

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 55 (National Assembly Bills No. 10)*

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REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2026**

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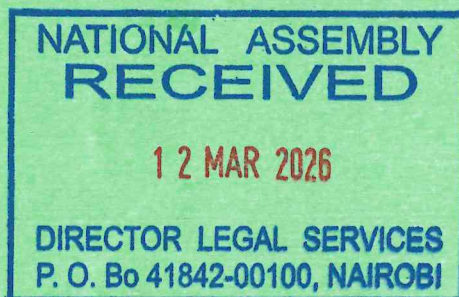
**NAIROBI, 11th March, 2026**

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RECEIVED  
NATIONAL ASSEMBLY  
15 MAR 2023  
DIRECTOR LEGAL SERVICES  
P. O. 8041842-00100, NAIROBI

**THE MEDICAL PRACTITIONERS AND DENTISTS  
(AMENDMENT) BILL, 2026**

**A Bill for**

**AN ACT of Parliament to amend the Medical  
Practitioners and Dentists Act**

**ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Medical Practitioners and Dentists (Amendment) Act, 2026.

Short title.

2. The Medical Practitioners and Dentists Act, Cap 253 (in this Act referred to as the “principal Act”), is amended by deleting the Long Title and substituting therefor the following new Long Title—

Amendment of the long title.

“An Act of Parliament to provide for the training, registration and licensing of medical and dental practitioners, community oral health officers, dental technologists, optometrists and health institutions and for connected purposes”

3. Section 2 of the principal Act is amended—

Amendment of section 2 of Cap. 253.

(a) by inserting the following new definitions in their alphabetical sequence—

“dental technologist” means a person who has undergone the prescribed course or training in an approved institution, and holds a post graduate degree, degree, higher diploma or diploma in dentistry”;

“optometrist” means a person who has undergone the prescribed course or training in an approved institution, and holds a diploma, higher diploma or degree in optometry”;

“optometry” means the examination, evaluation, diagnosis, treatment or performance of preventive procedures related to diseases, disorders or conditions of the human visual system”

(b) in the definition of the term “Council” by deleting the words “Kenya Medical Practitioners and Dentists Council” and substituting therefor the words “Medical and Dental Council of Kenya”;

(c) by deleting the definition of the words “private practice”; and

(d) by deleting the definition of the words “private practitioner”.

4. Section 3 of the principal Act is amended in subsection (1) by deleting the words “Kenya Medical Practitioners and Dentists Council” appearing immediately after the words “known as the” and substituting therefor the words “Medical and Dental Council of Kenya”.

Amendment of  
section 3 of Cap.  
253.

5. Section 4 of the principal Act is amended —

Amendment of  
section 4 of Cap.  
253.

- (a) in paragraph (b) by inserting the words “community oral health officers, dental technologists and optometrists” immediately after the word “practitioners”;
- (b) in paragraph (c) by inserting the words “community oral health officers, dental technologists and optometrists” immediately after the word “practitioners”;
- (c) by deleting paragraph (d) and substituting therefor the following new paragraph—
  - “(d) maintain a record of students undertaking medical, dental, community oral health, dental technology and optometry studies”;
- (d) in paragraph (g) by inserting the words “community oral health, dental technology and optometry” immediately after the word “dental”;
- (e) in paragraph (h) by inserting the words “community oral health officers, dental technologists and optometrists” immediately after the word “practitioners”;
- (f) in paragraph (i) by inserting the words “community oral health officers, dental technologists and optometrists” immediately after the word “practitioners”;
- (g) in paragraph (j) by inserting the words “community oral health officers, dental technologists and optometrists” immediately after the word “practitioners”; and
- (h) in paragraph (o) by inserting the words “community oral health officers, dental

technologists, optometrists” immediately after the word “practitioners”.

6. Section 5 is amended in subsection (3) by inserting the following new paragraphs immediately after paragraph (c)—

Amendment of section 5 on Cap. 253.

- “(ca) a register of dental technologists;
- (cb) a register of optometrists;”

7. Section 6 of the principal Act is amended—

Amendment of section 6 of Cap. 253.

- (a) in subsection (5)(f) by deleting the word “temporary” appearing immediately after the words “Council for”;
- (b) by inserting the following new subsection immediately after subsection (5)—

“(5A) A person who—

- (a) is resident of Kenya;
- (b) is a holder of a degree or other qualification obtained from a university in Kenya or the East African Community which is recognized by the Council as making the person eligible for registration;
- (c) presents proof of completion of internship; and
- (d) satisfies the Council that the person is a person of good moral standing;

may apply to the Council for registration as a medical or dental practitioner; and

- (c) in subsection (6) by inserting the expression “(5A)” immediately after the expression (5);

8. The principal Act is amended by inserting the following new sections immediately after section 6—

Insertion of new sections in Cap. 253.

Registration of  
Community Oral  
Health Officers.

6A. (1) A person who—

- (a) is a citizen of Kenya;
- (b) is a holder of a degree or diploma obtained from a University or College in Kenya or the East African Community which is recognized by

the Council as making the person eligible for registration;

- (c) presents proof of completion on internship; and
- (d) satisfies the Council that the person is a person of good moral standing,

may apply to the Council for registration as a community oral health officer under this Act.

(2) An application made under subsection (1) shall be in the prescribed form and shall be accompanied by the prescribed fees.

(3) The Council shall consider an application made under this section and shall register the applicant if satisfied that the applicant is—

- (a) duly qualified in terms of this section; and
- (b) a fit and proper person to be registered.

Registration of dental technologist.

**6B.** (1) A person who—

- (a) is a citizen of Kenya;
- (b) is a holder of a post graduate degree, degree or diploma in dentistry obtained from a University or College in Kenya or the East African Community which is recognized by the Council as making the person eligible for registration; and
- (c) satisfies the Council that the person is a person of good moral standing; may apply to the Council for registration as a dental technologist under this Act.

(2) An application made under subsection (1) shall be in the prescribed form and shall be accompanied by the prescribed fees.

(3) The Council shall consider every application made under this section and shall register the applicant if satisfied that the applicant is—

- (a) duly qualified in terms of this section; and
- (b) a fit and proper person to be registered.

Registration of an optometrist.

**6C.** (1) A person who—

- (a) is a citizen of Kenya;
- (b) is a holder of a degree or diploma obtained from a University or College in Kenya or the East African Community which is recognized by the Council as making the person eligible for registration; and
- (c) satisfies the Council that the person is a person of good moral standing, may apply to the Council for registration as an optometrist under this Act.

(2) An application made under subsection (1) shall be in the prescribed form and shall be accompanied by the prescribed fees.

(3) The Council shall consider every application made under this section and shall register the applicant if satisfied that the applicant is—

- (a) duly qualified in terms of this section; and
- (b) a fit and proper person to be registered.

Pre-registration Examination.

**6D.** A person who intends to be registered as a community oral health officers, dental technologists or optometrists under this Act shall undertake a pre-registration examination.

**9. Section 8 of the principal Act is amended—**Amendment of  
section 8 of Cap.  
253.**(a) in subsection (4) by—**

- (i) deleting the words “1st July” appearing immediately after the words “not later than” and substituting therefor the words “31st March”; and
- (ii) inserting the words “and email” immediately after the words “registered post”; and

**(b) in subsection (5) by inserting the words “community oral health officer, dental technologist and optometrist” immediately after the word “dentist”.****10. Section 9 of the principal Act is amended in—**Amendment of  
section 9 of Cap.  
253.**(a) subsection (1) by—**

- (i) inserting the words “community oral health officer, dental technologist and optometrist” immediately after the word “dentist”;
- (ii) deleting the word “March” appearing immediately after the words “not later than” and substituting therefor the word “January”;
- (iii) inserting the word license status immediately after the word “qualifications”; and
- (iv) inserting the words “community oral health officer, dental technologist and optometrist” immediately after the word “dental practitioners”; and

**(b) subsection (2) by—**

- (i) inserting the words “community oral health officer, dental technologist and optometrist” immediately after the word “dental practitioner”;

**11. Section 10 of the principal Act is amended by inserting the words “community oral health officer, dental technologist and optometrist” immediately after the words “dental practitioners”;**Amendment of  
section 10 of Cap.  
253.**12. Section 11B of the principal Act is amended in—**Amendment of  
section 11B of  
Cap. 253.



(a) subsection (2) (a) by deleting the words “recognized by the Council” appearing immediately after the word “training” and substituting therefor the words “of at least three years”; and

(b) subsection (4) (b) by deleting the word “six” appearing immediately after the word “at least” and substituting therefor the word “twelve”.

13. Section 12 of the principal Act is amended in the marginal note by deleting the word “Specialist” and substituting therefor the word “Practicing”.

Amendment of section 12 of Cap. 253.

14. Section 13 of the principal Act is amended by inserting the following new subsection immediately after subsection (5)—

Amendment of section 13 of Cap. 253.

(6) The Council may grant temporary licenses to practice to eligible medical or dental practitioners to perform specific work or works in specific institutions in Kenya.

(7) A temporary license issued under subsection (6) shall be for a period not exceeding three months.

15. Section 15 of the principal Act is amended in subsection (9) by inserting the word “suspend” immediately after the word “renew”.

Amendment of section 15 of Cap. 253.

16. The principal Act is amended by deleting section 15A and substituting therefor the following new section—

Amendment of section 15A of Cap. 253.

Professional indemnity.

15A. (1) Every medical practitioner shall in each year take a professional indemnity cover as a requirement for being issued with a practicing license.

(2) Every owner or operator of a health institution shall in each year insure the health institution against professional liability of the employees of the health institution.

(3) Notwithstanding subsection (1), the Council may exempt the requirement of professional indemnity in cases where a medical practitioner proves that they are not engaging in practice.

17. Section 16 of the principal Act is amended—
- (a) in the marginal note by inserting the words “and electronic media” immediately after the word “*Gazette*”; and
  - (b) by inserting the words “and the official communication platforms of the Council” immediately after the word “*Gazette*”.
- Amendment of section 16 of Cap. 253.
18. Section 17 of the principal Act is amended
- (a) in the marginal note by deleting the words “section 15” and substituting therefor with the words “section 12 and 14”; and
  - (b) by deleting the words “section 15” appearing immediately after the words “licensed under” and substituting therefor the words “section 12 and 14”.
- Amendment of section 17 of Cap. 253.
19. Section 18 of the principal Act is amended by—
- (i) deleting the word “qualified” appearing immediately after the words “signed by a duly” and substituting therefor the words “registered and licensed”; and
  - (ii) deleting the words “section 13” appearing immediately after the word “under” and substituting therefor the words “sections 12 and 14”.
- Amendment of section 18 of Cap. 253.
20. Section 20 of the principal Act is amended in subsection (6) (f) by deleting the word “permanently”.
- Amendment of section 20 of Cap. 253.
21. The principal Act is amended in section 22 by—
- Amendment of section 22 of Cap. 253.
- (a) deleting the marginal note and substituting therefor the following new marginal note—  
“Offences and penalties”
  - (b) inserting the following new subsection immediately after subsection (5)—  
“(6) (1) A person who—
- (a) willfully procures or attempts to procure to be registered or licensed under any of the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration orally or in writing; and

- (b) aids or assists a person to fraudulently procure a registration or license, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(2) The Registrar shall, upon conviction of a person under this sub-section, remove the name of the person from the register or cancel the license of the practitioner, as the case may be.

(7) A person who detains a patient or body of a deceased person due to unpaid medical bills commits an offence and shall be liable upon conviction to a fine not exceeding five million shillings or to a term of imprisonment not exceeding five years or to both.

**22. Section 26 of the principal Act is amended—**

Amendment of  
section 26 of Cap.  
253.

- (a) in subsection (1) by deleting the words “Kenya Medical Practitioners and Dentists Council” appearing immediately after the words “enforceable by or against” and substituting therefor the words “Medical and Dental Council of Kenya”.
- (b) in subsection (2) by deleting the words “Kenya Medical Practitioners and Dentists Council” appearing immediately after the words “employees of the” and substituting therefor the words “Medical and Dental Council of Kenya”.
- (c) by inserting the following new subsection immediately after subsection 4—
  - (5) Notwithstanding anything in this Act—
    - (a) a person who, immediately before the date of coming into operation of this Act, was in active practice under the style and names of “Community Oral Health Officer”, “Dental Technologist” or “Optometrist”, having previously been awarded a certificate after a prescribed course of training at an approved training institution, and who had not been the subject of any disciplinary or other criminal proceedings arising from the practice in

- the three years preceding the commencement of this Act shall be entitled to be registered under this Act;
- (b) a person who immediately before the date of commencement of this Act was engaged in private practice as a community oral health officer, dental technologist or optometrist shall be entitled to continue in such practice without a license under this Act—
    - (i) for a period of one year beginning with the date of the commencement of this Act; and
    - (ii) if before the expiration of six months, the person applies for a license under this Act, until the license is granted or finally refused or the application is withdrawn;
  - (c) a holder of a degree or diploma in community oral health, dental technology or optometry who intends to undertake internship training shall, at the commencement of this Act, apply for an internship license to the Council in the prescribed form and the internship license shall be valid for a period not exceeding twelve months within a practicing year
  - (d) the council shall grant temporary licenses to eligible foreign dental technology students to perform specific works or work in specific institution in Kenya.

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**MEMORANDUM OF OBJECTS AND REASONS**

**Statement of Objects and Reasons for the Bill**

The principal objective of this Bill is to amend the Medical Practitioners and Dentists Act, Cap 253 to provide for the regulation of community oral health officers, dental technologists and optometrists. Further, the Bill seeks to provide for the registration of foreign practitioners who are resident in Kenya. The Bill also seeks to curb fraudulent procurement of registration licenses by the various practitioners.

**Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

**Statement on whether the Bill concerns County Governments**

The Bill does concern county governments in terms of Article 110(1)(a) of the Constitution.

**Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution**

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 3rd March, 2026.

DUNCAN MAINA MATHENGE,  
*Member of Parliament.*

*Section 2 of Cap. 253 which it is proposed to amend—*

## **2. Interpretation**

In this Act, unless the context otherwise requires—

“**assessment**” means the determination of the suitability for registration under the Act by means of oral or written examination or both;

“**Board**” deleted by Act No. 5 of 2019, Sch.

“**Cabinet Secretary**” means the Cabinet Secretary for the time being responsible for matters relating to health;

“**Council**” means the Kenya Medical Practitioners and Dentists Council established under section 3;

“**community oral health**” means the provision of curative, preventive and promotive oral health care;

“**community oral health officer**”, means a person who has undergone the prescribed course of training in an approved institution, and holds a diploma, higher diploma or degree in community oral health;

“**dental practitioner**” and “**dentist**” mean a person registered under this Act as a dentist; “**dentistry**” and “**dental services**” include the performance of an operation and the giving of treatment, advice or attendance as is usually performed or given by dentists, and an operation or treatment, advice or attendance on or to any person preparatory to or for the purpose of or in connection with the fitting, insertion or fixing of artificial teeth;

“**general practice**” means the practice of general medicine or dentistry other than specialist practice as defined in the Act;

“**health facility**” has the meaning assigned to it in the Health Act, (No. 21 of 2017);

“**health institution**” means a facility that is operated or designed to provide in-patient or out-patient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventative or other health service for public and private use by medical and dental practitioners; “**intern**” means a person holding a medical or dental degree or its equivalent recognized by the Council or a person who has passed the internship qualifying examination, who is undergoing a prescribed period of internship in a recognized institution;

“**internship**” means a prescribed period of employment during which a medical or dental graduate works under supervision to fulfill registration requirements;

“**internship qualifying examination**” means a written or oral examination or both which determines the suitability of foreign trained graduates who holds a degree recognized by the Board to undergo internship;

“**license**” means an annual practising license issued under section 12 of this Act;

“**medical practitioner**” means a person registered under this Act as a medical practitioner;

“**pre-registration examination**” means a written or oral examination or both which determines the suitability for registration under section 6(3) of the Act;

“**private practice**” means the practice of medicine or of dentistry, as the case may be, for a fee either in kind or cash;

“**private practitioner**” means a person registered under this Act as either a medical practitioner or a dentist who is also licensed under section 15 to practise medicine or dentistry for fees either in cash or in kind;

“**professional misconduct**” means a serious digression from established or recognized standards or rules of the profession, that includes a breach of such codes of ethics or conduct as may be prescribed for the profession from time to time;

“**register**” means the register of medical practitioners, dental practitioners and health institutions for public and private practice which the Council is required by section 5 to keep;

“**Registrar**” means the Registrar of Medical Practitioners and Dentists constituted by section 5.

“**specialist**” means a medical practitioner or dentist who has completed an approved post graduate training programme in a particular field of medicine or dentistry, and who has thereafter gained sufficient experience and demonstrated to the Council's satisfaction adequate knowledge and skill, in his chosen field;

“**specialist practice**” means the practice of medicine or dentistry in a specialized field;

*Section 3 of Cap. 253 which it is proposed to amend—*

### **3. Establishment of the Council**

(1) There is established a Council to be known as the Kenya Medical Practitioners and Dentists Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal and capable, in its corporate name, of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property; and
- (c) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act as may lawfully be done or performed by a body corporate.

*Section 4 of Cap. 253 which it is proposed to amend—*

#### **4. Functions of the Council**

(1) The functions of the Council shall be to—

- (a) establish and maintain uniform norms and standards on the learning of medicine and dentistry in Kenya;
- (b) approve and register medical and dental schools for training of medical and dental practitioners;
- (c) prescribe the minimum educational entry requirements for persons wishing to be trained as medical and dental practitioners;
- (d) maintain a record of medical and dental students;
- (e) conduct internship qualifying examinations, preregistration examinations, and peer reviews as deemed appropriate by the Council;
- (f) inspect and accredit new and existing institutions for medical and dental internship training in Kenya;
- (g) license eligible medical and dental interns;
- (h) determine and set a framework for professional practice of medical and dental practitioners;
- (i) register eligible medical and dental practitioners;
- (j) regulate the conduct of registered medical and dental practitioners and take such disciplinary measures for any form of professional misconduct;
- (k) register and license health institutions;
- (l) carry out inspection of health institutions;
- (m) regulate health institutions and take disciplinary action for any form of misconduct by a health institution;



- (n) accredit continuous professional development providers;
- (o) issue certificate of status to medical and dental practitioners and health institutions; and
- (p) do all such other things necessary for the attainment of all or any part of its functions.

*Section 6 of Cap. 253 which it is proposed to amend—*

**6. Registration of medical practitioners and dentists**

- (1) A person who—
  - (a) is a citizen of Kenya;
  - (b) is a holder of a degree or other qualification obtained from a University in Kenya or the East African Community which is recognized by the Council as making him eligible for registration;
  - (c) presents proof of completion of internship; and
  - (d) satisfies the Council that he is a person of good moral standing, may apply to the Council for full registration as a medical or dental practitioner under this Act.
- (2) A person who—
  - (a) is a citizen of Kenya;
  - (b) is a holder of a degree or other qualification obtained from a University outside Kenya or outside the East African Community which is recognized by the Council as making him eligible for registration;
  - (c) has passed the internship qualifying examinations;
  - (d) presents proof of completion of internship; and
  - (e) satisfies the Council that he is a person of good moral standing, may apply to the Council for full registration as a medical or dental practitioner under this Act.
- (3) A person who—
  - (a) is a citizen of Kenya;
  - (b) is a holder of a degree or other qualification obtained from a University outside Kenya or outside the East African Community which is recognized by the Council as making him eligible for registration;

- (c) presents proof of completion of internship in the country in which he trained;
  - (d) has passed pre-registration examination; and
  - (e) satisfies the Council that he is a person of good moral standing, may apply to the Council for full registration as a medical or dental practitioner under this Act.
- (4) A person who—
- (a) is a citizen of the East African Community;
  - (b) is a holder of a degree or other qualification recognized by the Council as making him eligible for registration;
  - (c) presents proof of registration in their country of origin; and
  - (d) satisfies the Council that he is a person of good moral standing, may apply to the Council for reciprocal registration as a medical or dental practitioner under this Act.
- (5) A person who—
- (a) is not citizen of Kenya or of a partner state of the East African Community;
  - (b) is a holder of a degree or other qualification recognized by the Council as making him eligible for registration;
  - (c) presents proof of registration from the country of origin or any other jurisdiction;
  - (d) satisfies the Council that, he has acquired sufficient knowledge of, and experience in, the practice of medicine or dentistry as the case may be;
  - (e) satisfies the Council that he is a person of good moral standing; and
  - (f) has passed an examination prescribed by the Council, may apply to the Council for temporary registration as a foreign medical or dental practitioner under this Act as is prescribed in regulations.
- (6) An application made under subsections (1), (2), (3), (4) or (5) shall be in the prescribed form and shall be accompanied by the prescribed fee.
- (7) The Council shall consider every application made under this section and shall register the applicant if satisfied that the applicant is—
- (a) duly qualified in terms of this section; and

(b) a fit and proper person to be so registered.

*Section 8 of Cap. 253 which it is proposed to amend—*

**8. Correction of register**

(1) The Registrar shall from time to time make any necessary alterations and corrections in the register in relation to any entry therein.

(2) The Registrar shall remove from the register—

(a) the name of every deceased person;

(b) the name of every person convicted of an offence under section 19;

(c) the name of every person whose name the Board has under section 20 directed should be struck off the register; and

(d) any entry which has been incorrectly or fraudulently made in the register.

(3) The Registrar may, with the consent of the person concerned, remove from the register the name of a person who has ceased to practise.

(4) The Registrar shall, not later than 1st July in each year, send by registered post to every person registered in the register a notice inquiring whether or not that person has ceased to practise or has changed his address, and, if no answer is returned to the inquiry within six months from the posting thereof, the name of that person may be removed from the register; but a name removed under this subsection may, at the request of the person concerned and on payment of the prescribed fee, be reinstated by the Registrar.

(5) The Registrar-General of Births and Deaths shall notify the Registrar of the death of any registered medical practitioner or dentist.

*Section 9 of Cap. 253 which it is proposed to amend—*

**9. Publication of register**

(1) The Registrar shall publish in the Gazette as soon as may be practicable after registration the name of every medical practitioner or dentist registered in the register.

(2) The Registrar shall once in every year, as soon as convenient after 1st January, but not later than 31st March, publish in the print or electronic media, as approved by the Board, a list containing the names, qualifications and registered addresses of all registered medical and dental practitioners.

(3) It shall be the duty of every medical and dental practitioner to inform the Registrar immediately of any change in his registered address.

*Section 11B of Cap. 253 which it is proposed to amend—*

### **11B. Recognition of specialists**

(1) The Council may recognize a medical or dental practitioner as a specialist in any of the fields under the Act or the rules thereunder.

(2) A medical or dental practitioner shall be recognized as a specialist if the medical or dental practitioner—

- (a) is a holder of a post graduate qualification equivalent to masters' degree in medicine or dental surgery awarded after a period of training recognized by the Council; and
- (b) has at least two years' experience after obtaining the post graduate qualification under the supervision of a recognized specialist.

(3) The Council may recognize a medical or dental practitioner as a subspecialist in any of the fields under the Act or the rules thereunder. (4) A medical or dental practitioner shall be recognized as a sub-specialist if the medical or dental practitioner—

- (a) possesses a basic specialist qualification in his or her discipline;
- (b) has at least six months training; and
- (c) has at least one-year experience under the supervision of a recognized sub-specialist.

*Section 12 of Cap. 253 which it is proposed to amend—*

### **12. Specialist licences**

(1) The Council shall issue in accordance with this section and rules made under this Act, general, specialist and any other practising licences as the Council shall determine from time to time authorizing medical practitioners and dentists named therein to practice medicine or dentistry.

(2) An application for a practising licence under subsection (1) shall be made to the Council in the prescribed form and accompanied by the prescribed fee.

(3) All medical practitioners and dentists shall be required to satisfy the Council's requirement for continuing professional development before the renewal of annual practising licences.

(4) A practising licence shall bear the date of day on which it is issued and shall have effect from that day: Provided that a practising

licence issued during the first month of any practising year shall have effect, for all purposes, from the beginning of that month.

(5) The practising year for a practising licence shall be from the first of January to the thirty-first of December:

Provided that the Council, in consultation with the Cabinet Secretary, may, by order in the Gazette, alter the practising year and the order may make such transitional provisions regarding incidental matters as may be expedient.

(6) A practising license shall expire at the end of the practising year in which it was issued:

Provided that, where the name of a medical or dental practitioner is removed or struck off the register, the practising license, if any, shall expire forthwith.

*Section 13 of Cap. 253 which it is proposed to amend—*

### **13. Internship and temporary licences**

(1) A medical and dental graduate who intends to undertake internship training shall apply to the Council in the prescribed form and upon payment of the prescribed fee for an internship licence.

(2) If the Council is satisfied that the graduate meets the set requirements, it shall issue the graduate an internship licence with or without conditions on the licence.

(3) The Council shall grant temporary licences to eligible foreign medical and dental students to perform specific work or works in specific institutions in Kenya.

(4) An internship licence issued under subsection (2) shall be for a period not exceeding twelve months within a practising year.

(5) A temporary licence issued under subsection (3) shall be for a period not exceeding twelve months within a practising year and may be renewed.

*Section 15 of Cap. 253 which it is proposed to amend—*

### **15. Registration of health institutions**

(1) A person or organization may apply to the Council for the registration of a health institution in the prescribed form which shall be accompanied by the prescribed fee.

(2) Where the applicant satisfies the Council that the institution meets the requirements for registration, the Council shall register the facility as an approved health institution.

(3) The Council shall issue to every approved health institution registered under this Act, a certificate of registration in the prescribed form.

(4) The Council shall issue in accordance with this section and rules made under this Act, a licence authorizing the use of any premises as a health institution.

(5) An application for a licence under subsection (4) shall be made to the Council in the prescribed form and accompanied by the prescribed fees and shall be made on or before the thirtieth of October of each practising year.

(6) A licence issued under this section shall bear the date of day on which it is issued and shall have effect from that date: Provided that a licence issued during the first month of any practising year shall have effect for all purposes from the beginning of that month.

(7) A licence issued under this section shall be displayed in a conspicuous place at the health institution to which the licence relates.

(8) A licence issued under this section shall specify the nature of services that may be provided by the health institution.

(9) The Council may decline to renew, cancel, withdraw or revoke any licence issued under this section, if it is satisfied that the health institution is being operated in a manner that contravenes any provisions of the Act or any regulations made under this Act.

(10) A health institution registered under this Act shall be inspected by the Council.

(11) No premise shall be used by any person as a health institution unless it is registered and licenced for such use by the Council.

*Section 15A of Cap. 253 which it is proposed to amend—*

#### **15A. Professional indemnity**

Every practitioner shall in each year take a professional indemnity cover and every health institution shall in each year insure the health institution against professional liability of its staff.

*Section 16 of Cap. 253 which it is proposed to amend—*

#### **16. Licences to be published in Gazette**

The issue and the cancellation, revocation or withdrawal of a licence under section 13 or section 15 shall be published in the Gazette.

*Section 17 of Cap. 253 which it is proposed to amend—*

**17. No fees recoverable unless person licensed under section 15**

No person shall be entitled to recover a charge for medical or surgical advice or attendance, or for the performance of an operation as a medical practitioner or dentist, or for medicine which he has prescribed and supplied as a medical practitioner or dentist, unless he is at the time appropriately licensed under section 15.

*Section 18 of Cap. 253 which it is proposed to amend—*

**18. Certificate not valid unless signatory registered, etc**

No certificate or other document required by law to be signed by a duly qualified medical or dental practitioner shall be valid unless signed by a person registered as a medical or dental practitioner under this Act or, where the context so admits, by a person who is licensed by the Board under section 13.

*Section 20 of Cap. 253 which it is proposed to amend—*

**20. Disciplinary proceedings**

(1) Any person who is dissatisfied with any professional service offered, or alleges a breach of standards by a registered or licensed person under this Act, may lodge a complaint in the prescribed manner to the Council.

(2) The Council may, or through a committee appointed for that purpose, inquire into any complaint of professional misconduct, malpractice or any breach of standards.

(3) Upon an inquiry held by the Council to determine the complaint made under subsection (2), the person whose conduct is being inquired into shall be afforded an opportunity of being heard, either in person or through a representative.

(4) For purposes of proceedings at any inquiry held under this section, the Council may administer oaths, enforce the attendance of witnesses and production of books and documents.

(5) The Council shall regulate its own procedure in disciplinary proceedings.

(6) Where after an inquiry, the Council determines that a person is guilty, the Council may—

(a) issue a caution or reprimand in writing;

- (b) direct a medical practitioner or dentist to undergo remedial training for a period not exceeding twelve months;
- (c) direct the medical practitioner or dentist be placed on probation for a period not exceeding six months;
- (d) suspend, withdraw or cancel the practising licence of a medical practitioner or dentist for a period not exceeding twelve months;
- (e) suspend, withdraw or cancel the licence of a health institution or a section of the health institution for a period not exceeding twelve months;
- (f) permanently remove the name of a medical practitioner or dentist from the registers under section 5(3); or
- (g) in addition to the penalties stipulated in paragraphs (a), (b), (c), (d), (e) or (f), impose a fine which the Council deems appropriate in the circumstance.

(7) A person or health institution whose licence has been withdrawn or cancelled under subsection (6), shall forthwith surrender the license to the Council.

(8) A person or health institution whose name has been removed from the register under subsection (6)(f) shall forthwith surrender the registration certificate to the Council.

(9) A person aggrieved by a decision of the Council made under subsection (6) may, within thirty days from the date of the decision of the Council, appeal to the High Court.

(10) Notwithstanding the provisions of section 3A (5), the Council shall not remove the name of a person from the register under subsection (6) unless at least seven members of the Council are present in the inquiry.

*Section 22 of Cap. 253 which it is proposed to amend—*

#### **22. Penalty for unregistered and unlicensed person practising**

(1) A person who is not registered or licensed, including a person aiding or assisting therein, under this Act, and makes or produces or causes to be made or produced any false or fraudulent presentation or declaration either orally or in writing, commits an offence and shall be liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or to both.

2) Any person who falsely takes or uses any name, title or addition implying a qualification to practice medicine or dentistry or who not being registered or licensed under this Act, practices or professes to practice or



publishes his name as practising medicine or dentistry, commits an offence and shall be liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or to both.

(3) Any person who uses the title “doctor” unless he is registered or licensed under this Act as a medical practitioner or dentist or has acquired doctoral qualifications or has obtained such qualifications which entitles him to use that title, commits an offence and shall be liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or to both.

(4) Any person who, while in charge of a health institution, employs or engages the services of another person as a medical practitioner or dentist who is not registered and licenced under this Act, commits an offence and shall be liable on conviction to a fine not exceeding ten million shillings or imprisonment for a term not exceeding five years or to both.

(5) A person who uses premises as a health institution which premises is not licensed as a health institution commits an offence and shall be liable on conviction to a fine not exceeding ten million shillings or imprisonment for a term not exceeding five years or to both.

