



Kenya Medical Association

Promoting the Quality Practice of Medicine in Kenya

PROFESSIONAL CODE OF CONDUCT 2021

Promoting the
Quality Practice
of Medicine in Kenya

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FOREWORD

KMA President – Dr Andrew Were

As doctors, we interact with our clients at the most vulnerable point in their lives. This demands that we uphold the highest level of ethics and professional conduct as we perform our duties.

The Kenya Medical Association's Ethics, Standards and Research Standing Committee developed this Professional Code of Conduct 2021 to define the relationship doctors have with the public, patients and among themselves.

It outlines the values that a doctor should practise as he/she seeks to be part of the fraternity. This code of conduct will serve as a guide to the current and future generations of doctors on how to conduct themselves in their professional and social lives, especially in this era of social media, in a manner that upholds the dignity and honour of the profession.

I urge all of you to maintain the highest standard of professional conduct, not to be influenced by personal gain or profit, and to provide competent service while exercising moral independence; to always respect human life and a patient's rights; to provide emergency care as a humanitarian duty as per the spirit of the Kenyan constitution; and to work well with each other and other professional colleagues in a manner that bestows respect on the profession.

This document should be interpreted together with other local and international codes of professional ethics and conduct that KMA subscribes to.

Let the launch of this Professional Code of Conduct 2021 be the first step towards self-regulation for doctors in Kenya.



KMA Secretary General – Dr Simon Kigundu

This Professional Code of Conduct 2021 is a living document that will inform members and partners of the norms, responsibilities and proper practices that they are expected to abide by.

The code is a mark of our professionalism, which is expected with self-regulation, and will aid in the establishment and strengthening of an inclusive and ethical culture among members.

It will also provide an enabling environment for members to thrive while also being a basis upon which their concerns will be addressed.



**Chairman, KMA Research, Ethics and Standards
Committee – Dr Nchafatso G. Obonyo**



Many of the standards outlined in this document will be familiar, for they reflect the fundamental principles of beneficence, sanctity of life, commitment to the profession as well as timeless values of fairness and integrity that are a part of the daily lives of medical practitioners.

While it is impossible for this code of conduct to capture every situation that may arise, it underpins the principles that should always govern the conduct of members of the Kenya Medical Association.

The face of KMA is every member practising at their respective workplaces and interacting with patients and the public. Therefore, as members, we must conduct ourselves in ways that do not bring the medical profession into disrepute or compromise the delivery of quality care to patients.

I extend my gratitude to the members of Research, Ethics and Standards Committee that has drafted this Professional Code of Conduct 2021. They have all voluntarily made time from their busy schedules, put in great effort and gone beyond the call of duty to bring this document to fruition. The support of the KMA National Executive Committee and National Governing Council is also deeply appreciated.

I sincerely hope that the history of medical practice in Kenya will continue to be a compilation of the biographies of esteemed members of KMA who uphold the greatest standards of professional conduct.

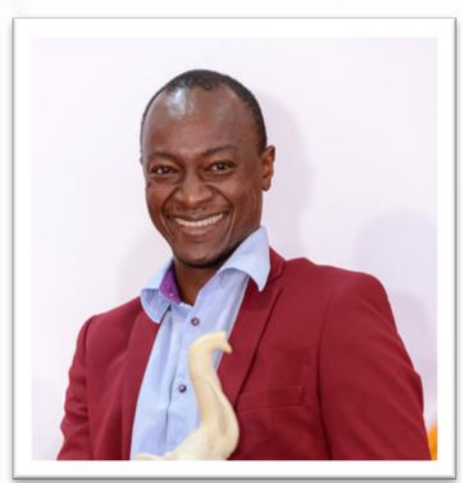
KMA NATIONAL EXECUTIVE



Dr. Were Onyino
KMA President



Dr. Amos Otara
KMA Vice-President



Dr. Simon Kigundu
KMA Secretary General



Dr. Diana Marion
KMA Assistant Secretary General



Dr. Supa Tunje
KMA Treasurer General



Dr. Njoki Fernandes
KMA Chief Executive Officer

KMA RESEARCH, ETHICS AND STANDARDS COMMITTEE

1. Dr. Nchafatso G. Obonyo (Committee Chair)
2. Prof. Elias Onditi (Committee Vice-Chair)
3. Prof. Ambrose Agweyu (ex-officio Advisor)
4. Dr. June Leech (Member)
5. Dr. Chris Barasa (Member)
6. Dr. Kiplangat Sigei (Member)
7. Dr. Rashid Amin (Member)

LIST OF ABBREVIATIONS

1. **CEO** Chief Executive Officer
2. **KMA** Kenya Medical Association
3. **KMPDC** Kenya Medical Practitioners and Dentists Council
4. **NEC** National Executive Committee
5. **NGC** National Governing Council
6. **WMA** World Medical Association

INTRODUCTION

The Kenya Medical Association (KMA) was founded in 1968 and incorporated in 1973 under the Company's Act Cap 486 as a company limited by guarantee. It is a national association of medical practitioners registered in Kenya. The Association is a voluntary membership organization mandated by its members to promote the quality practice of medicine in Kenya.

While its mandate was originally centred on the welfare of doctors as well as safeguarding professionalism and quality of healthcare, over the years, the Association has grown in stature and scope. Today, KMA is a high-profile player and partner in many sectors of national development at policy level as well as in operation of services related to health. It holds a strategic position in health sector policy by being a member of national decision-making boards for the practice of medicine and the protection of patients in Kenya.

The Association is organized into 16 divisions nationally and plays a significant role in educating the public and advocating quality health care service delivery.

KMA VISION STATEMENT

To be the leader in engaging medical practitioners and the voice for the provision of the highest standards of healthcare in Kenya.

KMA MISSION STATEMENT

To champion the welfare of doctors and quality healthcare in Kenya.

KMA VALUES

1. Good governance
2. Professionalism
3. Integrity
4. Collaboration
5. Innovation
6. Excellence
7. Empowerment of members

The following are KMA's objectives:

- To promote the practice of medicine in Kenya.
- To uphold high standards of medical ethics and conduct.
- To advise the government, other medical bodies and the public on matters related to health.
- To promote the welfare of doctors.
- To maintain the honour and interests of the medical profession.
- To support continuing professional development (CPD) through periodic publications, seminars and scientific conferences.
- To liaise with medical associations around the world.

SECTION 1: PROFESSIONAL CODE OF CONDUCT

This Professional Code of Conduct provides guidance on expected behaviour and sets out the standards of conduct that support the vision, mission and objectives of KMA. It applies to all members of KMA and is in harmony with the International Code of Ethics and Conduct of the World Medical Association (WMA).

Members must conduct themselves in a way that promotes the success of KMA and maintain the individual and collective reputation of the Association. They must also, at all times, comply with the country's constitution and laws.

This Code of Conduct incorporates and supersedes any existing or previous versions.

Obligations to the Association

Each member shall:

- Always exercise his/her independent professional judgment and maintain the highest standards of professional conduct.
- Respect a competent patient's right to accept or refuse treatment.
- Not allow his/her judgment to be influenced by personal profit or unfair discrimination.
- Be dedicated to providing competent medical service in full professional and moral independence, with compassion and respect for human dignity.
- Deal honestly with patients and colleagues, and report to the appropriate authorities those physicians who practice unethically or incompetently or engage in fraud or deception.
- Not receive any financial benefits or other incentives solely for referring patients or prescribing specific products.
- Respect the rights and preferences of patients, colleagues and other health professionals.
- Recognise his/her important role in educating the public but should use due caution in divulging discoveries or new techniques or treatment through non- professional channels.

- Certify only that which he/she has personally verified.
- Strive to use health care resources in the best way to benefit patients and their community.
- Seek appropriate care and attention if he/she suffers from mental or physical illness.
- Respect the local and national codes of ethics.

Obligations to colleagues

Each member shall:

- Behave towards colleagues as he/she would have them behave towards him/her.
- Not undermine the patient-physician relationship of colleagues in order to attract patients.
- When medically necessary, communicate with colleagues who are involved in the care of the same patient. This communication should respect patient confidentiality and be confined to necessary information.

The following **basic principles of ethical behaviour** must be followed at all times by members:

- Integrity
- Accountability
- Independence and impartiality
- Respect for the dignity, worth, equality, diversity and privacy of all persons

1.2 Scope

The code of conduct applies to the following personnel:

- KMA members
- KMA employees
- Persons or institutions contracted by KMA

1.3 Definition of discipline and indiscipline

Discipline in this context refers to orderly behaviour and conduct of the members and adherence to existing rules and regulations.

Indiscipline is any act of omission or commission contrary to the definition of discipline.

SECTION 2: GUIDING PRINCIPLES

- 2.1 Members of KMA are expected to conduct themselves, officially and privately, in a manner that does not bring the image of the Association into disrepute.
- 2.2 KMA's National Governing Council (KMA-NGC) has the authority to ratify and adopt a code of conduct to which all KMA members must adhere to. Non-adherence to this Code of Conduct will result in the instituting of the disciplinary measures set out in this document. KMA has the authority to amend this Code of Conduct from time to time.
- 2.3 Members of KMA are expected to uphold the highest standards of professional conduct, including the specific examples set out in this document. Disciplinary measures will be instituted against any member who will conduct himself/herself contrary to the set guidelines. The possible causes of disciplinary action set out herein are not exhaustive and each matter will be adjudicated on its individual merits by the Disciplinary Committee.
- 2.4 Acts of commission or omission by a KMA member that constitute a breach of this Code of Conduct, brought to the attention of KMA, will be considered a cause for disciplinary action. Disciplinary measures will also be instituted following any conduct by a KMA member, individually or with others, that could bring the Association into disrepute or is perceived to do so. Dishonest or fraudulent acts, including those that result in a criminal conviction, are also considered a breach of this Code of Conduct.

SECTION 3: CONDUCT OF MEMBERS

3.1 Duty of KMA members

KMA members will at all times and in whatever capacity:

- 3.1.1 Maintain the honour and dignity of the Association.
- 3.1.2 Treat others with courtesy and fairness.
- 3.1.3 Conduct their personal and public lives with care and diligence.
- 3.1.4 Refrain from using, directly or indirectly, KMA or entities controlled or appointed by KMA, to advance their own political, social or economic needs at the expense of KMA.
- 3.1.5 Refrain from committing any act that may conflict with the goals of KMA or prejudice the interests and good name of KMA.
- 3.1.6 Diligently and with due care and commitment, carry out any obligations they may have towards KMA.
- 3.1.7 Enhance the standing and good name of the medical profession.
- 3.1.8 Commit to the highest possible standards of professional conduct and competence.
- 3.1.9 Exercise integrity, honesty, diligence and appropriate behaviour in all professional and personal activities.
- 3.1.10 Uphold the Constitution of Republic of Kenya and act within the laws of Kenya.

3.2 Professional misconduct

Misconduct is any act of omission or commission that may result into but not limited to:

- 3.2.1 Any offence involving fraud, dishonesty or moral indecency that will bring the image of KMA into disrepute.
- 3.2.2 Engaging in any activity that will likely result in conflict of interest relative to the mission and vision of KMA.
- 3.2.3 Contravening the provisions of the code of ethics of the Kenya Medical Practitioners' and Dentists Council (KMPDC).
- 3.2.4 Any deliberate action that impacts negatively on patients' safety and clinical care.

SECTION 4: DISCIPLINARY AUTHORITY

4.1 Disciplinary Committee

- 4.1.1 Disciplinary matters arising within KMA membership are delegated to the Disciplinary Committee.
- 4.1.2 The committee shall be constituted by KMA's National Executive Council (KMA- NEC) and shall include a minimum of seven (7) persons and shall be headed by the President.
- 4.1.3 The committee may co-opt any person(s) to assist in dispensing its duties.
- 4.1.4 Any member(s) of the committee shall recuse themselves if there is any conflict of interest.
- 4.1.5 The committee shall be responsible for ensuring that members abide by this Code of Conduct.

4.2 Disciplinary grounds

Causes of disciplinary action include, but are not limited to:

- 4.2.1 Refusal to respond to or cooperate with requests made by the KMA Disciplinary Committee in undertaking its duties as described in this Code of Conduct when investigating an alleged infringement.
- 4.2.2 False and/or misleading statements made to or about the Association, its branches or any of its structures in the media or otherwise.
- 4.2.3 Distribution of confidential information not available in the public domain, which may include information of a proprietary nature, information that is legally restricted from circulation, or information that a member has reason to believe KMA would not wish to be divulged in the best interests of its membership.
- 4.2.4 Unprofessional communication in written, oral or electronic format issued by a member in respect of the Association and/or its members, without appropriate steps being taken to ensure that the communication is suited to the circumstances and its intended audience and is sufficiently courteous.
- 4.2.5 Failure to declare an actual or perceived conflict of interest and/or performing under an impaired ability to act fairly as a result of a conflict of interest.

4.3 Disciplinary procedure

- 4.3.1 The Disciplinary Committee may suspend any accused member(s) for the duration of any disciplinary proceedings set out herein and confirm the expulsion of any member(s) as set out herein.
- 4.3.2 The committee shall obtain from the member a written undertaking to refrain from continuing or repeating the offensive conduct.

- 4.3.3 The committee shall inform the member in writing the consequences of his/her initial actions, and that any recurrence may lead to tougher disciplinary actions.
- 4.3.4 The committee shall consider a temporary withdrawal of membership benefits, after which the specific disciplinary action will be decided based on the nature of the offence.

4.4 Mandate of the Disciplinary Committee

- 4.4.1 The committee shall have the following powers:
 - To investigate any alleged or suspected breach of the Code of Conduct by a member.
- 4.4.2 To call upon any member who is suspected of having breached the Code of Conduct and witnesses, where applicable, to furnish the committee with such information as it may deem necessary in considering the alleged breach.
- 4.4.3 To hand down a verdict as to whether the alleged breach of the Code of Conduct was committed by the member concerned or not.
- 4.4.4 To order the suspension of the accused member for such period as it may, in its sole discretion, deem fit once it has determined that the member has breached the Code of Conduct and that his/her conduct warrants suspension.
- 4.4.5 To recommend to the KMA-NEC to order, over and above the suspension imposed, the expulsion of the member once it has determined that the member has breached the professional Code of Conduct and that such breach warrants expulsion.
- 4.4.6 All the proceedings of the committee shall be conducted in a manner that observes accepted principles of fairness and equity.

- 4.4.7 The committee will be entitled to consult any person it may deem necessary to reach a just and equitable conclusion. The member concerned may be denied the right to be present during such consultations or to be made aware thereof, provided that the member will be given an opportunity to rebut any evidence against him/her compiled in such consultation.
- 4.4.8 The committee shall, from the date of its appointment, complete its investigations and deliver its verdict within a period of four (4) working weeks.
- 4.4.9 The committee shall inform the accused member of its decision and reasons thereof within seven (7) working days of such being decision taken.
- 4.4.10 Where a member's conduct demands expulsion from the association, the committee shall send its recommendations to KMA-NEC, through the Chief Executive Officer within seven (7) working days of such decision being taken.

4.5 Appeal process

- 4.5.1 A member may appeal to the KMA-NEC with regards to any disciplinary action taken against him/her.
- 4.5.2 The appeal must be lodged, in writing, to the President not later than seven (7) working days after the member has been informed of the disciplinary action in writing by the Disciplinary Committee. The member must clearly state the reasons for the appeal.
- 4.5.3 The President shall constitute an appellate committee of a minimum of three (3) persons within 14 working days from the date of receipt of the written appeal.
- 4.5.4 The appellate committee shall make a decision in relation to the written appeal within seven (7) working days and its decision shall be final and binding.
- 4.5.5 The final decision on any unresolved appeals shall rest with the KMA-NGC.



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