

**THE CLINICAL OFFICERS (TRAINING,
REGISTRATION AND LICENSING) ACT, 1988**

No. 9 of 1988

Date of Assent: 24th August, 1988

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

Section

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Clinical Officers Council.
- 5—Functions of the Council.
- 4—Officers of the Council.
- 6—Registrar and register.
- 7—Registration and effect of registration.
- 8—Unregistered persons rendering medical services, etc.
- 9—Surrender of certificates.
- 10—Use of titles.
- 11—Private practice.
- 12—Issue, etc., of licences to be published.
- 13—Limitation to private practice.
- 14—Recovery of fees.
- 15—Conduct and discipline.
- 16—Regulations.
- 17—Finance.
- 18—Savings and nullification of titles.

An Act of Parliament to make provision for the training, registration and licensing of clinical officers; to regulate their practice and for connected purposes

ENACTED by the Parliament of Kenya as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the Clinical Officers (Training, Registration and Licensing) Act, 1988, and shall come

**Short title
and
commencement.**

into operation on such day as the Minister may, by notice in the Gazette, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires—

“approved training institution” means such training institution within or outside Kenya as may be approved by the Council by notice in the Gazette for the purposes of this Act;

“clinical officer” means a person who, having successfully undergone a prescribed course of training in an approved training institution, is a holder of a certificate issued by that institution and is registered under this Act;

“Council” means the Clinical Officers Council constituted under section 3;

“clinic” means consulting rooms, offices or a department of a hospital or nursing home without beds used by a clinical officer for diagnosis and treatment of disease or the giving of medical or dental advice, instructions or service;

Cap. 242. “Medical Officer of Health” has the same meaning assigned to the term in the Public Health Act;

“private practice” means the practice of medicine or dentistry or health work by a clinical officer for a fee either in kind or cash;

“register” means the register of clinical officers which the Registrar is required to maintain under section 6 (b);

“Registrar” means the registrar of clinical officers as provided under section 6;

“referral” means the transfer of responsibility for the condition existing at the time of referral to a medical practitioner by a clinical officer and vice versa.

PART II—ADMINISTRATION

**Clinical
Officers
Council.**

3. (1) For the purposes of this Act, there shall be a Council to be known as the Clinical Officers Council, which shall be composed of the following members—

- (a) the Director of Medical Services or his representative;
- (b) the Registrar;

- (c) two medical officers of health appointed by the Minister;
- (d) at least two and not more than four clinical officers appointed by the Minister;
- (e) one clinical officer nominated by the Faculty of Clinical Medicine at the College of Health Professions;
- (f) seven clinical officers, three of whom shall be licensed to engage in private practice who shall be elected to the Council by the Kenya Clinical Officers Association from among the members of the Association.

(2) There shall be a chairman of the Council appointed by the Minister from amongst the members of the Council.

(3) All appointments, nominations and elections to the Council under this section shall be notified in the Gazette.

(4) The Council shall elect a deputy chairman from amongst its members.

(5) The members referred to in paragraphs (c), (d), (e) and (f) of subsection (1) shall hold office for a term of three years from the date their appointment, nomination or election is notified in the Gazette under subsection (3), but shall be eligible for re-appointment, re-nomination or re-election.

(6) The chairman or in his absence the deputy chairman, shall preside over the meetings of the Council but if both the chairman and deputy chairman are absent, the members present shall choose one amongst them to preside over the meeting.

(7) If any of the members of the Council dies or is incapacitated by illness or is permanently unable to attend the meetings for any reason whatsoever, the Minister may, after consulting the Council, appoint a suitable person to fill the vacancy for the remaining period.

(8) Seven members of the Council including the chairman or the person presiding where the chairman or deputy chairman are absent shall form a quorum at any meeting of the Council, and, subject to subsection (9) of section 15, all facts, matters or business authorized or required to be done by the Council may be decided at any meeting at which a quorum is present.

(9) The Council shall meet as and when convened by the chairman to discharge any business but such meetings shall not be less than four in each year.

(10) The chairman or in his absence the deputy chairman shall convene an extraordinary meeting of the Council on receiving written requests from at least five members of the Council.

(11) Subject to this Act and to any regulations as to procedure made under section 16, the Council shall have the power to regulate its own procedure.

(12) Each member of the Council shall have a deliberative vote and the chairman shall, in addition to his deliberative vote, have a casting vote.

**Officers
of the
Council.**

4. There may be appointed an executive officer of the Council, and other suitable persons, who may be persons employed in the public service, to be officers, inspectors and servants of the Council for purposes of carrying this Act into effect.

**Functions
of the
Council.**

5. The functions of the Council shall be—

- (a) to assess the qualifications of clinical officers;
- (b) to ensure the maintenance and improvement of the standards of practice by clinical officers and to supervise the professional conduct and practice of clinical officers;
- (c) to maintain the register and keep record of all clinical officers registered under this Act;
- (d) to register and license clinical officers for the purposes of this Act;
- (e) to take the necessary disciplinary measures in cases of violations of professional conduct and discipline;
- (f) to collaborate with other bodies such as the Medical Practitioners and Dentists Board, the Central Board of Health, the Nursing Council of Kenya, the Pharmacy and Poisons Board, in the furtherance of the functions of the Council and those bodies;

(g) to consider and deal with any other matter pertaining to clinical officers including prescribing badges, insignia or uniforms to be worn by clinical officers.

6. (1) The Chief Clinical Officer shall be the Registrar of the Council and shall perform such duties as are prescribed by or under this Act.

Registrar
and register.

(2) The Registrar shall be the secretary to the Council.

(3) The Registrar shall keep a register of the names of clinical officers in the prescribed form as well as all the relevant records in respect of clinical officers.

(4) The Registrar shall from time to time make any necessary alterations or corrections in the register in relation to an entry therein including the deletion of names of clinical officers who have died and entries which have been fraudulently or incorrectly made.

(5) The Registrar shall, not later than the 31st March, in every year, publish a list of names and addresses of the registered clinical officers in the Gazette.

7. (1) A person shall be entitled to registration if he satisfies the Council that he—

Registration
and effect
of registration.

(a) has successfully undergone a prescribed course of training at an approved training institution;

(b) has applied for registration in the prescribed form;

(c) has paid the prescribed fees for registration; and

(d) is a fit and proper person to be registered.

(2) Any person who is aggrieved by the decision of the Council not to register him may appeal to the High Court within sixty days of such refusal and the High Court may confirm, annul or vary the Council's decision.

(3) The Registrar shall, with the approval of the Council, issue to every person registered under this Act a certificate of registration in the prescribed form.

(4) A person who has been registered by the Council shall be entitled to render medical or dental services in any medical institution in Kenya approved for the purposes of this section by the Minister by notice in the Gazette.

Unregistered
persons
rendering
medical services.

8. (1) No person shall be entitled to render medical or dental services in Kenya as a clinical officer unless he has been registered by the Council under this Act.

(2) Any person in charge of a medical institution who allows any unregistered person to render medical or dental services as a clinical officer in their institution shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand shillings or imprisonment for six months or to both.

(3) Any person who attempts to obtain or obtains registration by false pretences or who utters a false certificate with intent to obtain registration shall be liable to a fine of not less than five thousand shillings or to imprisonment for six months or to both.

Surrender of
certificates.

9. Every person whose name is deleted from the register for any reason shall within thirty days of publication of the deletion in the Gazette, surrender his certificate of registration to the Council for cancellation and where such person has died the deceased's legal representative shall surrender the certificate to the Council.

Use of
titles.

10. The Council shall prescribe such title or titles as may be used to denote that a person is registered under this Act.

Private
practice.

11. (1) No clinical officer shall engage in private practice unless he has been issued with a valid private practice licence by the Council in accordance with regulations made under section 16.

(2) The Council may authorize the Registrar to issue to a clinical officer, who has applied in the prescribed form and who has rendered unblemished medical or dental services in the service of the Government or in the service of any organization or institution approved by the Council for the purposes of this section, for a period of not less than ten years, a licence to engage in private practice on his own behalf

or to be employed either full time or part-time by a clinical officer or a medical practitioner or dentist engaged in private practice.

(3) Licences shall be granted on the payment of the prescribed fee and shall state whether the licensee may practice on his own behalf or in employment.

(4) Licences for private practice shall expire on the 31st of December in the year they are granted and issued and shall be renewable in accordance with the regulations made under section 16.

(5) The Council may cancel or refuse to issue or to renew a licence.

(6) No premises may be habitually used for the purposes of private practice unless they are authorized for such use by the Director of Medical Services.

(7) A person aggrieved by the decision of the Council in exercising its powers under subsection (5) may appeal to the High Court within thirty days of the Council's decision being communicated to him.

12. The issue, cancellation, revocation or withdrawal of any licence under section 11 shall be published in the Gazette by the Registrar.

Issues, etc.
of licences
to be published.

13. (1) A clinical officer who is licensed to engage in private practice shall only treat the ailments listed in the First Schedule.

Limitations
of private
practice.

(2) A clinical officer who is licensed to engage in private practice shall only handle and shall only issue prescriptions for the drugs and equipment listed in the Second Schedule.

(3) No clinical officer engaged in private practice shall keep open his clinic unless he is personally present for more than eight hours a day.

(4) The Third Schedule shall have effect with respect to the minimum requirements for a private practice clinic.

(5) No clinical officer engaged in private practice shall undertake to treat the diseases and ailments listed in the

Fourth Schedule, but he may render the necessary First Aid and thereafter, without undue delay, refer such cases to the nearest medical officer or medical practitioner or dentist in private practice on referral.

(6) The Minister may, in consultation with the Council, amend the First, Second, Third and Fourth Schedules.

(7) A clinical officer who fails to comply with the requirements or subsections (1), (2), (3) and (5) shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

Recovery
of fees.

14. A clinical officer who is licensed to engage in private practice shall be entitled to charge fees for the medical or dental services rendered.

Conduct.

15. (1) All clinical officers shall *mutatis mutandis* observe the same code of professional conduct and discipline as contained in the Code of Professional Conduct and Discipline issued by the Medical Practitioners and Dentists Board under the Medical Practitioners and Dentists Act.

Cap. 253.

(2) The Council may, after inquiry, cancel the registration and licence of any clinical officer, if he is found guilty of any infamous or disgraceful conduct in a professional respect, or if he is convicted of conduct in any criminal offence under this Act or any other written law, which in the opinion of the Council amounts to disgraceful conduct in a professional respect.

(3) The person whose conduct is being inquired into shall be afforded an opportunity of being heard before the Council either in person or by an agent, who may be an advocate.

(4) For the purposes of an inquiry held under this Act, the Council may administer an oath and may, subject to any regulations made under section 16, enforce the attendance of persons as witnesses and the production of books, documents or other articles as exhibits.

(5) The Council shall, subject to any regulations made under section 16 in that respect, have the power to regulate its own procedure in any disciplinary proceedings.

(6) The powers of the Council to direct the cancellation of the name from the register, or the cancellation of the licence, of any person shall include a power exercisable in a like manner to direct that during such a period as may be specified in the order, the registration certificate or the licence of such a person shall not have effect.

(7) Any person who is aggrieved by the decision of the Council made under the provisions of this section may appeal within thirty days to the High Court and the High Court may confirm, vary, or annul the decision of the Council.

(8) Any person who fails when summoned to appear before the Council as a witness or to produce any evidence shall be guilty of an offence and shall be liable to a fine not exceeding two thousand shillings or to imprisonment for one month or to both.

(9) The Council shall not cancel the registration of any person from the register or cancel a licence under this section unless the decision to do so has been made by the majority of the members of the Council.

(10) Subject to the powers of the High Court to order reinstatement in any case, the registration or licence of any person which has been cancelled shall not be reinstated except by order of the majority of the members of the Council and on payment of the prescribed fee.

16. The Minister may, after consultation with the Council, make regulations generally for the better carrying out of the provisions of this Act and any such regulations may, without prejudice to the generality of the foregoing, include power to—

Regulations.

- (a) prescribe the procedure to be followed by the Council under section 15;
- (b) prescribe any forms to be used in connection with this Act;
- (c) prescribe any fees to be paid for registration, private practice licence, or any other fees to be charged under the provisions of this Act;
- (d) prescribe anything required by this Act to be prescribed.

Finance.

17. The Minister may—

- (a) make to the Council such grants as may be necessary to enable it to discharge its functions under this Act; and
- (b) make such other payments as may be necessary to give effect to the provisions of this Act.

Savings and nullification of certain titles.

18. (1) Notwithstanding any of the other provisions of this Act, any person who, immediately before the date of coming into operation of this Act, was in active medical or dental practice under the style and names of "Hospital Assistant", "Medical Assistant", "Certified Clinical Officer" or a "Registered Clinical Officer", 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 his medical or dental practice in the three years preceding the commencement of this Act shall be entitled to be registered under this Act, and any such person who was at the commencement of the Act engaged in private practice as a clinical officer under written authority of the Director of Medical Services shall be deemed to have been licensed pursuant to section 11 for the remainder of the year in which the commencement of this Act occurs.

- (2) The use of the following titles is hereby nullified—
- (a) Hospital Assistant;
 - (b) Medical Assistant;
 - (c) Certified Clinical Officer;
 - (d) Registered Clinical Officer.

FIRST SCHEDULE

(s. 13 (1))

**AILMENTS WHICH A CLINICAL OFFICER LICENSED TO
ENGAGED IN PRIVATE PRACTICE IS PERMITTED TO TREAT**

Medicine :
paediatrices.

Immunization, health and nutrition education, dehydration, anaemia.

Advice on general care for newborn.

Respiratory diseases, upper respiratory tract infection, tonsillitis, pneumonia, mild otitis media, laryngitis, bronchitis, asthma.

Gastrointestinal conditions—with mild dehydration, with abdominal pain, constipation, vomiting, diarrhoeal diseases.

Skin diseases—scabies, impetigo, tineasis, jiggers, eczema, moniliasis.

Eye diseases—conjunctivitis, trachoma.

Parasitic—ascaris, hookworm, malaria, bilharzia, etc.

Blood disorders—anaemia, (especially iron deficiency).

Childhood diseases—measles, whooping cough, mumps, etc.

Poisoning—emergency treatment.

Respiratory tract diseases (*see* paediatrics).

Gastrointestinal diseases—diarrhoea, vomiting, constipation, dysentery, food poisoning, gastritis, peptic ulcer.

Skin diseases—scabies, impetigo, eczema, tinea tropica ulcers, etc.

Eye conditions—conjunctivitis, trachoma sty.

Parasitic—malaria, tapeworm, roundworm, hookworm, bilharzia.

Sexually transmitted diseases—gonorrhoea, syphilis, moniliasis, trichomoniasis, pubic lice.

Poisoning—snakebites—emergency treatment.

Headache, anxiety.

Urinary tract infection.

Blood disorder—anaemia.

Uncomplicated arthritis, arthragia.

Antenatal care.

Urinary tract infection.

Anaemia during pregnancy.

Breast abscess.

Puerperal sepsis.

Pelvic inflammatory diseases.

Family Planning.

Medicine :
adults.

Obstetrics and
gynaecology.

Surgery.

Cuts, abrasions.
Cellutis.
Abscesses.
Uncomplicated Arthritis, Arthragia.
Circumcisions.
Dental extraction.
Burns (emergency treatment).

SECOND SCHEDULE

(s. 13 (2))

**Approved list
of drugs.**

Aspirin tab/syrup.
Paracetamol.
Chloroquin tab/syrup/injection.
Ferrous sulphate tab/syrup.
Broad Spectrum Anthelmintics.
Folic acid.
Sulphenamides.
Metronidazole tab/syrup.
Ndridazole.
Niclosamide tab/syrup.
Antacid Tablets.
1 : 1000 Adrenaline for IM. SC use.
Aminophylline I.V.
Ephedrine Hcl/ Phenobarbitone/Theophylline.
Salbutamol tab/inhaler/syrup.
Chlorpromazine tab/injection/syrup.
Multivit tab/syrup.
Crystalline penicillin.
Prochlorperazine tab/injection/syrup.
Pen V. tab/syrup.
Ampicillin cap/syrup/injection.

Amoxycillin cap/syrup/injection.
 Hydrocortisone.
 Diazepam tab/injection.
 Ergometrine tab/injection.
 Antihistamine: Chlorpheriramine tab/syrup/injection.
 Promethzine tab/syrup.
 Cellamine lotion.
 Tetracycline eye and skin ointment/tetragaline.
 Whitfield's ointment.
 Benzyl Denzoate emulsion.
 Gentian violet solution.
 Antitetanus toxin.
 Antisnake serum.
 Antiseptics.
 Eusol Solution.
 Acriflavina.
 Dressing—bandages.
 Gauze, cotton wool.
 Elastoplast.
 Sterile water injection.
 Running or clean water.
 I. V. fluids/oral.
 Contrimaxazole.
 Hyescine butylbromide tab/syrup.
 Nitro-furantoin tab.
 Contraceptives/oral.
 Other antibiotics as approved by the Council from time
 time.
 Thermometer.
 Tongue depresser.
 Auroscope and torch, batteries and bulbs (diagnostic set).
 Stethoscope.

Approved
 list of
 equipment.

Sphygmomanometer.

Reagents for urine testing—albusix, billistix, etc.

Complete oxygen set.

Urine containers.

Record books, for patients attendance, treatment and drugs.

Sterillizer.

Forceps, kidney dishes, scissors, scapels.

Examinations couch.

Cupboard of drugs with lock and key.

Measuring tape (in cm).

Syringes and needles.

Dental kit.

Suture materials.

Ryles tube.

Other equipment as approved by the Council from time to time.

THIRD SCHEDULE

(s. 13 (4))

PHYSICAL FACILITIES FOR A PRIVATE CLINIC

Building must be of permanent standard, or made of wattle and mud as may be approved by the local Medical Officer of Health.

Spacious consultation room.

Waiting area—covered from sun, rain and wind.

Treatment room.

Access to road transport.

Access to lavatory.

FOURTH SCHEDULE

(s. 13 (5))

LIST OF DISEASES WHICH A CLINICAL OFFICER IN PRIVATE PRACTICE MAY WHERE NECESSARY GIVE INITIAL TREATMENT BEFORE REFERRING TO ANY SUPERVISING OFFICER OR ANY HOSPITAL

- Cholera (except primary stage).
- Plague (human).
- Plague (rodent).
- Relapsing fever (louse borne).
- Typhus (louse borne).
- Yellow fever.
- Acute poliomyelitis.
- Anthrax.
- Diphtheria.
- Encephalitis (primary).
- Infective hepatitis.
- Kala-azar.
- Leprosy.
- Rabies.
- Relapsing fever (tick borne).
- Salmonellosis.
- Tetanus.
- Trypanosomiasis.
- Cancer.
- Diabetes.
- Epilepsy or fits.
- Paralysis.
- Kidney, bladder and gallstone.
- Hernia.
- Blindness.

Ailment of auditory system.

Septicaemia.

Erysipelus.

Pleurisy.

Arterio—sclerosis.

Scarlet fever.

Habits or disorders associated with sexual indulgence.

Elephantiasis.

Typhus (tick borne).

Tuberculosis (pulmonary).

Tuberculosis (all other forms).

Typhoid fever.

Typhus (other than tick or louse borne).