Manubhai Patel	not recommended

4.2.7 Dr. Samira Dedhia Soni is Kenyan National who holds a Bachelor of Medicine and Surgery (MBCbB) degree from University of Nairobi having graduated in August 1987. She further acquired Master of Medicine in Ophthalmology from the same university in August 2003.

4.2.8 Dr. Samira Dedhia Soni was registered with the Medical Practitioners and Dentists Board under Registration Number A2940 in 1988 and has worked in the following hospitals in the course of her practice:

- Kenyatta National Hospital
- Kenya Airports Authority Staff Clinic
- Aga Khan Hospital
- Upper Hill medical Centre
- Lions Blood and Eye Centre, Mombasa
- Hurlingham Women's Hospital



- Currently Director, Eye and U Ophthalmics Health Centre

4.2.9 Dr. Samira Dedhia Soni first applied for specialist recognition on 5th May, 2009 and re-applied on 3rd November, 2013. She further appealed to the Board Chairman on 7th May 2014. Her recommending referees were Dr. Margaret Njuguna, Dr. Jyotee Trivedy and Dr. Millicent Kariuki Wanyoike. The Board Chairman reviewed Dr. Soni's file and approved specialist recognition in Ophthalmology on 15th May, 2014.

4.3 Submissions from Dr. Samira Dedhia Soni - Eye and U Eye Centre

Dr. Samira D. Soni presented her Submissions before the Committee on 26th February, 2015. She informed the Committee that:

4.3.1 She is a second generation Kenyan by birth and holds a Kenyan Passport No. C006972. She started Eye and U Centre together with six Indian citizens who invested in the project. All the six are qualified Ophthalmologists who had studied and practiced in India. Three of the doctors were working in Tanzania with local practice licenses before they started Eye and U Kenya.

4.3.2 She qualified as an Ophthalmologist in 2003 but did not immediately get specialist recognition because she had not worked at a Government recognized Institution. She was willing to undertake this internship but had been victimized by certain doctors.

4.3.3 She worked alongside Dr. Millicent Kariuki, a recognized Ophthalmologist at Upper Hill Medical Centre from October 2003 to December 2008 as partners. She further worked for one year with Dr. Ilako who is the Head of Ophthalmology at University of Nairobi and also worked at Lions Blood and Eye Centre in Mombasa for one and half years.

4.3.4 On 7th May, 2014, she appealed to the Chairman of the Medical Board to be given specialist recognition and this was granted on 15th May, 2014.

4.3.5 The five Ophthalmologists from India were peer reviewed by a team of four doctors led by Dr. Elly Nyaim Opot who is the Examinations Coordinator at the Board. Dr. Sonia further alleged that the Ophthalmologists who were to take part in the peer review process were emailed and asked not to take part in the process. They however went ahead and conducted the exercise.

4.3.6 The Eye and U Ophthalmic Limited was legally registered and all the Indian investors had been issued with work permits. The hospital was also inspected by several members of the Health Inspection Committee before

the license to operate was issued by both the Medical Board and the City Council.

4.3.7 After the OSK wrote a complaint letter about Eye and U Kenya to the Board in May, 2014, they sent a lawyer, a Prof. Kiama Wangai, to peruse all the hospital's documentation at the Board. It is reported that he advised his clients (OSK) that the registration of Eye and U Kenya was to a large extent regular and a case against Dr. Samira Soni would not hold.

4.3.8 The Chairman of OSK, Dr. Gachago, via email communication informed them that the Society believed that the Ophthalmologists who were complaining were doing so out of business rivalry and that OSK would not be dragged into it. The Committee heard that some of the Ophthalmologists who had been complaining about Eye and U Kenya had so far joined the hospital as visiting doctors.

5.0 COMMITTEE OBSERVATIONS

The Committee observed that:

1. Dr. Samira Soni holds a Kenyan Passport Number C006972. She was awarded an MBChB degree from University of Nairobi in 1988 and Master of Medicine in Ophthalmology from the same University in August 2003.
2. Dr. Samira Soni was not immediately granted specialist recognition as she had not worked at a Government recognized Training Institution after her efforts of securing an attachment proved futile.
3. The Dean, School of Medicine at the Nairobi University wrote to the Board in June 2011 that the Department of Ophthalmology at the University would facilitate Dr. Samira Soni's attachment for one year upon which a report would have been submitted to the Board. However Dr. Samira Soni did not undertake this training claiming she was turned down.
4. Dr. Jyotee Trivedy served as Dr. Samira Soni's referee and was also part of the Peer-Review Committee, a clear case of conflict of interest.
5. There exist some cases in which specialist recognition is granted to doctors who have not undertaken internship at a Government facility. A case in point as noted by the Board is that of Dr. Ibrahim N. O. Matende of the College of Ophthalmology of Eastern Central and Southern Africa (COECSA)
6. Dr Samira Soni took too long to acquire specialist recognition.
7. There was a significant time lapse between the time the Medical Practitioners and Dentists Board sent reference requests to Dr. Samira

Soni's referees and the time they got feedback. This was seen to be an unnecessarily long time.

8. The Eye and U Kenya, a Private Eye Centre, had been duly registered by the Medical Practitioners and Dentists Board. However, the Committee was concerned with the mode of operation of the Board which was considered wanting.

6.0 COMMITTEE RECOMMENDATIONS

The Committee recommends that the Medical Practitioners and Dentists Board should:-

1. Curb conflict of interest in executing its mandate, especially with regard to constituting Peer Review Committees.
2. Be fair in treating all its members during training and registration processes.
3. Ensure that all doctors are exposed to proper supervision before they acquire specialist licensing.

① D/numbers

ANNEX 1



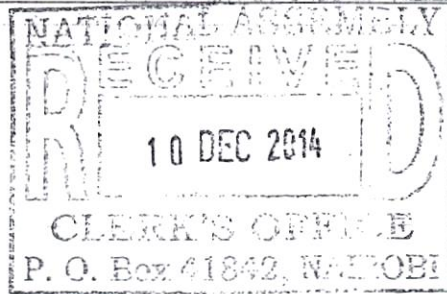
913 1041
② Susan
pls deaf

Hon Shakeel A. Shabbir Ahmed,
MBA, MA Pol. Sc., FFA, F. Inst. D, FCMI, MCIM, BA (Hons) BS
MP. Kisumu East Constituency

FA
15/12

Parliament Buildings
Tel: +254 20 2221291
Tel: +254 20 2334214/Fax: +254 20 2245473
P. O. Box 41842 - 00100 Nairobi, Kenya

Continental Hse., Rm. 207
Mobile: +254 722 801717/0733 606 192
E-mail: kisumueast@parliament.go.ke
shakeelshabbirahmed@googlemail.com



09/12/2014

Mr. Justin Bundi,
The Clerk, Kenya National Assembly.

Dear Mr. Bundi,

RE: IRREGULAR REGISTRATION OF A PRIVATE EYE CENTRE- EYE AND U-KENYA

There is a great concern raised by the Ophthalmological Society of Kenya in respect of the irregular registration of a Private Eye Centre called Eye and U Kenya.

The issues raised are as follows:

- (1) The Eye and U Kenya has been established by Indian doctors who are practicing ophthalmology in Kenya without being properly vetted or undergoing the necessary training in Kenya which requires undergoing 2 years of supervised work in Kenyan established eye centres.
- (2) These Indian doctors are not registered Kenyan ophthalmologists. In fact "Eye and U Kenya" has not approached or recruited any Kenya registered Ophthalmologists.
- (3) There are Six Indian Ophthalmologists whom have set up practice under the guise of being investors yet they are not registered to practice in Kenya.
- (4) Another doctor, Dr. Samira Soni who incidentally has no specialist or recognition in ophthalmology is the only locally based physician at the Eye and U Centre. In fact she is an Indian citizen but with a valid Kenyan work permit. Dr. Soni declined to render supervised services at a Kenyan Public Hospital for 2 years as is the standard requirement by the Kenya Medical Practitioners and Medical Board. As such there is doubt as to her status to practice medicine in Kenya

P.T.O.

(5) Registering and recognition of the Eye and U Kenya Centre is at best irregular and it will lead to the Kenyan registered ophthalmologists to be prejudiced and also without the interest of the Kenyan doctor and the Kenyan patient being properly addressed we may see a deterioration of the practice of ophthalmology in Kenya.

I enclose copies of the letters I have received from the Ophthalmological Society of Kenya and leading ophthalmologists for your perusal.

I request that your committee kindly looks into this complaint urgently in the interest of Kenyans.

Yours Sincerely,



HON. SHAKEEL A. SHABBIR AHMED- M.P

KISUMU EAST CONSTITUENCY

c.c Hon. Dr. Rachael Nyamai- Chairperson, Health Committee

Dear Dr. Nicholas Muraguri,
Registrar, Medical Practitioners and Dentists Board
DIRECTOR of MEDICAL SERVICES
Ministry of Health
Afyu House
Nairobi, Kenya

REF: MEETING WITH OPHTHALMIC SOCIETY OF KENYA REPRESENTATIVE FOR EYE AND U HOSPITAL (DR. SAMIRA SONI)

Thank you giving us an audience. I understand that our chairman Dr. Muchai Gachago has briefed you via email, but I would like to add the following facts:

1. Vetting of Dr Samira Soni, the Indian ophthalmologist was done very hurriedly in my opinion.
2. One of the colleagues selected for vetting, Dr. Jyoti Trivedi, was presumptively selected as an alleged expert anterior segment/refractive Surgeon to do the vetting. She was the wrong person in my humble submission.

Allow me to give examples of my concerns:

First of all I have seen many complications and gross error in diagnosis of cornea/refractive diseases by Dr. Jyoti Trivedi at Lions Eye Hospital where she works. I doubt she has any formal training in corneal and refractive surgeries. I met Dr. Ochiel (Chairman of Private Practitioners Medical Practitioner and Dentists Board) and narrated the cases and he suggested I write an official complaint. Initially I was reluctant at first because in 36 years of my ophthalmic career I have never complained against any colleague but Dr. Ochiel encouraged me saying by not making a complaint I am not giving justice to Kenyans and our health system.

Secondly, previous sending an official complaint to the Medical Board has led to nothing being done. It is sad to see poor medical practice being unregulated, exposing our patients to harm and opening up ourselves to unnecessary litigation.

There are many cases of misdiagnosis of I have personally seen with the following list of the best to mention a few cases that I have personally seen and intervened from Lions Eye Hospital:

Case 1: Keratoconus Patient- Dr. Jyoti wanted to send the patient to India for Lasik. Even a medical student knows that Keratoconus is contraindication for Lasik. I have collected international opinions (attached hereby for ease of your reference). See for yourself. It is an open and shut case. Even after 3 years the Board is yet to react and has not reached any conclusion.

Case 2: Patient with Lasik done in India came with marked diminution of vision after a year. For any refractive Surgeon, the first investigation would be to do Topography but Dr. Jyoti Trivedi did not do the topography and she performed a clear lens extraction. This is a serious anomaly. It is analogous to a

patient coming with chest pain and instead of doing an ECG you start with a CT Scan of the brain! When the patient came to see me after Topography investigation, we found Post-Lasik-Ectasia (Keratoconus) and I did collagen Cross-Linking. This is the standard evidence based optimal care for such a case. Currently this patient is progressing well.

Enclosed are many international comments on these cases when we sought their expert opinions.

I have several cases like this. In the month of August alone, I have seen three of them. I do not understand why the medical Board selected this colleague to do the vetting when other more Senior Ophthalmologists have raised the concern on her competency; or even why other Senior ophthalmologist with extensive Laser work experience were not asked to do the said vetting. I won't be surprised if Dr. Jyoti Trivedi has given recommendations for Dr. Soni for specialist recognition in Ophthalmology inspite of the fact Dr. Soni has never worked under Dr. Trivedi at Lions Eye Hospital. Dr. Soni's specialist recognition has already been challenged by our society.

3. Why do we encourage Indian doctors from the entire Specialist spectrum to come and harvest patients from Kenya? Besides why our health system is giving such permission for care available here? Kenya should be the hub in East and Central Africa in Medical treatment. In the last five years Indian colleagues have been doing unethical marketing. Surrounding patients from Uganda,
4. Tanzania instead of coming to Kenya are going directly to India. Kenya is losing in the health tourism inspite of having excellent facilities in Nairobi. Why is the Medical Board an accomplice in this unscrupulous unethical marketing by granting blanket licensures?
5. At Laser Eye Centre we have been doing Laser Vision correction for more than 10 years and in the last 3 years we have installed state of art technology C-Ten with the world's fastest laser 1000 Hz where laser vision correction is done without any surgical manipulation like Lasik, Epi-Lasik or Lasek. Even corneal Transplant is now done by Laser.

I am pleased to inform you that this technology, the so called "No-Touch No-Cut Laser" is only available in Kenya, and not even in South Africa or India. At some stage we would like you to come and see our Centre at Sarit Center and see our progress.

Finally I request you to act, but keep this information confidential; as I do not want to be a victim of vengeance from the Medical Board members in the fiscal pocket of unscrupulous cartels; inasmuch as I have raised critical issues in the past.

Kind Regards,

Dr. Praveen K. Jha
Medical Director
Laser Eye Centre



Ophthalmological Society of Kenya
Regent Court Block A Suite A7
Arwings Kodhek Road, Hurlingham
Box 4539-00506
Nairobi, Kenya
Office: +254724111059
Mobile: +254732240671
Friday 9th May 2014

The Chairman
The Kenya Medical Practitioners and Dentists Board
Woodlands Road Off Lenana Road
Nairobi
P.O. Box 44839-00100
Nairobi, Kenya

Dear Sir,

**RE: CONCERNS ON THE ESTABLISHMENT OF EYE AND U KENYA BY THE
OPHTHALMOLOGICAL SOCIETY OF KENYA.**

I hope that this letter finds you well.

I write to you in my capacity as the Chairman of the Ophthalmological Society of Kenya (OSK). It was recently brought to my attention by some of the members of the OSK that there is an eye centre, Eye and U Kenya, that is at a rather advanced stage of setting up operations at the heart of Nairobi at the Pacis Centre along Waiyaki Way.

Several issues arose as member after member raised particular concerns about the centre and I wish to bring these to your attention.

First and foremost, the general consensus is that this will lend a major blow to the practice of ophthalmology in Kenya and possibly even compromise eye care delivery to Kenyans. The Centre claims to have been established by Indian investors and on talking to Dr. Sandhya Sood who is their local contact it emerged that they are not merely investors but also have the intention of practicing ophthalmology in Nairobi. We as a society would like to know if the proper vetting of the said doctors by the Medical Board took place in order to protect the interests of Kenyan ophthalmologists. We are currently in the process of gathering information and will present our papers to the board to ensure that we have been trained at reputable institutions.

What mechanisms are there in Kenya to protect local interests, locally developed talent and the interests of Kenyan patients?

We hereby kindly request the the Kenya Medical Practitioners and Dentists Board to put a halt to the launch of this institution until our concerns have been addressed. If we have an influx of doctors from abroad, setting up practices without their credential having been properly looked into, without the interest of the Kenyan doctor and Kenyan patient being properly addressed I fear we may soon see a deterioration in the practice of medicine in this country. Ophthalmology has come a long way with more eye specialists in government practice than ever before, with more subspecialists than ever before covering areas such as retina, glaucoma, paediatric ophthalmology, anterior segment, oncology and oculoplastic surgery. We would not like to see the practice regress on this hard-earned milestones because we were not vigilant.

I copy in on this letter key stake-holders including the Cabinet Secretary of Health, the Director of Medical Services and the head of the Division of Ophthalmic Services in the Ministry of Health, the chairman of the Kenya Medical Association and the president of the College of Ophthalmology of Eastern, Central and Southern Africa.

Yours sincerely

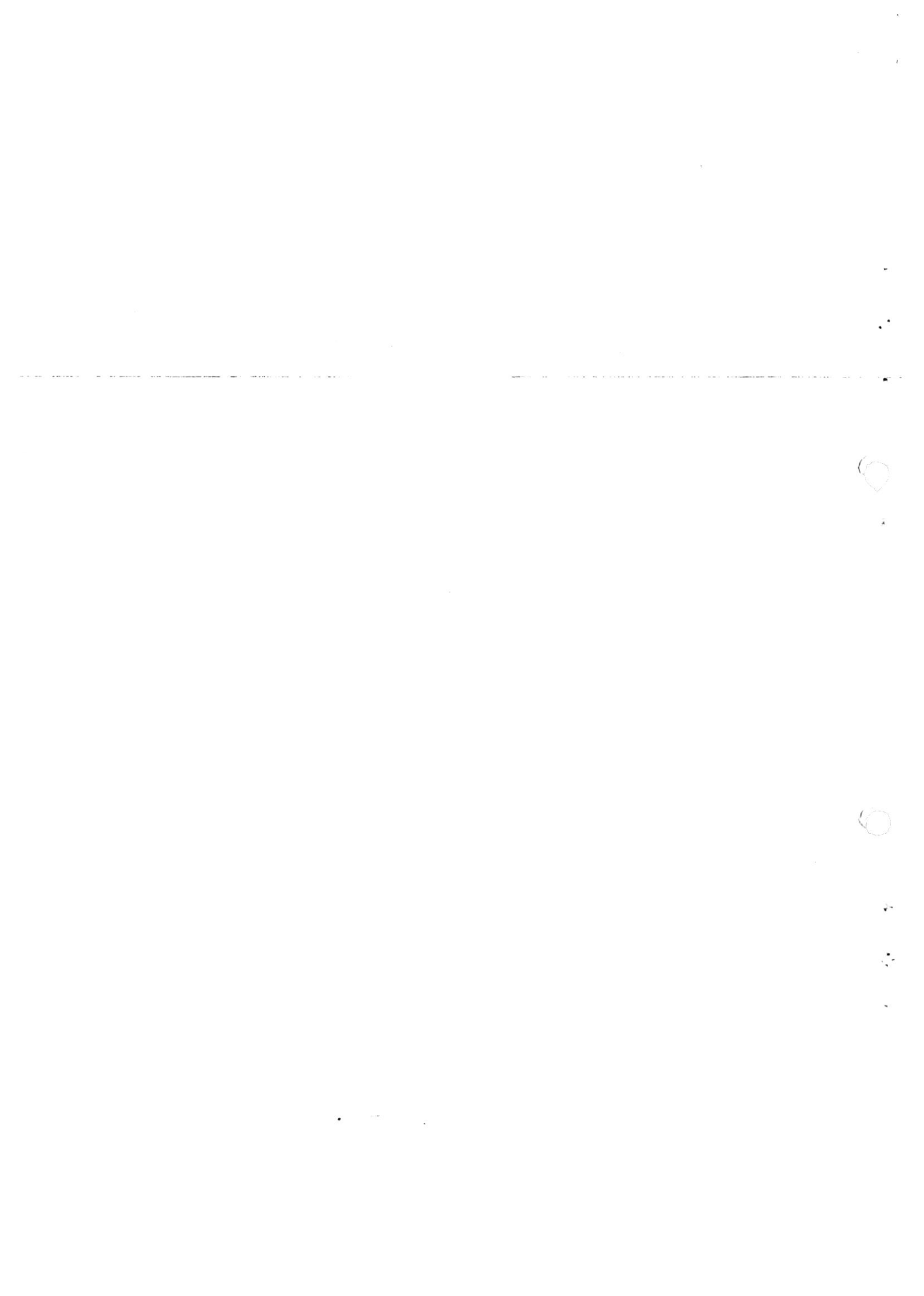
Dr. Muchai Gachago



Ophthalmologist
Lecturer University of Nairobi
Chairman Ophthalmological Society of Kenya

cc.

Mr. James Wainaina Machari, Cabinet Secretary, Health
Dr. Francis Kimani, DMS
Dr. Michael Gichangi, Head of DOS, MOH
Dr. Nyaim Opot, Chairman KMA
Dr. Ibrahim Matende, President COECSA



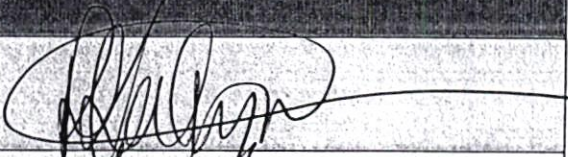
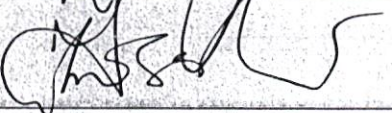



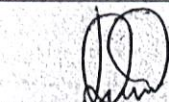






DC-H: DEPARTMENTAL COMMITTEE ON HEALTH

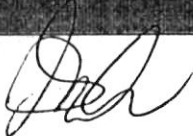

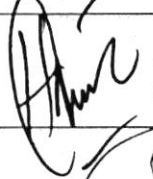
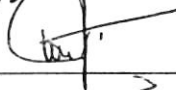
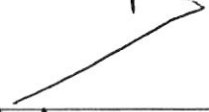
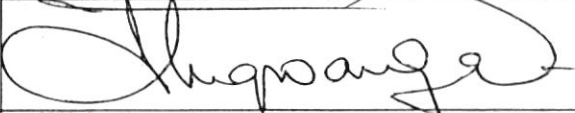
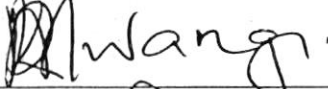



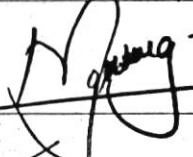


ATTENDANCE REGISTER

wasir, Dr Soni ^{Perf:}
Adophon

DATE: 10/3/2015

Venue MEDIA CENTRE

	HON. MEMBER	SIGNATURE
1.	The Hon. Dr. Rachael Nyamai, M.P. Chairperson	
2.	The Hon. Dr. Robert Pukose, M.P. Vice Chairperson	
3.	The Hon. Alfred Agoi, M.P.	
4.	The Hon. Christopher Nakuleu M.P.	
5.	The Hon. David Karithi, M.P.	
6.	The Hon. Dr. Dahir D. Mohamed, M.P.	
7.	The Hon. Dr. David Eseli, M.P.	
8.	The Hon. Dr. Enoch Kibunguchy, M.P.	
9.	The Hon. Dr. James Murgor, M.P.	
10.	The Hon. Dr. James Nyikal, M.P.	
11.	The Hon. Dr. James O. Gesami, M.P.	
12.	The Hon. Dr. Naomi ...	
13.	The Hon. Dr. Patrick ...	
14.	The Hon. Dr. Stephen Wachira, M.P.	

HON. MEMBER	SIGNATURE
15. The Hon. Dr. Susan Musyoka, M.P.	
16. The Hon. Fred Outa, M.P.	
17. The Hon. Hassan Aden Osman, M.P.	
18. The Hon. James Gakuya, M.P.	
19. The Hon. John Nyaga Muchiri, M.P.	
20. The Hon. Joseph O. Magwanga, M.P.	
21. The Hon. Kamande Mwangi, M.P.	
22. The Hon. Leonard Sang, M.P.	
23. The Hon. Michael Onyura, M.P.	
24. The Hon. Mwachima Masoud, M.P.	
25. The Hon. Mwinga Gunga, M.P.	
26. The Hon. Paul Koinange, M.P.	
27. The Hon. Raphael Milkau Otaalo, M.P.	

ANNEX 3

MINUTES OF THE 10TH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD IN COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS ON THURSDAY 26TH FEBRUARY, 2015, AT 10.00 AM.

PRESENT

1. **The Hon. Dr. Racheal Nyamai, M.P. (Chairperson)**
2. **The Hon. Dr. Robert Pukose, M.P. (Vice Chairperson)**
3. The Hon. Alfred Agoi, M.P.
4. The Hon. Dr. James Murgor, M.P.
5. The Hon. Christopher Nakuleu, M.P.
6. The Hon. David Karithi, M.P.
7. The Hon. Dr. Dahir D. Mohamed, M.P.
8. The Hon. Dr. Eseli Simiyu, M.P.
9. The Hon. Dr. James Nyikal, M.P.
10. The Hon. Joseph O. Magwanga, M.P.
11. The Hon. Leonard Sang, M.P.
12. The Hon. Mwinga Gunga, M.P.
13. The Hon. Dr. Stephen Wachira, M.P.
14. The Hon. Dr. Susan Musyoka, M.P.
15. The Hon. Stephen M. Mule, M.P.
16. The Hon. Hassan Aden Osman, M.P.
17. The Hon. James Gakuya, M.P.
18. The Hon. Raphael Milkau Otaalo, M.P.
19. The Hon. Kamande Mwangi, M.P.
20. The Hon. Michael Onyura, M.P.
21. The Hon. Zipporah Jesang, M.P.
22. The Hon. Dr. James O. Gesami, M.P.
23. The Hon. Dr. Enoch Kibunguchy, M.P.
24. The Hon. John Nyaga Muchiri, M.P.

ABSENT WITH APOLOGY

1. The Hon. Dr. Naomi Shaban, M.P.
2. The Hon. Paul Koinange, M.P.
3. The Hon. Dr. Patrick Musimba, M.P.
4. The Hon. Alfred Outa, M.P.
5. The Hon. Mwahima Masoud, M.P.

IN ATTENDANCE

Ophthalmological Society of Kenya (OSK)

1. Dr. Muchai Gachago - Chairman

Kenya Medical Practitioners and Dentists Board

1. Daniel Yumbya - Chief Executive Officer

2. Dr. Elly Nyaim Opot - Member
3. John Kariuki
4. Christine Mutio

Eye and U Centre

1. Dr. Samira Soni - Ophthalmologist
2. Dr. Kaushik Solanki - Consultant

National Assembly Secretariat

1. **Ms. Esther Nginyo** - **Third Clerk Assistant**
2. Mr. Dennis Mogare - Third Clerk Assistant.
3. Mr. Hassan A. Arale - Third Clerk Assistant.
4. Reyhan Mohamed - Researcher

MIN. NO. DCH 46/2015: PRELIMINARIES

The Chairperson called the meeting to order at 10:26 am and a prayer was said by Hon. Dr. Robert Pukose, M.P. The Chairperson thereafter welcomed those present to the meeting and led an introduction of all those in the meeting.

MIN. NO. DCH 47/2015 MEETING WITH THE MEDICAL PRACTITIONERS AND DENTISTS BOARD, OPHTHALMOLOGICAL SOCIETY OF KENYA AND DR. SAMIRA SONI ON IRREGULAR REGISTRATION OF A PRIVATE EYE CENTRE-EYE AND U KENYA

The meeting was convened by the Committee following a petition by the Ophthalmological Society of Kenya presented to the Committee by the Hon. Shakeel A. Shabbir Ahmed, Member for Kisumu East Constituency over irregular registration of a private eye centre - Eye and U – Kenya.

Submission from the Ophthalmological Society of Kenya

The Chairman of the Ophthalmological Society of Kenya (the petitioner) informed the Committee as follows: That;

1. The Eye and U Kenya had been established by Indian doctors who are practicing ophthalmology in Kenya without being properly vetted or undergoing the necessary training in Kenya which requires undergoing 2 years of supervised work in Kenyan established eye centers.
2. The Indian doctors in question are not registered Kenyan ophthalmologists and that eye and u Kenya has not approached or recruited any Kenyan registered ophthalmologists.
3. The six Indian ophthalmologists have set up practice in Kenya, under the guise of being investors, yet they are not registered to practice in Kenya.

4. No consultations with local ophthalmologists, as far as OSK is concerned, were made to certify the competence of the said doctors.
5. Dr. Samira Soni, who has no specialist recognition, is the only locally based physician at the Eye and U Centre.
6. Dr. Samira Soni is an Indian citizen but with a valid Kenyan work permit and she declined to render supervised services at a Kenyan public hospital for 2 years as is the standard requirement by Kenyan Medical Practitioners and Dentists Board.
7. The registration and recognition of Eye and U Kenya Centre was irregular and will jeopardize the interests of Kenyan patients and Kenyan registered ophthalmologists.

Submission from the Medical Practitioners and Dentists Board

The Chief Executive Officer of the board, Mr. Daniel Yumbya, informed the Committee that:

1. The mandate of the Board is to regulate training, practice of medicine and dentistry as well as health care standards in hospitals, medical centres and clinics.
2. On 7th May 2014, the Board received an application from Dr. Samira Soni for registration and licensing of the Eye and U Ophthalmic Health Centre in Westlands, Nairobi and that the application was accompanied by a clinic inspection report recommending registration and licensing which was signed by among others, Dr. Sam Ocholla, County Health Director, Nairobi.
3. On 9th May 2014, the application was approved by the Chairman, Private Practice Committee (Inspection and Licensing Committee). Additionally, the Registration and License was ratified by the 108th Full Board Meeting.
4. The following are the directors at the facility:

Name	Designation	Nationality
i. Dr. samira Dedhia Soni	In-charge	Kenyan
ii. Dr. Amit Manubhai Patel	Partner	Indian
iii. Dr. Shrikant Mohandlal Dalwadi	Partner	Indian
iv. Dr. Kaushik Ishvarbhai Solanki	Partner	Indian

5. The doctors licensed to work in the facility are as follows:

Name	Nationality
i. Dr. Samira Dedhia Soni (In-charge)	Kenyan
ii. Dr. Kaushik Ishvarbhai Solanki	Indian
iii. Dr. Bhavin Shankralal Shah	Indian
iv. Dr. Shaileen Parikh	Indian

6. Doctors with consulting rights are:

	Name	Nationality
i.	Dr. Millicent Kariuki	Kenyan
ii.	Dr. Daniel Kiage	Kenyan
iii.	Dr. Nyenze E. Muindi	Kenyan
iv.	Dr. Margaret Njuguna	Kenyan

7. Five doctors who had applied for temporary licenses for foreign doctors at the facility were peer reviewed on 21st may 2014 and the peer review reports are as follows:

	Name	Status
i.	Dr. Shaileen Parikh	recommended for licensing
ii.	Dr. Bhavin Shankarlal Shah	recommended for licensing
iii.	Dr. Kaushik Ishvarbhai Solanki	recommended for licensing
iv.	Dr. Shrikant Mohanlal Dalwadi	not recommended
v.	Dr. Amit Manubhai Patel	not recommended

8. Dr. Samira Dedhia Soni is a Kenyan National who holds a Bachelor of Medicine and Surgery (MBChB) degree from University of Nairobi having graduated in August 1987. She further acquired Master of Medicine in Ophthalmology from the same university in August 2003.

9. Dr. Samira Dedhia Soni is registered with the Medical Practitioners and Dentists Board under Registration Number A2940 in 1988 and has worked in the following hospitals:

- a) Kenyatta National Hospital
- b) Kenya Airports Authority Staff Clinic
- c) Aga Khan Hospital
- d) Upper Hill medical Centre
- e) Lions Blood and Eye Centre, Mombasa
- f) Hurlingham Women's Hospital and
- g) Currently, Eye and U Ophthalmics Health Centre

10. Dr. Samira Dedhia Soni first applied for specialist recognition on 5th May, 2009 and re-applied on 3rd November, 2013. She further appealed to the Board Chairman on 7th May 2014. Her recommending referees were Dr. Margaret Njuguna, Dr. Jyotee Trivedy and Dr. Millicent Kariuki Wanyoike. The Board Chairman reviewed Dr. Soni's file and approved specialist recognition in Ophthalmology on 15th May, 2014.

11. The Board received a letter dated 9th may, 2014 from Dr. Muchai Gachago, Chairman, Ophthalmological Society of Kenya, which the then Director of Medical Services forwarded to Dr. Soni requesting her to respond within 14 days. On the 27th May, 2014, Dr. Soni responded and explained that the concerns raised by the society were as a result of business rivalry. On 28th May, 2014, the Board

Chairman responded to the Ophthalmological Society stating the foregoing with regard to Dr. Samira Dedhia Soni.

Submission by Dr. Samira Dedhia Soni

Dr. Samira Dedhia Soni informed the Committee that:

1. She is a Kenyan by birth holding Kenya Passport Number C006972.
2. She started Eye and U Centre together with six Indian citizens who invested in the project. All the six are qualified Ophthalmologists who have studied and practiced in India.
3. Three of these doctors were working in Tanzania with local practice licenses before they started Eye and U.
4. She qualified as an Ophthalmologist in 2003 but did not immediately get specialist recognition because she had not worked at a Government recognized Institution. She informed the Committee that she was willing to undertake this internship but had been victimized by certain doctors who denied her opportunity to.
5. She worked alongside Dr. Millicent Kariuki, a recognized Ophthalmologist at Upper Hill Medical Centre from October 2003 to December 2008 as partners. She further worked for one year with Dr. Ilako who is the Head of Ophthalmology at University of Nairobi and also worked at Lions Blood and Eye Centre in Mombasa for one and half years.
6. On 7th May 2014, she appealed to the Chairman of The Medical Board to be given specialist recognition and this was granted on 15th May 2014.
7. The five Ophthalmologists from India were peer reviewed by a team of four doctors led by Dr. Elly Nyaim Opot who is the Examinations Coordinator at the Board.
8. The Eye and U Ophthalmic Limited was legally registered and all the Indian investors had been issued with work permits. The hospital was also inspected by several members of the Health Inspection Committee before the license to operate was issued by both the Medical Practitioners and Dentists Board and the City Council.
9. After the OSK wrote a complaint letter about Eye and U Kenya to the Medical Practitioners and Dentists Board in May 2014, they sent a lawyer, a Prof. Kiama Wangai, to peruse all the hospital's documentation at the Board. It is reported that he advised his clients (OSK) that the registration of Eye and U was largely regular and a case against Dr. Soni would be ill advised.
10. The Chairman of OSK, Dr. Gachago, via email communication indicated that the Society believed that the Ophthalmologists who were complaining were doing so out of business rivalry and that OSK will not be dragged into it.
11. Some of the Ophthalmologists who have been complaining about Eye and U Kenya have since joined the hospital as visiting doctors.

WAY FORWARD

After lengthy deliberations, the Committee resolved as follows, That:

1. A confirmation should be sought from the University of Nairobi on the authenticity of the qualifications held by Dr. Samira Dedhia Soni.
2. A conformation should be sought from the Immigration Department on the authenticity of the passport held by Dr. Samira Dedhia Soni.
3. There was need to probe the operations of the Medical Practitioners and Dentists Board itself especially with regard to adherence to set requirements and fairness in execution of its mandate.
4. The Medical Practitioners and Dentists Board should provide information on all those doctors who have applied but have not been granted specialist recognition.

MIN. NO. DCH 48/2015

CONSIDERATION OF THE BUDGET POLICY STATEMENT

Having extensively considered the budget policy statement and the views of the Ministry of Health and the Semi-Autonomous Government Agency under the Health sector, the Committee observed that the Overall Ministry's ceiling as presented in the Budget Policy Statement is not adequate as underfunding was noted in critical areas such as; Immunization, Vaccines, HIV/AIDS, SAGAs, Training, Tuberculosis and Capitalization of KEMSA. In view of this, the Committee proposed readjustments in some programmes as follows:

1. **Leasing Of Equipment** - The Committee recommended that the allocation for the leasing of equipment of Kshs. 4.5 billion is not justified and therefore, the allocation of Kshs. 3.4 billion to reflect the figure that was passed in the 2014/2015 figures.
2. **Slum Upgrading Programme** - The amount of Kshs. 200 million allocated for this programme to be reallocated. This is in view of the fact that the programme is at redesign stage and that it will be considered at a later date.

From the above readjustments, a savings of Kshs. 1.3 billion was realized which the Committee proposed it be reallocated as follows;

INSTITUTION	ACTIVITY	ADDITIONAL FUNDING
KMTC	Recruitment of staff	50 million
KNH	Recruitment of nurses for free maternity programme.	50 million
MTRH	Medical Equipment	250 million
KMTC	On going construction of KMTC	254 million

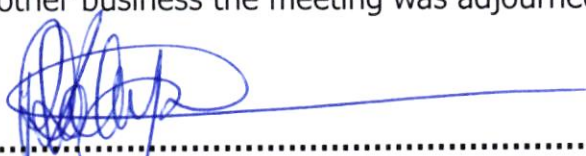
KEMRI	Research	200 million
Operationalization of Geneva office	Donor fund coordination	20 million
Emergency and Disaster Response	Disaster response coordination	76 million
Salaries for Registrars	Post graduate doctors salaries	300 million
MOH	Non-Communicable Diseases	100 million
TOTAL		1.3 billion

The Committee observed with concern that the health sector was grossly underfunded against the 2001 Abuja Declaration of which requires that at least 15% of the annual budget be allocated to the health sector. In this regard, the Committee proposed other critical areas that would require funding above the set ceiling. These include;

ITEM	PROPOSED AMOUNTS
1. Tuberculosis drugs	400 million
2. Vaccines	200 million
3. KEMSA Capitalization	1.5 billion
4. Registrars salaries	600 million
5. MTRH ICU expansion	300 million
TOTAL	3 Billion

MIN. NO. DCH 49/2015 ADJOURNMENT

There being no other business the meeting was adjourned at 2.20 pm.

SIGNED.....

HON (DR.) RACHAEL NYAMAI, M.P

CHAIRPERSON

DATE:.....21/05/2015.....

ANNEX 4

MINUTES OF THE 17TH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD AT THE MEDIA CENTRE, MAIN PARLIAMENT BUILDINGS ON TUESDAY 10TH MARCH, 2015, AT 10.00 AM

PRESENT

1. The Hon. Dr. Racheal Nyamai, M.P. (Chairperson)
2. The Hon. Dr. Robert Pukose, M.P. (Vice Chairperson)
3. The Hon. Dr. James Murgor, M.P.
4. The Hon. Christopher Nakuleu, M.P.
5. The Hon. Dr. Dahir D. Mohamed, M.P.
6. The Hon. Mwinga Gunga, M.P.
7. The Hon. Dr. Stephen Wachira, M.P.
8. The Hon. Hassan Aden Osman, M.P.
9. The Hon. James Gakuya, M.P.
10. The Hon. Raphael Milkau Otaalo, M.P.
11. The Hon. Kamande Mwangi, M.P.
12. The Hon. Michael Onyura, M.P.
13. The Hon. Zipporah Jesang, M.P.
14. The Hon. Dr. James Nyikal, M.P.
15. The Hon. Joseph O. Magwanga, M.P.
16. The Hon. David Karithi, M.P.
17. The Hon. Leonard Sang, M.P.
18. The Hon. Dr. James O. Gesami, M.P.
19. The Hon. Dr. Susan Musyoka, M.P.
20. The Hon. Alfred Outa, M.P.
21. The Hon. Stephen M. Mule, M.P.

ABSENT WITH APOLOGY

1. The Hon. Dr. Patrick Musimba, M.P.
2. The Hon. John Nyaga Muchiri, M.P.
3. The Hon. Dr. Naomi Shaban, M.P.
4. The Hon. Dr. Eseli Simiyu, M.P.
5. The Hon. Paul Koinange, M.P.
6. The Hon. Mwahima Masoud, M.P.
7. The Hon. Dr. Enoch Kibunguchy, M.P.
8. The Hon. Alfred Agoi, M.P.

IN ATTENDANCE

National Assembly Secretariat

1. Mr. Dennis Mogare - Third Clerk Assistant.

- | | | |
|------------------------|---|------------------------|
| 2. Mr. Hassan A. Arale | - | Third Clerk Assistant. |
| 3. Mr. Peter Mwaura | - | Legal Counsel |
| 4. Ms. Jemimah Waigwa | - | Legal Counsel |
| 5. Ms. Faith Makena | - | Sergeant-at-Arms. |

MIN.NO. DCH 75/2015: PRELIMINARIES.

The Chairperson called the meeting to order at 10.30 am and prayer was said by Hon Robert Pukose, M.P. The Chairperson then welcomed the Members to the meeting thereafter the agenda of the meeting was adopted after being proposed and seconded by Hon. Raphael Milkau Otaalo, M.P. and Hon. Dr. James Murgor respectively.

The members were informed about a memorandum sent by the Kenya Veterinary Board addressed to the office of the Clerk of the National Assembly which the Members resolved to consider during a Committee retreat to be conducted during the short recess of April, 2015.

A new Legal Counsel, Ms. Jemimah Waigwa, was introduced to the Committee and members welcomed her and wished her well in her new assignment.

MIN.NO. DCH 76/2015: CONSIDERATION AND ADOPTION OF THE REPORT ON WAJIR DISTRICT HOSPITAL VISIT.

Members Considered the Report and adopted it, after it was proposed and seconded by Hon. Dr. Robert Pukose, MP and Hon. David Karithi, MP respectively, with the following amendments; THAT:

1. The amount of cost of the contract for Wajir Hospital should be quoted in Kuwaiti currency which is 2million Kuwaiti Dinars which was equivalent to Kshs. 600 million on 3rd March, 2009 when the contract was signed between the Ministry for Finance, Kenya and authorized representative of the Kuwaiti Fund for Arab Economic Development.
2. The following be included as observations by the Committee:
 - a) The government has spent funds on a project that has not picked off since 2011.
 - b) The tender for consultancy services was awarded to the consortium of Al-Abdulhadi Engineering Consultancy (Kuwait) and Trioscope Planning Services Kenya Ltd (Kenya).
3. The following be included as recommendations by the Committee:

- a) Proper audit be done by the Office of the Auditor General to find out whether the Donor funds have been received and used for the intended purpose.
- b) Any further funding to Wajir District Hospital Project should be properly justified through the National Assembly Committee on Health.
- c) If there is no progress on the project in the next twelve (12) months, it shall be exhaustively reviewed and handed over to the Wajir County Government, which shall engage the donor directly.

**MIN.NO. DCH 77/2015: CONSIDERATION AND ADOPTION OF IRREGULAR
REGISTRATION OF EYE AND U KENYA REPORT.**

Members Considered the Report and adopted it, after it was proposed and seconded by Hon. Zipporah Kering and Hon. Dr Robert Pukose respectively, with the following amendments; THAT:

1. The following be included as observations by the Committee:

- a) Dr. Trivedi was a referee to Dr. Samira Soni but also sat on the Peer Review Committee reviewing her. This was a clear case of conflict of interest.
- b) Dr. Samira Soni took too long to acquire specialist recognition.
- c) There was a significant time lapse between the time the Board sent reference requests to Dr. Soni's referees and the time they got feedback. This was seen to be a long time.

2. The following be included as recommendations by the Committee:

- a) The Medical Practitioners and Dentists Board should curb conflict of interest in executing its mandate especially with regard to constituting Peer Review Committees.
- b) The Medical Practitioners and Dentists Board should be fair in treating all its members during training and registration processes.
- c) The Medical Practitioners and Dentists Board should ensure that all doctors are exposed to proper supervision before they acquire specialist licensing.

MIN.NO. DCH 78/2015: ANY OTHER BUSINESS

The Committee discussed its intended visit to Kenya Medical Supplies Authority (KEMSA) on 12th March, 2015 and agreed to raise the following with the KEMSA management:

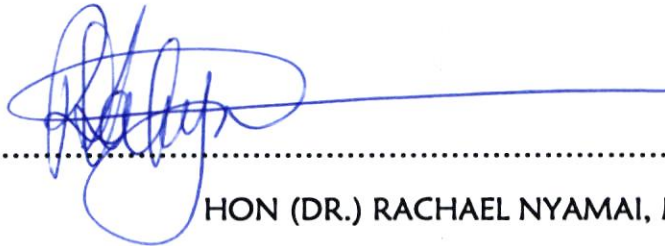
1. Update on the Capitalization of KEMSA (Impact of Ksh 1.5B from USAID).
2. What is the working relationship between KEMSA and the counties?
3. What is the system of drug supply (mechanism) from KEMSA to the counties?
4. What are the procurement procedures for internationally supported programs e.g. GAVI, Global Fund, WHO?
5. Had the mandate of KEMSA changed since it changed from being an Agency to becoming an Authority?
6. Any outstanding legislative issues that can help enhance the effectiveness of KEMSA?
7. How was the fire incident at KEMSA handled?

MIN.NO. DCH 79/2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 12.10 pm.

SIGNED.....



HON (DR.) RACHAEL NYAMAI, M.P

CHAIRPERSON

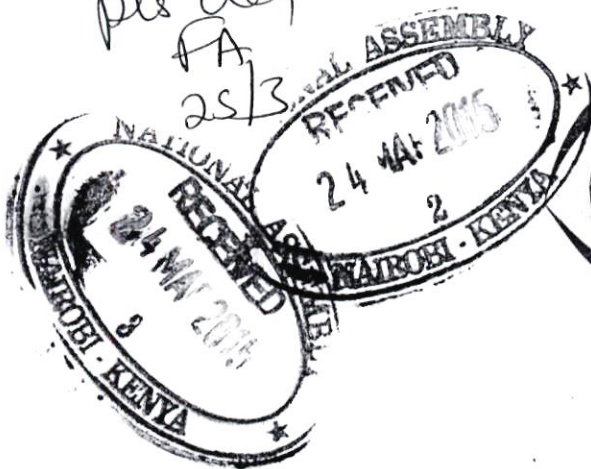
DATE:.....

21/05/2015

② ESTHER
pls deep
FA
25/3

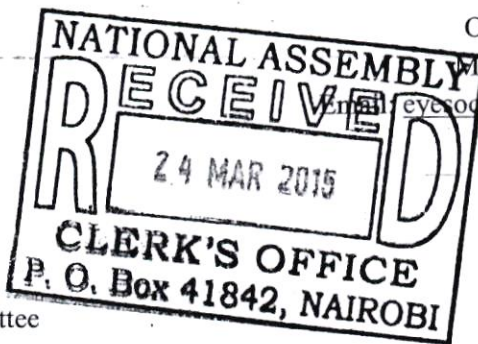
ANNEX 5

① D/Comm Hees 551 5090



Ophthalmological Society of Kenya

Regent Court Block A Suite A7
Arwings Kodhek Road, Hurlingham
Box 4539-00506
Nairobi, Kenya
Office: +254724111059
Mobile: +254732240671
Email: eyesocietykenya@gmail.com
20th March 2015



Hon. Dr. Rachael Nyamai
Chairperson
Parliamentary Health Committee
Parliament

RE: FINAL COMMENTS ON EYE N U MATTER FROM OPHTHALMOLOGICAL SOCIETY OF KENYA.

The Ophthalmological Society of Kenya raised a number of issues concerning the establishment of the Eye N U Centre in Westlands in a letter to the Medical Board on the 9th of May 2014. After a complaint was raised to your committee by Hon. Dr. Shakeel Shabbir, the OSK was invited to a Parliamentary Health Committee hearing.

Some of the issues that made us raise these concerns were:

1. Regards the vetting of the doctors at Eye N U, this was done irregularly as vetting cannot be done for foreign doctors coming into the country for private practice. This is in reference to a document (attached; pg. 16 point 3) written from the medical board and signed by the CEO Mr. Yumbya.
2. The references given are inadequate. The reference letter by Dr. Jyotee (attached) only states that she worked with Dr. Soni at Kenyatta National Hospital between 1999-2003 at which point they were classmates during their residency. References

for specialist recognition make an assessment of ones competency during the 2 years after their residency (masters) training.

3. Dr. Millicent who serves as her second reference is a competent ophthalmologist. But is her centre recognized by the board as a centre where specialist supervision can be offered? I have attached a letter from Dr. Kibata where his specialist recognition was rejected twice since the centres where he practiced were not recognized by the board (Sabatia Eye Hospital and Lighthouse Hospital-now recognized but previously not). It therefore appears that if a centre is not approved to offer such supervision it cannot offer recommendation.
4. Dr. Njuguna, who was her lecturer, and is also listed as a referee on her application for specialist recognition to the board disqualified herself from being a referee as she had not worked with Dr. Soni after her residency training. Dr. Jyotee, should have done the same, especially considering that she was only her classmate during that time and not her supervisor.
5. The country through the Ophthalmic Services Unit (OSU) of the Ministry of Health, The University of Nairobi (UON), the College of Ophthalmology of Eastern, Central and Southern Africa (COECSA) and other global partners have done a lot of advocacy work, invested huge amounts of money in the development and training of specialists and subspecialists and thereby increased the number of ophthalmologists and subspecialists in areas such are retina surgery, oculoplastics, glaucoma and others. It is therefore surprising that it could be allowed for 4 foreign doctors to come into the country. Last year alone we graduated a record 17 Ophthalmologists. If we allow an influx of foreign doctors, we will not be doing much in way of protecting jobs locally for our trained doctors.

Therefore, the vetting process was used incorrectly to licence the doctors who are in the country for private practice. None of the referees is adequate for the process of specialist recognition as Dr. Millicent Kariuki has never been registered with the board as a centre approved for specialist recognition posting as far as we know, Dr. Njuguna disqualified

herself as a referee and Dr. Joytee made a recommendation based on her interaction with Dr. Soni as her classmate and not her supervisor.

I therefore hand this matter to your committee.

Yours Sincerely,



Dr. Muchai Gachago

Ophthalmologist

Chairman, OSK

✓ cc. The Clerk of the National Assembly

21

MEDICAL PRACTITIONERS AND DENTISTS BOARD REPORT TO THE DEPARTMENTAL COMMITTEE ON HEALTH CONCERNING THE ESTABLISHMENT OF EYE AND U OPHTHALMIC HEALTH CENTRE AND THE PROCEDURE OF LICENCING OPHTHALMOLOGISTS WORKING THEREIN

INTRODUCTION

The Board received a letter from the Clerk of the National Assembly dated 19th February, 2015 inviting the CEO to appear before the Committee on Thursday 26th February, 2015 at 10.00am to give evidence regarding the accreditation and qualifications of ophthalmologists in Eye and U Ophthalmic Health Centre.

A. ESTABLISHMENT OF THE BOARD

The Medical Practitioners and Dentists Board is established under Act Cap 253, Laws of Kenya with the mandate to regulate the training, practice of medicine & dentistry as well as healthcare standards in hospitals, medical centres and clinics.

B. COMPOSITION OF THE BOARD

Cap 253 Section 4 (1) provides for the composition of the Board as follows:-

- (i) The Chairman appointed by the Cabinet Secretary, under sub-section (1) (a)
- (ii) The Director of Medical Services /Registrar or the person for the time being acting in that post; sub-section (1) (b)
- (iii) Deputy Chairman who shall be an elected by members at the time;
- (iv) Deputy Director of Medical Services to be nominated by the Minister; sub-section (1) (c)
- (v) Four (4) medical practitioners to be nominated by the Minister; sub-section (1) (d)
- (vi) A representative of each of the Universities in Kenya which have power to grant a qualification which is registerable under this Act, sub-section (1) (e)

- (vii) Five (5) elected medical practitioners and two (2) elected dentists, who shall be elected by the votes respectively of all medical practitioners and of all dentists at the prescribed times and in the prescribed manner; sub-section (1) (f)

C. FUNCTIONS OF THE BOARD

1. Training

- (i) Approval of training institutions for Medical and Dental practitioners.
- (ii) Renewal of Annual Licences of training institutions for medical and dental practitioners.
- (iii) Approval of curriculum and facilities for undergraduate and postgraduate students in medicine and dentistry.
- (iv) Approval and accreditation of Continuous Professional Development providers.
- (v) Supervision of medical and dental education and regulation of training thereof.

2. Education

- (i) Conduct Internship Qualifying and Pre-registration Examinations for foreign trained doctors and dentists.
- (ii) Conduct assessment for foreign trained specialists.
- (iii) Monitor university examinations for Medical and Dental Students.

3. Registration

- (i) Indexing of medical and dental students at entry level.
- (ii) Register eligible medical and dental practitioners.
- (iii) Maintain an up-to-date annual registers of eligible medical and dental practitioners.
- (iv) Register eligible private, community and faith based medical and dental institutions.

4. Licencing

- (i) Issuance of Internship Licences.
- (ii) Issuance of Annual Private Practice Licences;
 - a) Annual Practising Licences
 - Specialist Practice.
 - General Practice.

- (iii) Issue Annual Licences to offer health care to all private, community and faith based institutions.
- (iv) Issuance Licences for locum.
- (v) Issuance of premises licences.

5. Inspections

- (i) Inspection of new and existing training institutions for medical and dental practitioners.
- (ii) Inspect and approve internship training centres.
- (iii) Inspect and supervise internship training centres, public, private, community and faith based institutions.
- (iv) Inspection of private and public premises of medical and Dental practice both.

6. Discipline

- (i) Arrange, facilitate and conduct Preliminary committee Inquiries and sittings on medical malpractice and as is empowered by law.
- (ii) Prepare and hold Tribunals as is provided in law.

Arrange and facilitate any other committee as may be necessary from time to time.

7. Advisory

- (i) Advise Cabinet Secretary responsible for health on matters pertaining health care and training.
- (ii) Play an advisory role to medical and dental training institutions.
- (iii) Advise institutions that provide Health care.

8. Monitoring and evaluation

- (i) Monitor clinical research.
- (ii) Sign and carry out tasks set out and provided by Performance Contracts with the Cabinet Secretary for Health or the relevant government Ministry.
- (iii) Prepare an annual appraisal on signed Performance Contracts.
- (iv) Present audited accounts by the Auditor General by the end of each financial year.

9. Collaboration and Partnership

Collaborate and Partner with;

- (i) East Africa Community Boards and/or Councils, Regional and International Bodies such as Association of Medical Council of Africa (AMCOA) and the International Association of Medical Regulatory Authority (IAMRA) and any other relevant boards and councils.
- (ii) Health regulatory bodies such as Nursing Council of Kenya (NCK), Pharmacy and Poisons Board (PPB), Kenya Medical Laboratory Technicians and Technologists Board (KMLTTB), Clinical Officers Council (COC) and the Radiation Protection Board (RPB) or any other relevant regulatory body.
- (iii) Relevant Professional Associations.
- (iv) Public and private sector

10. Data base

Maintenance of;

- (i) An annual register of approved training institutions for medical and dental practitioners.
- (ii) Annual register for private, community and faith based medical and dental institutions.
- (iii) A data base of curriculum for undergraduate and postgraduate students in medicine and dentistry.
- (iv) A data base of inspection reports.
- (v) An updated list of approved internship training centres.
- (vi) An updated list of approved Continuous Professional Development activities providers.

11. Board Elections

Conduct Board Elections after every 5 years as stipulated under Cap 253 section 4.

D. COMMITTEES OF THE BOARD

1. Training, Assessment and Registration Committee (TARC)


(Cap 253, Training Assessment and Registration Rules 2014, Part II)

Membership of the Committee

The committee shall be composed of not more than five (5) members appointed by the Board from among its members. The committee shall elect its own chairman and shall have the powers to co-opt not more than three (3) private practitioners who are not members of the Board for the purposes of transacting the business of the Committee.

The persons co-opted under sub-rule (2) may not vote in any matter before the committee. The committee may regulate its own procedure.

Functions

- 
- (i) Accredite and regulate all medical schools, dental schools, internship training centres,
 - (ii) Accredite continuing professional development and continuing education programme providers;
 - (iii) Inspect all medical schools, dental schools and internship training centres;
 - (iv) Index all medical and dental students;
 - (v) Conduct examinations by the Board;
 - (vi) Conduct internship qualifying examinations;
 - (vii) Review post-graduate qualifications for the purpose of awarding specialist recognition;
 - (viii) Scrutinize applications for approving specialists and sub-specialist status;
 - (ix) Conduct all pre-registration and pre-internship examinations by the Board and peer reviews;
 - (x) Approve the registration of medical practitioners and dentists;
 - (xi) Implement the continuing professional development programmes by the Board;
 - (xii) Monitor and ensure compliance with the continuing professional development;
 - (xiii) Perform such other functions as may be assigned to it by the Board from time to time.

2. Inspections and Licensing Committee (ILC)

(Cap 253, Inspections and Licensing Committee Rules 2014, Part II)

Membership of the Committee

The committee shall be composed of not more than five (5) members appointed by the Board from among its members and the Chief Executive Officer.

The Committee shall elect its Chairman and shall have powers to co-opt not more than three (3) other persons who are not members of the Board, for the purposes of transacting the business of the committee, whenever it is expedient.

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

Functions

- (i) Issue licences to all eligible medical and dental practitioners;
- (ii) Approve and license the premises for the practice by medical and dental practitioners;
- (iii) Inspect clinics, health centres, medical centres, mortuaries, maternity and nursing homes;
- (iv) Inspect all hospitals including faith-based hospitals and Government hospitals;
- (v) Review, whenever it is in its opinion necessary, all applications for licences to engage in private practice by medical and dental practitioners;
- (vi) Maintain a register of all persons and facilities licensed under these Rules;
- (vii) Review the fees charged in private practice by medical and dental practitioners, from time to time; and
- (viii) Undertake any other activity that may be necessary for the fulfillment of its functions under these Rules.

3. Preliminary Inquiry Committee (PIC)

(Cap 253, Preliminary Inquiry Committee Rules 2014, Part II)

Membership of the Committee

The Preliminary Inquiry Committee consists of seven members elected from among the members of the Board.

The Director of Medical Services or, in his absence, a Deputy Director of Medical Services who is a member of the Board shall be the chairman of the Preliminary Inquiry Committee.

The Chairman of the Preliminary Inquiry Committee shall convene the meetings of the committee as and when necessary.

The Preliminary Inquiry Committee may co-opt into the Committee any person whose knowledge and skills are necessary for the proper determination of any matter before it.

A person co-opted under sub-rule (4) may attend the meetings of the Committee and participate in its deliberations but shall have no right to vote at the meeting. [L.N. 223/2013, r. 2.]

Functions

- (i) Conduct inquiries into the complaints submitted to it under these Rules and make appropriate recommends to the Board.
- (ii) 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;
- (iii) Promote mediation and arbitration between the parties and refer matters to such mediator or arbitrator as the parties may in writing agree; and
- (iv) At its own liberty, record and adopt mediation agreements or compromise between the parties on the terms agreed and thereafter inform the chairperson.

Subject to paragraph(1), the Preliminary Inquiry Committee after considering the complaint and making such inquiries with respect thereto as it may think fit, shall—

- (i) if of the opinion that the complaint does not warrant reference to the Board for inquiry, reject the complaint and so inform the Chairman;
- (ii) if of the opinion that the complaint does warrant reference to the Board, cause it to be referred to the Professional Conduct Committee together with its findings and recommendations.

The Preliminary Inquiry Committee shall, in consultation with the Board, have the power to—

- (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.]

4. Professional Conduct Committee (PCC)

(Medical practitioner and Dentists Act Cap 253; Legal Notice No. 12 of 2012)

The Board may, upon the recommendation of the Preliminary Inquiry Committee, establish on an ad hoc basis, a professional Conduct Committee to hear and determine cases of alleged medical malpractice at county level.

Membership of the Committee

- (i) a chairperson;
- (ii) two persons registered in the same profession in which a medical practitioner or dentist whose conduct is being inquired is registered;
- (iii) one member of the Board;
- (iv) one person representing the general public;
- (v) the Board's advocate who shall be the legal advisor; and
- (vi) the Chief Executive Officer of the Board.

Functions

- (i) Conduct inquiries into the complaints within such counties as the Board may specify and make appropriate recommendations to the Board;
- (ii) 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;
- (iii) Convene sittings in respective counties to determine complaints;
- (iv) Promote arbitration between the parties and refer matters to such arbitrator as the parties may in writing agree.

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.]

E. REGISTRATION AND LICENCING OF HOSPITALS, MATERNITY & NURSING HOMES, MEDICAL CENTRES, HEALTH CENTRES, DISPENSARIES AND CLINICS

(Cap 253 Medical Practitioners and Dentists (Private Medical Institutions) Rules 2000)

The Medical Practitioners and Dentists Act Cap 253 was amended in the year 2000 to give power to the Board to register and licence private, faithbased and NGO health facilities.

Requirements

1. Duly filled form 1X from www.medicalboard.co.ke.
2. Documents:-
 - (a) Company or Business Registration Certificate
 - (b) Certified copies of Professional Certificates of all Health Professionals working therein including licenses from their respective Regulatory Authorities.
 - (c) Building Architectural Plans for Hospitals and Maternity & Nursing Homes (inpatient facilities).
3. Hospitals and Maternity & Nursing Homes must have a mortuary or a cold room for holding dead bodies.
4. In-patient facilities should waste disposal and management systems in place which include an incinerator, a placenta pit etc.
5. Submit and inspection report from the County Director of Health or County Health Management Team or Joint Board/Council Inspection Team or Inspection and Licensing Committee of the Medical Practitioners and Dentists Board.
6. It is a requirement to obtain a licence other Health Regulatory Authorities for Laboratory, Pharmacy, Radiology and X-Ray Services as the Law may require.
7. It is the responsibility of the Proprietor/Administrator/Director to ensure:-
 - (a) Licenses are up to date.
 - (b) Health Professionals working therein are registered and licensed by their respective Boards/Councils.
8. Payment of prescribed fees.

Process of Registration & Licencing Health Facilities

- (i) Filled in application forms are submitted to the Board.
- (ii) Registration and Licensing Manager processes the applications and forwards to the Chief Executive Officer and Chair, Licensing & Registration Committee.
- (iii) Upon approval, Annual Licence is prepared and forwarded to the Registrar for signature and seal. Subsequently, Registration Certificate is prepared for the signature of the Chairman and the Registrar.
- (iv) Licence/Registration Certificates are dispatched to the respective institutions.
- (v) List of approved institutions is submitted to the Inspections & Licensing Committee for adoption.
- (vi) List of approved institutions by the committee is quarterly submitted to the Full Board for ratification.

Ownership and set up of facilities

- (i) A facility may be owned by an individual, group of practitioners, faith based organization or a business entity.
- (ii) Proprietor may rent a premise and modify the same to meet Board requirements or set up their one building.
- (iii) The facility must conform to public health and sanitation requirements under Cap 242.

F. STATUS OF EYE AND U OPHTHAMICS HEALTH CENTRE

On 7th May, 2014 the Board received an application from Dr. Samira Dedhia Soni for registration and licencing of the above institution as a Health Centre situated along Waiyaki Way, Westlands, Pacis Centre, 3rd floor. The application was accompanied by clinic inspection report recommending registration and licencing which was signed among others Dr. Sam Ocholla, County Health Director, Nairobi County (attached as annex I).

On 9th May, 2014, the application was approved by the Chairman, Private Practice Committee (Inspection and Licensing Committee). On 30th June, 2014 the Registration and Licence was ratified by the 108th Full Board Meeting.

The directors of the facility are:

- | | | | |
|-------|--------------------------------|----------|--------|
| (i) | Dr. Samira DedhiaSoni | Incharge | Kenyan |
| (ii) | Dr. Amit Manubhai Patel | Partner | Indian |
| (iii) | Dr. ShrikantMohanlalDalwadi | Partner | Indian |
| (iv) | Dr. Kaushik Ishvarbhai Solanki | Partner | Indian |

Doctors licenced to work in the facility are:

- | | | |
|-------|----------------------------------|--------|
| (i) | Dr. Samira DedhiaSoni (Incharge) | Kenyan |
| (ii) | Dr. Kaushik Ishvarbhai Solanki | Indian |
| (iii) | Dr. BhavinShankarlal Shah | Indian |
| (iv) | Dr. Shaileen Parikh | Indian |

Doctors with consulting rights:-

- | | | |
|-------|-----------------------|--------|
| (i) | Dr. Millicent Kariuki | Kenyan |
| (ii) | Dr. Daniel Kiage | Kenyan |
| (iii) | Dr. Nyenze E. Muindi | Kenyan |
| (iv) | Dr. Margaret Njuguna | Kenyan |

The following five (5) doctors were peer reviewed on 21st May, 2014 to work at Eye and U Ophthalmic Ltd on temporary licences for foreign doctors:

- | | | |
|-------|--------------------------------|---------------------------|
| (i) | Dr. Shaileen Parikh, | recommended for licensing |
| (ii) | Dr. Bhavin Shankarlal Shah | recommended for licensing |
| (iii) | Dr. Kaushik Ishvarbhai Solanki | recommended for licensing |
| (iv) | Dr. Shrikant Mohanlal Dalwadi | not recommended |
| (v) | Dr. Amit Manubhai Patel, | not recommended |

Their Peer Review reports attached as Annex II, III IV V and VI).

F. REQUIRMENTS FOR RECOGNITION OF SPECIALIST/SUB-SPECIALITY

The Medical Practitioners and Dentists: Training, Assessment and Registration) Rules, 2014, Rule 7)

7 (1) The Board may recognized 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:

- (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 qualifications.

(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.


 **Applicants are required to provide the following:**

1. Certified copy of post graduate qualification and official transcripts.
2. Evidence of completion of 2 year rotations in a recognized institution for specialist recognition or one year rotation in a recognized institution for sub-specialist recognition.
3. Supportive recommendation from two (2) referees in the relevant speciality.
4. Payment of prescribed fee

G. STATUS OF DR. SAMIRA DEDHIA SONI

- (i) Nationality: Kenyan
- (ii) Qualifications: - M.Med(Ophthalmology) UoN, August, 2003
MBChB(UoN) August, 1987
- (iii) Internship Training at Kenyatta National Hospital.
- (iv) The doctor is registered with the Medical Practitioners and Dentists Board under Reg. No.A2940 in 1988.

- (v) Worked in various hospitals:
 - a. Kenyatta National Hospital
 - b. Kenya Airport Authority Staff Clinic
 - c. Aga Khan Hospital
 - d. Upper Hill Medical Centre
 - e. Lions Blood and Eye Centre, Mombasa.
 - f. Hurlingham Women's Hospital.
- (vi) Currently Director, Eye and U Ophthalmics Health Centre.
- (vii) Dr. Samira Dedhia Soni first applied for specialist recognition on 5th May, 2009 and re-applied on 3rd November, 2013. She appealed to the Board Chairman vide her letter dated 7th May, 2014. Her recommending referees are Dr. Jyotee Trivedy, Dr. Margaret Njuguna and Dr. Millicent Kariuki Wanyoike. Referee letters attached as annex VII, VIII & annex IX.


The Board Chairman reviewed the file and approved specialist recognition in Ophthalmology both in the application form and the appeal letter on 15th May, 2014 (copies attached as annex X).

The Board received a letter dated 9th May, 2014 from Dr. Muchai Gachago, Chairman Ophthalmological Society which the then Director of Medical Services, Dr. Francis Kimani forward to Dr. Soni requesting her to respond within fourteen (14) days.

On the 27th May, 2014, Dr. Soni responded and explained that the concerns raised by the Society were as a result of business rivalry (attached as annex IX).

On 28th May, 2014, the Board Chairman responded to the Ophthalmological Society.

On 11th September 2014, Dr. Mukeshi Joshi wrote to the Director of Medical Services complaining against Dr. Soni (copy attached as annex XI).

H. TEMPORARY LICENCE FOR FOREIGN DOCTORS

(Cap 253, Medical Practitioners and Dentists Board Section 13)

The Board issues temporary licence to foreign doctors for a period of upto 12 months renewable under section 13 of the Medical Practitioners and Dentists Act.

Which states that:

- (1) Notwithstanding any of the other provisions of this Act, the Board may, if it is satisfied that it is in the public interest to do so, confer upon any person who is not otherwise eligible to be registered as a medical practitioner or as a dentist under the provisions of this Act, by the issue, under the signature of the Director of Medical Services, or a licence to do so, the right to render medical or dental services.
- (2) Every such licence shall be for such period and may contain and such conditions as the Director of Medical Services shall, with the consent or on the instruction of the Board, impose
- (3) Any licence issued under this section may be cancelled or revoked and withdrawn at any time by the Director of Medical Services with the consent or on the instructions of the Board.

Requirements

Applicants are required to provide the following:

1. Copy of ID/Passport
2. Current coloured pass port size photo
3. Certified copies of professional certificates and transcripts
4. Certificate of status
5. Introduction letter/job offer from the institution
6. Copy of registration certificate from respective medical Board/Council
7. Copy of current/last practice licence
8. Copy of current CV
9. Payment of prescribed fee

I. BOARD EXAMINATIONS

(Cap 253, Training Assessment and Registration Rules 2014, Part V)

There are three (3) types of examinations:-

- (i) Internship Qualifying Examinations (IQE)
- (ii) Pre-Registration Examinations
- (iii) Peer Review Examinations

Foreign trained doctors who possess qualifications equivalent to MBChB and BDS from University of Nairobi are required to sit Board exams in order to determine their eligibility for either registration or internship training. These exams are given under Cap. 253 section II.

Graduates from the East African Partner States (EAC) who qualify from approved medical and dental schools are exempted from Board exams under EAC Boards/Councils Reciprocal Recognition.

1. Internship Qualifying Examination (IQE)

(Registration, Licensing, Assessment and Internship) Rules, Section 15.

IQE is administered to newly qualified graduates who have not undergone internship training at their country of training. Candidates who pass those exams are required to submit a copy of posting letter from the Ministry of Health in order to be issued with Internship Licence by the Board.

Requirements for IQE:-

- (i) Copy of ID/Passport
- (ii) Coloured passport size photo
- (iii) Certified copies of professional certificates
- (iv) Curriculum Vitae
- (v) Qualification: Form IV or VI Certificate
- (vi) Evidence of appropriate linguistic skills in English and/or Kiswahi for non-Kenyans
- (vii) Evidence of registration from EAC Partner States Board's and councils (for those applying for reciprocal registration)
- (viii) Letter from Commissioner for Higher Education (CHE) confirming recognition of the medical/dental school
- (ix) Payment of prescribed fee

2. Pre-Registration Examination

This examination is administered to Kenyan undergraduates who upon completion of their training undertake the mandatory internship training at their country of training and should have been registered therein. Candidates who pass this exam are thus required to apply for Permanent Registration in the prescribed manner.

Requirements for pre-registration examination:-

- Copy of ID/Passport
- Coloured passport size photo
- Certified copies of professional certificates
- Evidence of appropriate linguistic skills in English and/or Kiswahi for non-Kenyans
- Academic transcripts of evidence of internship
- Curriculum Vitae
- Evidence of completion of internship or registration from a Medical Council
- Certificate of status
- Letter from Commissioner for Higher Education (CHE) confirming recognition of the medical/dental school (if foreign trained)
- Qualification: Form IV or VI Certificate
- Payment of prescribed fee

3. Peer Review Examinations

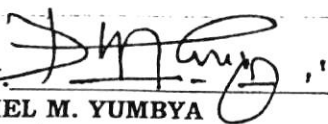
Peer Review is done to the following: -

- Kenyans who hold post graduate training and wish to be registered and recognized as specialists.
- Foreign doctors who possess post graduate training and wish to work in salaried position and not private practice.

Requirements for Peer Review

- Copy of ID/Passport
- Coloured passport size photo
- Certified copies of professional certificates and academic transcripts
- Copy of current Curriculum Vitae
- Evidence of post graduate qualifications
- Certificate of status from current regulatory authority
- Specialist recognition (if any) from current Medical Council
- Payment of prescribed fee

SIGN.


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

DATED: 25TH FEBRUARY, 2015



7TH APRIL 2014.

LIONS CLUB INTERNATIONAL MULTIPLE DISTRICT #1 CHARITABLE TRUST
KAPTACATROAD LORESHG P.O. BOX 66576 - 00800 NAIROBI KENYA
Tel: +254 020 41 3239; 418 0626; 418 0577 Fax: +254 020 418 108
cell: 0728 970 601; 0733 619191 EMAIL: info@lionsloresho.org

10

RE: SPECIALIST REFERENCE FOR DR. SONI.

Dr. Soni is known to me from 1999. We studied together in Kenyatta National Hospital for our M.Med Ophthalmology.

We worked in Kenyatta National Hospital for 3 years together from 1999-2003.

She is hard working and her conduct with the seniors and the colleagues was commendable. Her attitude towards patient was very good.

She completed her M. Med from the University of Nairobi.

I would recommend her for specialist recognition.

Regards,

M. Jyotee Trivedy

DR. JYOTEE TRIVEDI
M.B.B.S; M.MED (Ophth); FEACO; AMRCO (UK)
HEAD OF MEDICAL SERVICES
LIONS SIGHTFIRST EYE HOSPITAL

P.O. BOX 66576-00800
NAIROBI - KENYA
TEL: +254 20 418 0601
+254 20 418 0820
FAX: +254 20 418 1085
MOBILE: 0728970601
0704362538
0733619191

FIELD OF MANAGEMENT 2015 - 2016
Lions Eye Hospital, Nairobi, Kenya. MASSIVE THANKS TO ALL THE STAFF FOR THEIR SUPPORT AND CONTRIBUTION TO THE HOSPITAL'S SUCCESS.
Lions Eye Hospital, Nairobi, Kenya. MASSIVE THANKS TO ALL THE STAFF FOR THEIR SUPPORT AND CONTRIBUTION TO THE HOSPITAL'S SUCCESS.
Lions Eye Hospital, Nairobi, Kenya. MASSIVE THANKS TO ALL THE STAFF FOR THEIR SUPPORT AND CONTRIBUTION TO THE HOSPITAL'S SUCCESS.

Attn: Linda

ANNEX 6

MINISTRY OF HEALTH

Telegram: " MEDBOARD", Nairobi
Telephone: 720453 / 724994
728752 / 711478
Fax: 720829
When replying please quote



MEDICAL PRACTITIONERS
AND DENTISTS BOARD

MP & DB HOUSE,
WOODLANDS RD, OFF LENANA RD.
P.O. BOX 44839
NAIROBI

Ref : No.....
and date

MPD/A.3934

6th September, 2001

Dr. Amos Kibata Githeko,
P O Box 17815,
NAIROBI

RE: SPECIALIST REGISTRATION

Thank you for your letter of 5th September, 2001 regarding status of Sabatia Eye Hospital. At the moment the hospital is not a Recognized Institution for Specialist Training in Ophthalmology neither is Dr. Sture Nyholm recognized as a Specialist by the Board.

The Board would be prepared to inspect the Hospital if the hospital were to ask for it.

Sturula.

PROF. BARASA KHWA-OTSYULA
CHAIRMAN/ESRC
MEDICAL PRACTITIONERS AND DENTISTS BOARD

MINISTRY OF HEALTH

Telegram: "MEDBOARD", Nairobi
Telephone: 2720453 / 2724994
2728752 / 2720829
Fax: 2724938
E-mail Address: medicalboard@todays.co.ke
When replying please quote
MPD/A.3934/04
Ref: No.....
and date



MEDICAL PRACTITIONERS
AND DENTISTS BOARD
MP & DB HOUSE,
WOODLANDS RD, OFF LENANA RD.
P.O. BOX 44839
NAIROBI

25th October 2004

Dr. Amos Kibata Githeko
P O Box 81465
MOMBASA

Dear Dr. Githeko,

RE: SPECIALIST RECOGNITION

Please refer to your application for Specialist Recognition.

You are required to note that Sabatia Eye Unit and Light House for Christ Eye Centre are **NOT** recognized for training. Therefore, your application was not recommended and also you should submit copy of your M. MED certificate

A handwritten signature in black ink, appearing to read 'Daniel M. Yumbya', written over a horizontal line.

**DANIEL M. YUMBYA
EXECUTIVE OFFICER
MEDICAL PRACTITIONERS AND DENTISTS BOARD**

D/Committees



467 4000

UNIVERSITY OF NAIROBI
COLLEGE OF HEALTH SCIENCES
SCHOOL OF MEDICINE

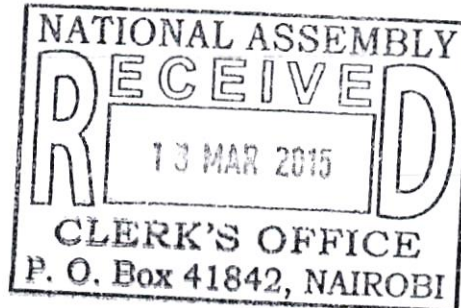
OFFICE OF THE DEAN
Kenyatta National Hospital
P.O. Box 19676 00202
NAIROBI, Kenya

Telfax: +254-02-7275102
Tel. +254-02-2726300 Ext. 43769
Telegrams: "Medken" Nairobi
Telex: 2295 VARSITY NAIROBI
Email: deanmedic@uonbi.ac.ke

YOUR REF: KNA/DCH/CORR/2015(013)

March 12, 2015

Justin Bundi
Clerk of the National Assembly
Parliament Buildings
P O Box 41842-00100
NAIROBI, Kenya



Dear Mr. Bundi

RE: REQUEST FOR INFORMATION ON DR. SAMIRA DEDHIA SONI

Thank you for your letter dated 4th March, 2015 requesting for information on the above mentioned.

This is to confirm that the above named was a bonafide undergraduate student of this School registered for Bachelor of Medicine and Bachelor of Surgery (MBChB) degree programme of the University of Nairobi. Ms. Samira successfully completed the prescribed course work and examinations in November 1987 and was recommended for **AWARD** of the Degree.

She later joined the University of Nairobi for her Master of Medicine in Ophthalmology (M.Med Ophthalmology) degree programme in the 1999/2000 Academic Year. Dr. Samira successfully completed the prescribed course work and examinations in September 2004 and was recommended for **AWARD** of the Degree.

PROF. FREDRICK N. WERE
DEAN, SCHOOL OF MEDICINE

FNW/mm

1
2
3
4
5

6

7
8
9
10

11

36 D/Committees

ANNEX 8

1982

REPUBLIC OF KENYA

Tel: + 254 020 2724994/ 2711478/ 2728752
Fax: + 254 020 2724938
Email Address: medicalboard@kenyamedicalboard.org
Email Address: ceo@kenyamedicalboard.org
Website: www.medicalboard.co.ke
When replying please quote
Ref No: MPDB/ 124/GFL Vol.1/P/01

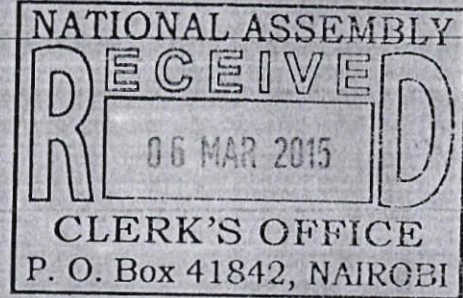


MEDICAL PRACTITIONERS
AND DENTISTS BOARD
MP & DB HOUSE,
WOODLANDS RD, OFF LENANA RD.
P.O BOX 44839 - 00100
NAIROBI

Your Ref: KNA/DCH/CCOOR/2015 (009)

Date: 5th March, 2015

Clerk of the National Assembly
Clerk's Chambers,
Parliament Buildings
P.O Box 41842-00100
NAIROBI



Attn: Chair Departmental Committee on Health

RE: ADDITIONAL INFORMATION REQUIRED BY DEPARTMENTAL COMMITTEE ON HEALTH

Reference is made to your letter of 19th February, 2015 in which I was required to appear before the above mentioned committee.

As a follow up to my presentation before the Committee, I hereby submit additional information as directed.

A. Complaints filed against Dr. Mukesh Joshi

i. In April, 2002 the Medical Council of Tanganyika filed a complaint against Dr. Mukesh Joshi for violation of Medical Practitioners and Dentists Chapter 409 of the Laws of Tanzania. This was in response to the fact that Dr. Joshi had been making consultation visits to the Dar es Salaam Aga Khan Hospital where he conducted his eye clinics contrary to the requirements of the Medical Council of Tanganyika.

ii. PIC CASE NO 39 OF 2008

Angela Wanini Gichuki against Dr. Mukesh Joshi

In the matter, the complainant lodged a case against the doctor alleging professional misconduct and in particular overcharging and employing unqualified personnel and failure by the doctor to pay her salary. The Committee after due investigations held that the employment contract between Ms. Gichuki and Dr. Joshi was in contravention of the code of ethics governing a practitioners practice. It was further, held that the practitioner had breached the rules of confidentiality by involving the relatives in billing issues. Dr. Joshi was cautioned by the Committee on his conduct in the above matter.

Esther Ngunya
Present the information
before the committee
A. DDC
2/2/15

iii. PIC CASE NO 83 OF 2008

Fredar K. Murugu (Mpuhia) on behalf of Xenia Wangari against Dr. Mukesh Joshi

The complainant herein alleged that the retina scar on her daughter Xenia Wangari was caused by the negligence and carelessness on the part of Dr. Joshi during surgery. The Committee after due investigations cautioned Dr. Joshi and further advised him to improve on patient counseling and detailed examination before embarking on any procedures.

iv. PIC CASE NO 13 OF 2006

Fr. Richard Quinn against Dr. Mukesh Joshi

The complainant herein alleged that Dr. Joshi was negligent.

v. Complaint by Sr. Veronica Schweyen against Dr. Mukesh Joshi and Laser Eye Centre. The complainant herein alleged that Dr. Joshi was negligent

vi. Complaint by William R. Millar against Dr. Mukesh.

Complaint herein was in regard to Dr. Joshi's recommendation for immediate operation following examination of the patient William Millar. The complainant alleged that the doctor had made an improper diagnosis.

B. Complaints filed by Dr. Mukesh Joshi

i. Complaint by Dr. Joshi against Dr. Soni Samira and Eye for U Hospital

Dr. Joshi by letter revived by the Board on 17th September, 2014 complained against Dr. Soni Samira questioning among others how she was vetted and the qualifications of Dr. Jyoti Trivedi who was in the vetting panel.

ii. Complaint by Dr. Joshi on a visiting ophthalmologist for Lighthouse Clinic, Mombasa

Dr. Joshi filed a complaint in October, 2001 alleging that the treatment given to a Mrs. E. Spyratos by a visiting ophthalmologist was negligent.

iii. Complaint by Dr. Mukesh Joshi against Dr. Jyoti Trivedi

Dr. Joshi filed a complaint to the Board protesting Dr. Trivedi's intention to vie for a position in the Medical Practitioners and Dentists Board elections which were held on 27th October, 2014.

iv. PIC CASE NO 25 OF 2011

Dr. Mukesh Joshi against Dr. Jyoti Trivedi and Laser Eye Centre Ltd

Dr. Joshi filed a complaint against Dr. Trivedi alleging that she was negligent in the treatment of three patients'.

I hope that this information provides the required clarification.


DANIEL M. YUMBYA

CHIEF EXECUTIVE OFFICER

MEDICAL PRACTITIONERS AND DENTISTS BOARD

/em