



KENYA HEALTH PROFESSIONS OVERSIGHT AUTHORITY

INTEGRATED CODE OF PROFESSIONAL CONDUCT AND ETHICAL PRACTICE: A PRACTICAL GUIDE FOR HEALTH CARE PROFESSIONALS IN KENYA

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Foreword

The Kenya Health Professions Oversight Authority (KHPOA) has developed this document to guide health professionals to perform and discharge their duties and responsibilities in accordance with the Constitution and the Health Act No. 21 of 2017. This will ensure progressive realization of the right to the highest attainable standard of health which includes access to the provision of promotive, preventive, curative, palliative, rehabilitative services, reproductive health and emergency medical treatment; and that every person receiving health services in Kenya is treated with dignity, respect and have their privacy respected.

This Code of conduct serves to remind healthcare professionals of the principles of ethical behaviour and professional standards that should guide their clinical, public health decisions and actions. It is intended to promote patient-centred care and quality in management of patient/client. All healthcare professionals are expected to familiarize themselves with the code and to seek further clarification and assistance in cases of uncertainty. Health facilities and management is required to ensure introduction and continuous use of this guide by all licensed healthcare professionals to practice within their premises

This Code is a public and will be amended from time to time to reflect health emerging challenges, technological and scientific advancement and developments.

Preface

In developing the code for conduct for healthcare professionals, the Authority provides to ensure that every patient/client is treated with dignity, respect and have their privacy respected in accordance with the Constitution and the Health Act 2017. For consistency, generality and commitment to evidence-based structures, systems and processes, the Authority carried out a comprehensive e-benchmarking. The benchmarking included International and National literature review of other existing codes of conduct and similar publications. The Authority also analysed list of common complaints received regarding the conduct and behaviour of healthcare professionals across the world and Kenya in particular. The code therefore sets out the regulatory requirements, professional behaviour and conduct expected of health professionals practising in Kenya. It is noted that health regulatory bodies will constitute disciplinary mechanisms to deal with breaches, and where this does not happen, the authority shall take the necessary actions.

The code is written in recognition that health professions practice is not restricted to the provision of direct clinical care. Health professions practice settings extend to working in a non-clinical relationship with clients, working in public health, leadership and management, governance and administration, education, health research, advisory, regulatory, policy development roles or other roles that impact on safe, effective delivery of health services where professional knowledge and skills are used.

The code is not a substitute for Laws of Kenya or other relevant legislation. Where there is any actual or perceived conflict between the code and any law, the law takes precedence. Therefore, healthcare professionals need to better understand and comply with all other Ministry of Health Policies, standards, guidelines and regulations.

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Definition of terms

Beneficence	Obligation to act in the best interest of others. Beneficent actions maximize possible benefits and minimize potential harm.
Code of conduct	A set of rules outlining the norms, rules, and responsibilities or proper practices of an individual party or an organization.
Ethics	A set of moral principles or values that deals with what is good and bad
Code of ethics	The principles and expectations governing the behaviour of individuals and organizations
Health professional	A person who has successfully undergone training in an approved health professions training institution and is registered and licensed by an approved body to provide health care services. The person is involved in delivery of health services aimed at the identification, management, prevention of health conditions.
Justice	The principle of justice requires equitable distribution of benefits, risks, costs, and resources. In addition it obliges fairness and special protection of vulnerable groups
Informed consent	Making a voluntary and decision after receiving relevant information and understanding it
Maleficence	“Do no harm”
Non-maleficence	This principle requires avoiding unnecessary harm or injury that can arise from acts of commission or omission.
Professional Misconduct	Professional Misconduct means, after considering all of the circumstances from the actor’s standpoint, the actor, through a material act or omission, deliberately failed to follow the standard of practice generally accepted at the time of the forensic analysis that an ordinary forensic professional or entity would have exercised, and the

	deliberate act or omission substantially affected the integrity of the results of a forensic analysis. An act or omission was deliberate if the actor was aware of and consciously disregarded an accepted standard of practice required for a forensic analysis
Regulated health professionals	Cadre of health professionals who are regulated under an Act of Parliament
Respect	Have regard to autonomy and uniqueness of individuals and recognizing that each person has capacity and the right to make decisions without undue influence. This ensures that the dignity of person is valued.
Unregulated health professionals	Cadre of health professionals who are not regulated under an Act of Parliament

Introduction

This code sets out the mandatory requirements for professional behaviour and conduct expected of all health professionals in Kenya. It describes the principles of professional behaviour that promote safe and ethical practice, and clearly outlines the conduct expected of health professionals.

Individual health professionals have their own personal beliefs and values. However, the code outlines specific standards which all health regulatory bodies and professional associations are expected to adopt in their specific codes of Ethics and conduct. The code also gives students of health professions an appreciation of the conduct and behaviours expected of health professionals. In teaching and learning as a resource for activities which aim to enhance the culture of professionalism and ethical practice in the Kenyan health system

Each Health professional has a personal responsibility to understand and abide by this code. In practice, health professionals also have a duty to make the interests of patient/client their first concern, and to practice safely and effectively.

The code is consistent with the Constitution of Kenya 2010, Health Act, Public Officers Ethics Act and the Employment Act. It is designed using thirteen principles or standards of conduct, each with a brief explanatory value statement. Each value statement is beefed with a practical guidance to demonstrate how to apply it in practice. Underpinning the code is the expectation that health professionals will exercise professional judgement to deliver the highest possible standard of health for each individual patient/client and whatever the setting provides Emergency Medical Care without financial considerations.

Scope of the code

This code applies to all healthcare professionals who are practicing within Kenya. This includes any work where a health professional uses health professions knowledge and skills, clinical or non-clinical. This will include health professionals working in the areas of clinical care, public health, clinical leadership, management and governance, education, research, administration, management, advisory roles, regulation and policy development.

The main objectives of this code are to:

1. Set out a framework to guide professional judgment and ensure healthcare professionals fulfil their professional duties and obligations.
2. Set out the principles that foster high quality and safe health practice leading to public protection.
3. Support individual health professionals in the delivery of safe practice and fulfilling their professional roles; and
4. Promote interprofessional team-based patient care.

Standards of Conduct for Health Professionals

The code of conduct and ethical practice is developed using standards of professional conduct which apply to all areas of health practice. Healthcare professionals are expected to exercise professional and ethical judgement in applying these standards, with the goal of delivering the best possible patient experience and health outcomes.

This code is based on the following standards which shall be adhered to by all healthcare professionals practising in Kenya at all times;

- 1.0 Practice and act in the best interest of patients and the public
- 2.0 Patient privacy and confidentiality of information
- 3.0 Working with Patients with care, honesty and integrity
- 4.0 Respect to patient choices and obtaining informed consent for treatment
- 5.0 Communicate effectively
- 6.0 Practice and act within the limit of your knowledge, skills and experience
- 7.0 Patient Health Records
- 8.0 Truthful advertising in health
- 9.0 Concerns with your own health or judgement
- 10.0 Continuous Professional Development
- 11.0 Personal conduct and behaviour
- 12.0 Effective Supervision and mentoring
- 13.0 General Health Research

Standard No.1: Practice and Act in the best interest of patients and the public

A health professional who is practicing in Republic of Kenya shall;

- 1.1 take responsibility for the welfare and safety of his/her patients or clients and the public at all times;
- 1.2 not allow personal biases and prejudices to affect the type and quality of care you provide;
- 1.3 recognize and respect the uniqueness and dignity of each client/patient without any direct or indirect discrimination; and respond to their need for care, irrespective of their ethnic origin, religious beliefs, political affiliation, gender, traditional practice, personal attributes and the nature of their health problems or any other factors;
- 1.4 perform his or her duty in a manner consistent with best practices, and generally accepted standards of healthcare;
- 1.5 Participate in systems of quality improvement activities which include periodic reviews and audits to promote patient safety and health outcomes;
- 1.6 Respond continuously and Implement preventive and corrective actions to address shortcomings of reviews and quality audits;
- 1.7 Continually reflect on the standards of practice and care you provide;
- 1.8 Take appropriate steps to address knowledge and skills gaps and carry out further training where necessary;
- 1.9 inform the relevant authorities if you have any concerns regarding the health, conduct or competence of other healthcare professionals you work with that may negatively impact the safety and welfare of patients and/or the public;
- 1.10 Review patient feedback, to improve service delivery;
- 1.11 Strive to ensure patient safety by;

- 1.11.1 reporting sentinel events that put or have the potential to put the safety of patient, or another person at risk
 - 1.11.2 reporting suspected adverse drug reactions
 - 1.11.3 eliminating any risk that would compromise patient safety;
 - 1.11.4 consult a suitably qualified health professional or regulatory body if you suspect to or have any communicable disease that could be transmitted to patient. You shall not rely on own assessment of the risks likely to pose to the patient. Always ensure to report recommendations by the consulting professional or institution to the relevant health regulatory board or council;
- 1.12 Always make sure that all staff and trainees, if any, you manage have appropriate supervision to carry out the activities safely.

Standard No. 2: Privacy and confidentiality of patient information

Health professionals have ethical and legal obligations to protect the privacy of patients. Patient/client have a right to expect that health professionals will hold information about their health in confidence, unless the release of information is required by law, legally justifiable under public interest considerations or is required to facilitate emergency care or for teaching and learning purposes. To protect privacy and confidentiality, a health professional shall;

- 2.1 Keep patient's/client's health records safe and confidential and use information obtained in the course of consultation or professional practice only for purposes for which it was given or where it is otherwise lawful;
- 2.2 Acknowledge that information concerning a user, including information relating to his or her health status, treatment or stay in a health facility is confidential except where such information is disclosed under order of court or informed consent for health research and policy planning purposes;
- 2.3 Ensure that there is no disclosure of any patient health information without consent, except where it is required or permitted by law or if it is required to protect your patient or others from harm;
- 2.4 Respect the confidentiality and privacy of patient/client by seeking informed consent before disclosing information, including formally documenting such consent;
- 2.5 Endeavour to establish a relationship of trust between you and your patient; and not in any way exploit or abuse the relationship with your patient and the trust your patient has placed in you;
- 2.6 Provide a conducive environment to enable private and confidential consultations and discussions, particularly when working with multiple patients/clients at the same time, or in a shared space;
- 2.7 Take reasonable steps to make sure that there is no unauthorised access, use or accidental disclosure of your patient's information;
- 2.8 Abide by the standards for practice, to ensure use of social media is consistent with ethical and legal obligations to protect privacy;
- 2.9 Respect your patient's decision to refuse therapy, whether in part or in whole;
- 2.10 respect and promote patient's right to health, including access to emergency care as provided in the Kenyan Constitution and Health Act, 2017;

- 2.11 Access or allow access to patients records only when professionally involved in the care of the patient/client and when authorised to do so, not to transmit, share, reproduce or post any patient/client's information or images, even if the patient/client is not directly named or identified, without having first gained written and informed consent;
- 2.12 Recognize that disclosure of some patient's confidential information is permitted 'to raise the awareness of the members of the health care team' such as for internal educational purposes. Any disclosure that may result in knowing or identifying the precise patient should be avoided;
- 2.13 Recognise patient/client's right to access information contained in their health records, facilitate that access and promptly facilitate the transfer of health information when requested by patient/client; and
- 2.14 Facilitate arrangements for transfer or management of patient health information in accordance with the legislation governing privacy and health records.

Standard No.3: Consulting and managing patients with care, honesty and integrity

Consulting and managing patients require high standards of professional conduct and ethical practice. Health professionals should apply patient or client-centred and evidence-based safe and quality care while carrying out consultations and procedures. In this regard, a health professional shall:

- 3.1 Be receptive, polite, compassionate, empathetic, honest and with a positive attitude;
- 3.2 Not withhold, delay, or deny access to treatment or investigations or medical emergency treatment to any patient;
- 3.3 Uphold high standards of professional conduct which requires you to:
 - 3.3.1 Treat patients as individual human beings whose lives matter and respect their dignity, privacy and personal beliefs;
 - 3.3.2 Provide patients and clients with all the information they may require during their consultation or care pathways in order to make informed decisions about their care and management;

3.4 During patient or client consultation:

- 3.4.1 Consider patient(s) as holistic individuals and adequately conduct assessments while taking account of relevant history (including the symptoms and social, psychological, spiritual and cultural factors), their views and values; and findings of physical examination;
- 3.4.2 Conduct physical examination and treatment of patient(s) from opposite gender in the presence of a chaperone;
- 3.4.3 Provide appropriate and prompt advice, investigations and treatment based on the best available evidence;
- 3.4.4 Avoid unnecessary or inappropriate investigations, treatment or polypharmacy practice;
- 3.4.5 Prescribe drugs or treatment including repeat prescriptions only when you have adequate knowledge of the patient's health and you are satisfied that the drugs or treatment will help the patient's illness;
- 3.4.6 Consult professional colleagues and encourage constituting consulting teams in patient care and management;
- 3.4.7 Inform patients about their right to consult another healthcare professional and provide adequate information to exercise that right;
- 3.4.8 Institute interventions to alleviate pain and distress even for conditions that have no known cure;
- 3.4.9 Refrain from denying or delaying treatment because you believe that an individual's actions or lifestyle may have contributed to their current condition;
- 3.4.10 Share all relevant health information with colleagues involved in the patients' care within and outside your medical team, including when handing over patient care when you go off duty, and when delegating care or referring patients to other health or social care providers;
- 3.4.11 Ascertain that you have informed consent before carrying any examination or investigation, when providing treatment or when involving patients or volunteers in teaching/research;

- 3.5 Delegate care of a patient to a colleague when satisfied that your professional colleague has the appropriate qualifications, skills and competencies to provide safe care for the patient;
- 3.6 Follow approved standardized protocols and guidelines when carrying out clinical procedures to patients;
- 3.7 Ensure correct identification of patient before any procedure is done using prescribed standardized protocols;
- 3.8 Always ensure adequate and appropriate documentation of procedures according to prescribed formats;
- 3.9 Ensure that care and treatment provided for each patient is compatible with any other treatments the patient is receiving, including (where possible) self-prescribed over-the-counter medications;
- 3.10 When dealing with persons with special needs, reasonable adjustments must be made to respond to their health needs;
- 3.11 Not use your professional position to pursue a sexual or improper emotional relationship with a patient, caregiver or someone close to them;
- 3.12 Be open and honest with the patient if the treatment or procedure does not achieve the expected or desired health outcome. Always explain promptly and in detail to the patient or family what has happened and discuss the likely short-term and long-term effects that the patient could have and advise them accordingly;
- 3.13 Always refer or consult appropriately and without delay if the patient's condition or health needs are not within your scope of training, qualification and practice;
- 3.14 Ensure referral notes have patient's details, including medical history, investigations done and treatment given, current diagnosis, reasons for referral, your two official names (as per registration license), registration number and signature;
- 3.15 Contribute to the safe transfer of patients including making telephone contacts prior to transfer with receiving health facility or health professional;
- 3.16 Ensure when receiving and accepting a referral from other health professionals or facility that you fully understand the request, and provide treatment only if you believe it is appropriate or in your patient's best interest to do so. If this is not the case, you shall discuss in detail the matter with the health professional who has made the referral and the patient;

Standard No. 4: Respect your patient choices and obtain informed consent

Informed consent is a patient or client's voluntary agreement to healthcare, which is made with knowledge and understanding of the potential benefits and risks involved. In supporting the right to informed consent, you shall;

4.1 Take all reasonable and appropriate steps to obtain the user's informed consent by;

- 4.1.1 ensuring that your patient understands the need for treatment or services to be provided, the risks involved and expected health outcomes from the treatment or procedure provided prior to proceeding, except in an emergency situation;
- 4.1.2 providing information to the patient or client about their illness, diagnosis, medication, procedures, risks, cost and outcomes of care in a way and/or in a language/dialect they can understand prior to providing any form of treatment or care;
- 4.1.3 giving the patient or client adequate time to ask questions, make decisions or refuse care, interventions, investigations and treatments, and proceed in accordance with their choice;
- 4.1.4 acting according to the patient or client's capacity for decision-making and consent, including when caring for children and young patient or client, based on their maturity and capacity to understand, and the nature of the proposed care;
- 4.1.5 obtaining informed consent or other valid authority before carrying out an examination or investigation, provide treatment (except in emergency situation) or involving patient or client in teaching or research, and;
- 4.1.6 Informing patient or client of the benefit, as well as associated costs or risks, if referring for further assessment, investigations or treatments, which they may want to be clarified before proceeding;

- 4.2 Not provide any procedure to a patient without the patient's informed consent unless;
 - 4.2.1 the patient is unable to give informed consent and such consent is given by a person mandated by the patient in writing to grant consent on his or her behalf; or authorized to give such consent in terms of any law or court order;
 - 4.2.2 the patient is being treated in an emergency situation;
 - 4.2.3 patient is unable to give informed consent and no person is mandated or authorized to give such consent.
 - 4.2.4 the provision of a health service or procedure without informed consent is authorized by an applicable law or court order;
 - 4.2.5 failure to treat the user, or a group of people which includes the user, will result in a serious risk to public health;
 - 4.2.6 any delay in the provision of the health service to the patient might result in his or her death, and
 - 4.2.7 irreversible damage to his or her health and the patient has not expressly, or by implication or by conduct refused that service.
- 4.3 Seek informed consent from next of kin or family members in situations where a patient is unable to give consent;
- 4.4 Take reasonable efforts to persuade your patient or family who refuses treatment or therapy that you believe is necessary for their well-being or else it would put them at significant risk or harm;
- 4.5 respect your patient's wish for a second opinion, and/or decision to consult with other health professionals;
- 4.6 make reasonable records of the information provided to your patient, your patient's consent or decision on treatment provided in accordance with standard No. 7.0 of this code;

Standard No. 5: Communicate effectively

Positive professional relationships are built on effective communication that is respectful, reliable, kind, empathetic and honest. To communicate effectively in-patient care and management, you shall:

- 5.1 Take reasonable steps to ensure effective communication with your patient, their family, fellow professional colleagues, and other healthcare professionals, to enhance health outcomes of the patient;
- 5.2 Be truthful, respectful and courteous in all professional communications, with your patient, care givers, or other healthcare professionals;
- 5.3 be aware of health literacy issues, and take health literacy into account when communicating with patient or client;
- 5.4 make arrangements, whenever possible, to meet the specific language, cultural, and communication needs of patients/clients and their families and be aware of how these needs affect understanding;
- 5.5 take time to listen to your patients, take account of their views, concerns and fears, and respond honestly and professionally to their questions;
- 5.6 provide clear and honest information to your patients concerning their condition, management including diagnostic, medical, surgical and all other therapeutic options including honest financial implication of care;
- 5.7 Provide clear and honest information to your patients on medication, therapeutic benefits and side effects;
- 5.8 endeavour to confirm that your patient or client understands any information communicated to them;
- 5.9 clearly and accurately communicate relevant and timely information related to the care of your patient or client to professional colleagues, within the bounds of relevant privacy

requirements;

- 5.10 Be non-judgemental and not refer your patient or client in a non-professional manner verbally or in correspondence/records, including refraining from behaviour that may be interpreted as harassment and/or culturally unsafe;
- 5.11 Not use any media including the internet to communicate in a manner that is illegal, discriminatory, harassing or damaging to the patient, the profession and general good of the public;
- 5.12 Document all therapeutic events, including verbal instructions given to your patient or client;
- 5.13 Ensure that your patients are involved, within the limits of their capacities, in understanding the nature of their problems, the range of possible solutions, as well as the likely benefits, risks, and costs, and should assist them in making informed choices;
- 5.14 Ensure that your communication with your patient and/or his family is done in a manner that does not impair confidence in other professionals involved in patient care. You must not disrespect any professional or criticize their opinion in any situation before your patient or their family;
- 5.15 Strive to communicate clearly and effectively with your fellow professional colleagues, and other health care professionals;
- 5.16 Always update other health professionals involved in the care of your patient where appropriate to ensure adequate and continuity of care for the patient;
- 5.17 Maintain patient confidentiality when communicating publicly, including speaking to or writing in the media;
- 5.18 Be honest and trustworthy when writing medical reports, and when completing or signing medical forms, reports and other medical documents. Always ensure that any medical document you write, or sign are not false or misleading;
- 5.19 Have knowledge of, respect for, and sensitivity towards the cultural diversity of the people and community in the Republic of Kenya;

Standard No.6: Practice and act within the limit of your knowledge, skills and experience

Healthcare professional practising in Kenya shall:

- 6.1 Recognise and work within your scope of practice which is determined by your education, training, authorization, competence, qualifications experience and hold a valid license from respective health regulatory body;
- 6.2 recognise when patient care is not within your scope of practice and refer the patient or client to another healthcare professional or health facility when this is in the best interests of the patient or client receiving care;
- 6.3 consult or refer as appropriate, for further advice or treatment, if you discover in the course of treating that your patient requires interventions that are beyond your own scope of practice or experience;
- 6.4 work and practice under supervision or in accordance with the guidelines set by respective health regulatory body, if you are returning to practice after a gap in service;

Standard No.7: Patient Health Records

A Health care professional shall ensure;

- 7.1 entry into the health records shall be made at the same time during patient contact, consultation or as soon as possible afterwards;
- 7.2 that all patient's health events or medical conditions are documented accordingly;
- 7.3 that you sign and date all patient entries;
- 7.4 patient or client health record or reports are not falsified;
- 7.5 health records are complete and legible, and complete records shall include the following:
 - 7.5.1 Relevant patient details to include identification and bio data;
 - 7.5.2 Medical and social history;

- 7.5.3 Findings on physical examination;
- 7.5.4 Assessment of therapeutic options;
- 7.5.5 Any investigations done;
- 7.5.6 Treatment plan proposed and performed;
- 7.5.7 Treatment outcomes and progress of your patient;
- 7.5.8 Notes on discussions between yourself, your patient, family, and other professionals and including informed consent;
- 7.6 patient records are stored in a secure manner and are not subject to unauthorized access;
- 7.7 health records show respect for the patient or client and do not include demeaning or derogatory remarks;
- 7.8 patients' or client right to access information contained in their health records is recognised and to facilitate that access;
- 7.9 transfer of health information through medical report when requested by the patient is facilitated in a timely manner;
- 7.10 maintain confidentiality of patient or client health records at all times
- 7.11 information that has been entered previously into any patient records is not tampered with or erased
- 7.12 if legitimately updating or amending information in the patient previous information is not made difficult to read, simply mark the error with a strike-through line, write your name, sign and date the amendment. For digital platforms the system should be able to track all changes made to the previous information.

Standard No.8: Truthful advertising in health

A Healthcare professional practising in Kenya shall;

- 8.1 Ensure that any advertising published or support, or any information provided about a professional or services provided is truthful, factual and accurate;
- 8.2 Not persuade your patient to acquire more or additional services than are required;
- 8.3 Ensure that your advice and recommendations on health products and

technologies or services to your patient must not be influenced by financial or other forms of reward;

8.4 Always disclose any financial interest in an organization or service you may have to which you intend to refer patients for any treatment or investigation before making a referral, and;

8.5 Not mislead the public and your patient or client with regard to your professional qualifications, experience and expertise.

Standard No. 9: Concerns with your own health or judgement

Health care professional shall:

4.1 stop practicing or limit their scope of work if their ability to practice safely and effectively is adversely affected by their mental or physical health or for any other reason;

4.2 consult a suitably qualified health professional, on ways that can change your practice to continue to be safe and effective, or stop practicing if it is necessary. Such advice shall be presented in writing to the respective authority;

4.3 consult a suitably qualified health professional if you suspect to or have any communicable disease that could be passed on to your patient or client, or if your judgment or performance could be affected by a condition or its treatment. You must follow their advice about any changes to your practice or treatment they consider necessary. You must not rely on your own assessment of the risk to patients, and;

4.4 inform the respective health profession regulatory body of any significant changes in your mental or physical health and resulting changes in your practice.

Standard No. 10: Continuous Professional Development

Health is very dynamic due to scientific and technological advancement and requires continued professional development. In order to improve and maintain the standard of performance, health professionals should keep their professional knowledge and provide opportunities to update the health workforce knowledge and skills throughout their working life. To this end, a health professional shall:

- 10.1 endeavour to promote and participate actively in continued learning, professional development and advancement of knowledge and skills;
- 10.2 take responsibility for keeping up-to-date of changes and developments in the field of his or her profession;
- 10.3 initiate, participate and engage in activities both within and between professions in developing, integrating and improving patient care and management, and;
- 10.4 renew annual practice license based on acquisition of continuous professional development points as prescribed by the laws of respective health regulatory bodies.

Standard No. 11: Personal conduct and behaviour

Health professionals should follow the legal and regulatory restrictions while on their practice, including limitations, conditions, undertakings, suspension, cautions or reprimands, and recognise that a breach of any restriction would place the public at risk and may constitute unprofessional conduct or professional misconduct. To ensure compliance to this standard, health professional shall;

- 11.1 Practise honestly and ethically and shall not engage in unlawful conduct or practice;
- 11.2 Be honest and behave with integrity when dealing with patients, clients, employers, insurers, fellow professionals and other organizations;
- 11.3 Not be involved in any criminal or unlawful activities;
- 11.4 Respect the patient or client professional relationship by not taking possessions and/or property that belong to the patient or

- client and/or their family;
- 11.5 Not allow any personal interests to affect the way you consult, prescribe, treat, refer or commission services for patients or clients. This includes unnecessary investigations requested or treatment given;
 - 11.6 Not engage in any improper relationship or behaviour with your patient or client and the immediate members of your patient's family;
 - 11.7 Ensure that your personal conduct or behaviour, whether in personal or professional capacity, does not damage the public confidence in you or your profession, or bring disrepute to the profession or institution;
 - 11.8 Not in your professional capacity support the services provided by persons or organizations that do not provide legitimate health services,
 - 11.9 Not ask for or accept bribe, gift or free hospitality that may affect or be seen to affect the way you prescribe, treat or refer patients or commission services for patients and;
 - 11.10 Always dress appropriately (recommended dress code), wear a clearly labelled identity badge with your designation and inform the patient that you are a health professional.

Standard No.12: Effective Supervision

Health care professionals who serve the role of a supervisor or mentor shall;

- 12.1 Ensure that all staff and trainees, if any, are adequately supervised or mentored to carry out their duties or tasks safely;
- 12.2 Ensure that any professional under your supervision has the necessary skills and competencies prior to performing the tasks assigned;
- 12.3 Be responsible for ensuring that the safety of your patients or clients is not compromised at all times when delegating duties to other personnel including interns and other trainees;
- 12.4 Ensure adequate time is set aside to mentor and transfer

skills and knowledge staff, interns and other trainees in all hospital settings;

- 12.5 Limit the number of interns and other trainees when performing procedures, during bed side teaching, or any other hospital settings to allow adequate supervisor-supervisee interactions and learning;
- 12.6 Accord able time and opportunity for interns and other trainees to make clinical presentations of patient(s) or client(s) assigned to them during ward rounds or bed side teaching;
- 12.7 Not to force any healthcare professional under supervision to undertake a task which he/she is not confident of handling;
- 12.8 Ensure that there is clear documentation of the supervision provided and clinical notes in patient or client files;
- 12.9 A specialist trainee or clinical intern under supervision shall;
 - 12.9.1 Follow the instructions from your supervisor at all times;
 - 12.9.2 Not undertake any tasks or activities that you are not professionally allowed to do or confident of, and;

Standard No.13: General Health Research

When conducting clinical research, you shall put the care and safety of the research subjects first and ensure that the trial is approved by authorized research ethical committees. If you are conducting or participating in a research, you shall abide by the following:

- 13.1 Put the care and safety of your patients first and ensure that the trial is approved by a recognized research ethical committee and regulatory bodies;
- 13.2 Strive to attain the highest possible standards in all

aspects of conservation. All actions shall be governed by an informed respect for cultural property;

- 13.3 Research aims shall contribute to the good of society;
- 13.4 Research shall be based on sound theory;
- 13.5 Research participants shall voluntarily consent to research participation with no undue influences;
- 13.6 Research shall avoid unnecessary physical and mental suffering;
- 13.7 The degree of risk taken with research participants cannot exceed anticipated benefits of results;
- 13.8 Proper environment and protection for participants is necessary;
- 13.9 Experiments can be conducted only by scientifically qualified persons;
- 13.10 Human subjects shall be allowed to discontinue their participation at any time;
- 13.11 Must be prepared to terminate the experiment if there is cause to believe that continuation will be harmful or result in injury or death
- 13.12 The results of research shall be presented to the academic community and wider public in a responsible manner, and;
- 13.13 Keep in confidence all information obtained about research participants.

Guidelines on Sanctions

This *Sanctions guide* is designed to help the Authority to decide how to respond when a health professional has put patients/ clients at risk or undermined confidence in the health professions.

This guide is based on the values and standards contained in part I of this document. It therefore provides a crucial link between the code and the action that decision makers in the Authority, Boards and Councils take, as well as promoting consistency of decision making. It will also help to make sure that cases are dealt with in a fair and proportionate manner.

Considerations

1. The boards and councils have statutory obligations to make sure that processes for dealing with concerns about health professionals are fair. Anyone who is acting for, Authority, the boards and councils is expected to be aware of, and adhere to, equality and human rights legislation.
2. The Authority, Boards and councils should make sure they are familiar with this guidance when determining a sanction, so they can make fair, proportionate and informed decisions.

Purpose

The main reason for imposing sanctions is to protect the public. This is the statutory overarching objective, which includes to:

- a) protect, respect, promote and fulfil the health rights of all persons
- b) promote and maintain public confidence in the health professions
- c) promote and maintain proper professional standards and conduct for the health professionals.

It is important to note that sanctions are not imposed to punish or discipline health professionals, but they may have a punitive effect. The Authority should make sure the sanctions imposed by regulatory bodies or what it imposes are appropriate and proportionate, the reputation of the profession as a whole is more important than the interests of any individual health professional or institution.

The code of conduct and ethical practice is the benchmark that health professionals are expected to meet subject to any mitigating or aggravating factors. Action is taken where a serious or persistent breach of the guidance has put patient safety at risk or undermined public confidence in the health professional or facility.

Proportionate approach to imposing sanctions

Deciding what sanction, if any, to impose the Authority, Board or Council should consider the sanctions available, starting with the least restrictive. It should also have regard to the principle of proportionality, weighing the interests of the public against those of the health professional or health facility.

However, once the Authority, Board or Council has determined that a certain sanction is necessary to protect the public (and is therefore the minimum action required to do so), that sanction must be imposed, even where this may lead to difficulties for a health professional or facility. This is necessary to fulfil the statutory overarching objective to protect the public.

The following is a guide of selected situations and sanctions that should be considered as initial before mitigation.

1. SERIOUS (class A):

The Authority, Board or Council may recommend the erasure of the name of a health professional from the register in any case – except one that relates solely to the health professional's health where this is the only means of protecting the public.

Erasure may be appropriate even where the health professional does not present a risk to patient safety, but where this action is necessary to maintain public confidence in the profession. For example, if a health professional has shown a blatant disregard for the safeguards designed to protect members of the public and maintain high standards within the profession that is incompatible with continued registration as a health professional.

In this case, Patients with death unrelated to the natural course of the illness and differing from the Immediate expected outcome of the patient management or any of the following:

Indicator	Proposed action to take when there is no evidence otherwise
Events reportable to complaint to the police (e.g. rape, serious assault) Offences involving violence	Removal from the register
Procedures involving the wrong patient or body part	Removal from the register
Offences of a sexual nature, including involvement in child sex abuse materials	Removal from the register
Violation of a patient's rights/exploiting vulnerable people children and young people, expressing personal beliefs and regarding information about services	Removal from the register
Abuse of position/trust	Removal from the register
A deliberate or reckless disregard for the principles set out in code of professional conduct and ethical practice and/or patient safety	Removal from the register
A particularly serious departure from the principles set out in code of professional conduct and ethical practice where the behavior is fundamentally incompatible with being a health professional	Removal from the register
Assisting a patient to commit (Possible) suicide	Removal from the register
Retained instruments or unintended materials requiring surgical removal	Removal from the register
Intravascular gas embolism resulting in death or neurological damage	Removal from the register
Hemolytic blood transfusion	Removal from the register
Medication error leading to death	Removal from the register
Infant abduction or discharge to wrong family	Removal from the register
Deny any patient emergency medical treatment;	Removal from the register
Death before being attended	Removal from the register
Falsification of medical records	Removal from the register
improper financial arrangements that escalate costs and disadvantage individuals or institutions	Removal from the register

In serious matters, it is important that investigations begin as soon as possible while memories are fresh and before material relevant to the case is lost or destroyed.

2. MAJOR (class B)

Patients with major permanent loss of function (sensory, motor, physiologic or psychological) unrelated to the natural course of the illness and differing from the expected outcome of patient management or any of the following:

Indicator	Proposed action to take when there is no evidence otherwise
Disfigurement as a result of the incident	<i>Suspend the health professional's registration for up to 12 months</i>
Patient at risk: absent against medical advice (unreported to police and non-notification to next of kin.)	Suspend the health professional's registration for up to 12 months
Threatened or actual physical or verbal assault of patient or staff requiring external or police intervention	Suspend the health professional's registration for up to 12 months
Holding a patient from discharge knowingly for financial gain.	Suspend the health professional's registration for up to 12 months
Performing procedure without consent	Suspend the health professional's registration for up to 12 months
Physical assault such as striking, unauthorised physical or medical restraining and/or applying unnecessary force.	Suspend the health professional's registration for up to 12 months
Behaviours that cause distress;	Suspend the health professional's registration for up to 12 months
encouraging or manipulating patient/client to give, lend, or bequeath money or gifts or property to benefit the health professional or institution directly or indirectly;	Suspend the health professional's registration for up to 12 months
Failure to provide honest information to patients concerning their condition, management including	Suspend the health professional's registration for up to 12 months

diagnostic, medical, surgical and all other therapeutic options;	
Failure to provide clear and honest information to patients on medication therapeutic benefits and side effects and cost.	Suspend the health professional's registration for up to 12 months
practice under a name which is misleading as to the nature of the facility or the nature of the procedures performed, or which is contrary to the law or deceptive.	Suspend the health professional's registration for up to 12 months
Involving human participants in research, without respect to right of the patient to decision-making not to participate and/or to withdraw from a study,	Suspend the health professional's registration for up to 12 months
Failure to take action, of a health professional knowingly having a health condition or impairment that could adversely affect their ability to practise safely, or put patient/client at risk	Suspend the health professional's registration for up to 12 months

3. MODERATE (Class C) imposing conditions

The purpose of conditions is to help the health professional to deal with their health issues and/or remedy any deficiencies in their practice, while protecting the public.

In cases where Patients with permanent reduction in bodily functioning (sensory, motor, Physiologic, or psychological) unrelated to the natural course of the illness and differing from the expected outcome of patient management or any of the following:

Indicator	Proposed action to take when there is no evidence otherwise
Increased length of stay as a result of the incident	Impose conditions on the health professional's registration (for up to three years)
Surgical intervention required as a result of the incident	Impose conditions on the health professional's registration (for up to three years)

Medical expenses, lost time or restricted duties or injury/illness due to the incidence	Impose conditions on the health professional's registration (for up to three years)
medical expenses incurred or treatment not requiring hospitalization Services due to the incidence	Impose conditions on the health professional's registration (for up to three years)
Disruption to users due to agency problems.	Impose conditions on the health professional's registration (for up to three years)
Failure to protect patients from risk	Impose conditions on the health professional's registration (for up to three years)
Breach of privacy and confidentiality	Impose conditions on the health professional's registration (for up to three years)
Making sexual advances to the patient/client	Impose conditions on the health professional's registration (for up to three years)
Expressing/ imposing personal beliefs to patient/client in ways that exploit the patient/client's vulnerability, causing unnecessary distress	Impose conditions on the health professional's registration (for up to three years)
Abuse of health professional privileged relationship with patients/clients	Impose conditions on the health professional's registration (for up to three years)
Abuse of office or any form of corruption;	Impose conditions on the health professional's registration (for up to three years)
Providing a service that is not needed or documenting a service not provided for financial gain.	Impose conditions on the health professional's registration (for up to three years)
Discrimination because of health professional views of race, culture, ethnicity, social status, lifestyle, age, gender, disability, communicable disease	Impose conditions on the health professional's registration (for up to three years)

status, sexual orientation, religious or spiritual beliefs, or any condition of vulnerability.	
Failure to fully disclose the fees to the client before the procedure.	Impose conditions on the health professional's registration (for up to three years)
Conflicts of interest in teaching or supervision relationships that may impair objectivity or interfere with the supervised person learning outcomes or experience.	Impose conditions on the health professional's registration (for up to three years)
Increased length of hospitalization as a result of the incident	Impose conditions on the health professional's registration (for up to three years)
Inappropriate language, cultural, and communication to patients/clients and their families	Impose conditions on the health professional's registration (for up to three years)

4. MINOR (Class D) Agree undertakings offered by the health professional

Undertakings are restrictions on a health professional's practice or behaviour agreed between the health professional and the Authority, Board or Council. They may include, for example, a restriction to practice or no longer carrying out a particular procedure, or commit the health professional to undergo supervised practice or retraining if it considers the undertakings sufficient to protect the public, can then take into account when considering the appropriate sanction.

Patients requiring increased level of care including:

Indicator	Proposed action to take when there is no evidence otherwise
Review and evaluation	Agree undertakings offered by the health professional
Additional investigations	Agree undertakings offered by the health professional

Referral to another clinician	Agree undertakings offered by the health professional
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5. MINIMUM (class E) Take no action

Where a health professional's fitness to practice is impaired, it will usually be necessary to take action to protect the public, but there may be exceptional circumstances to justify the Authority, Board or Council taking no action

Like in cases where patients complain and have no injury or increased level of care or length of stay including;

Indicator	Proposed action to take when there is no evidence otherwise
No injury or review required	
No treatment required or denied treatment	
No loss of any function	