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REPUBLIC OF KENYA

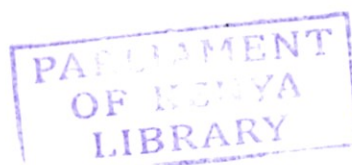
NATIONAL ASSEMBLY



ELEVENTH PARLIAMENT – FIFTH SESSION - 2017

THE DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ON THE MATTER OF IRREGULAR SPECIALIST RECOGNITION OF
DR. SAMIRA SONI



CLERK'S CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES
PARLIAMENT BUILDINGS
NAIROBI

JUNE, 2017

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ABBREVIATIONS

CEO	- Chief Executive Committee
KMPDB	- Kenya Medical Practitioners and Dentists' Board
PIC	- Preliminary Inquiry Committee

FOREWORD

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

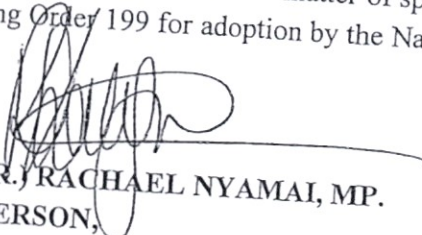
Subsequently, the Committee organized meetings with the Medical Practitioners and Dentists Board, Ophthalmological Society of Kenya, Dr. Samira Soni (the proprietor of the "Eye and U Eye Centre") and Hon. Shakeel Shabbir, MP to gather information and evidence to enable it respond to the concerns raised.

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

However, Hon. Shakeel Shabbir, MP, through a letter dated 17th February, 2016 drew the attention of the Committee to the fact that the report does not respond to the fact that Dr. Soni was yet to undertake specialist supervision which was a requirement for receiving specialist recognition. He urged the committee to ensure Dr. Soni undertook the one year of specialist supervision as required in the interest of Kenyans who are being treated at the "Eye and U Centre" where she was a specialist consultant. The Committee reviewed its earlier work and makes appropriate observations and recommendations in this report.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the inquiry. I also wish to express my appreciation to the Honorable Members of the Committee who, with commitment, participated in the activities of the Committee and preparation of this Report.

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Health, to table its Report on the matter of specialist recognition of Dr. Samira Soni, pursuant to Standing Order 199 for adoption by the National Assembly.


HON. (DR.) RACHAEL NYAMAI, MP.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON HEALTH

EXECUTIVE SUMMARY

This report details the consideration of the matter of specialist recognition of Dr Samira Soni as raised by the Hon Shakeel Shabbir, MP, through a letter dated 17th February, 2016. In the letter, the Member drew the attention of the Committee to the fact that the report done earlier on the matter does not respond to the fact that Dr. Soni was yet to undertake specialist supervision which was a requirement for receiving specialist recognition. He urged the Committee to ensure Dr Soni undertook the one year of specialist supervision as required in the interest of Kenyans who are being treated at the “Eye and U Centre” where she was a specialist consultant.

Having received the letter from Hon Shakeel Shabbir, MP, the Committee commenced its consideration of the matter and requested for reports on the matter from the Kenya Medical Practitioners and Dentists Board, the Chairman of the Preliminary Inquiry Committee of the KMPDB and Dr Soni’s referee Dr. Millicent Kariuki Wanyoike, Prof Dunera Ilako, Dr. Dharaminder Walia and Dr Jyotee Trivedi on diverse dates.

The Committee observed that

1. Dr. Soni graduated with a Master of Medicine in ophthalmology in 2004 but her first application for specialist recognition was five years later in 5th February 2009 which was rejected. The five year gap, though not irregular, raised concerns.
2. She reapplied for recognition as a specialist in ophthalmology in November 2013 and it was followed by a written appeal dated 7th May 2014. The said application had recommendations from two (2) referees namely Dr Jyotee Trivedi and Dr. Millicent Kariuki Wanyoike. The application was considered and subsequently approved on 15th May, 2014 as she was considered as having met the minimum requirements for such an application. However when she appeared before the Committee, Dr Jyotee Trivedi denied ever supervising Dr Soni for purposes of specialist recognition. She instead stated that she worked with her only on the basis of her having been as a former classmate.
3. It is still not clear if Dr. Soni met the minimum requirements for specialist recognition having only worked under one specialist, Dr Millicent Kariuki at the Eye Stop Kenya at the Upper Hill Medical Centre between 2003 to December 2008 and again from July 2009 to December 2010. However, these were not recognised institutions for purposes of specialist supervision.
4. Dr Samira Dedhia Soni applied for registration and licensing of the Eye and U Clinic as a health centre located along Waiyaki Way at the Pacis Centre on 3rd Floor within Westlands in Nairobi on 7th May 2014. The said application was approved on 9th May, 2014 and on 30th June 2014, the registration and licensing of the facility was ratified by the full board during its 108th Sitting.

- 5 It is notable that Dr Soni's written appeal on her re-application for specialist recognition was dated 7th May 2014, the same day that she applied for the registration and licensing of the Eye and U Clinic. Further, Dr Soni's specialist recognition was approved on 15th May 2014, a week after her application for registration and licensing of the Eye and U clinic as a health Centre was approved by the Board. There seems to be a correlation between the application for registration of the Eye and U Clinic and Dr. Soni's specialist recognition by the Board.
- 6 Dr Samira Soni was a qualified doctor but her competencies as an ophthalmological surgeon were wanting.
- 7 Dr Samira Soni had not undertaken the requisite 2 years supervised work that is mandatory before one is given specialist recognition.

1.0 PREFACE

1.1 Establishment and Mandate of the Committee.

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

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

The Committee is mandated, under Schedule Two of the Standing Orders to, consider the following subjects -

- i Health
- ii. Medical Care
- iii Health Insurance

1.2 Oversight

In executing its mandate, the Committee oversees the following government Ministries, departments and/or agencies, namely

- i The Ministry of Health
- ii The Kenyatta National Hospital
- iii The Moi Teaching and Referral Hospital
- iv National Hospital Insurance Fund
- v Kenya Medical Supplies Agency

- vi The National Aids Control Council
- vii Kenya Medical Research Institute
- viii Kenya Medical Training College

1.3 Committee Membership

- 1 Hon. Dr. Rachel Nyamai, M.P. - Chairperson
- 2 Hon. Dr. Robert Pukose, M.P. - Vice Chairperson
- 3 Hon. Dr. Naomi Shaban, M.P
- 4 Hon. Dr. Enock Kibunguchy, M.P
- 5 Hon. Dr. James Nyikal, M.P
- 6 Hon. Dr. James Gesami, M.P
- 7 Hon. Dr. Eseli Simiyu, M.P, CBS
- 8 Hon. Fred Outa, M.P.
- 9 Hon. Alfred Sambu, M.P
- 10 Hon. John Nyaga Muchiri, M.P, HSC
- 11 Hon. Alfred Agoi, M.P.
- 12 Hon. David Karithi, M.P.
- 13 Hon. Dr. Dahir Mohamed, M.P
- 14 Hon. Dr. James Murgor, M.P
- 15 Hon. Dr. Patrick Musumba, M.P
- 16 Hon. Eng. Stephen Mule, M.P
- 17 Hon. Dr. Stephen Wachira, M.P
- 18 Hon. Dr. Susan Musyoka, M.P
- 19 Hon. Hassan Aden Osman, M.P
- 20 Hon. James Gakuya, M.P
- 21 Hon. Kamande Mwangi, M.P
- 22 Hon. Leonard Sang, M.P
- 23 Hon. Michael Onyura, M.P
- 24 Hon. Mwinga Gunga, M.P
- 25 Hon. Paul Koinange, M.P
- 26 Hon. Raphael Milkau Otaalo, MP
- 27 Hon. Zipporah Jesang, MP
- 28 Hon. Robert Mbu, MP
- 29 Hon. Jarcd Opiyo, MP

1.4 Committee Secretariat

- Ms Esther Nginyo - Clerk Assistant III
- Mr. Dennis Mogare Ogechi - Clerk Assistant III
- Ms Ruth Mwihaiki Gakuya - Clerk Assistant III

Ms Sande Marale - Senior Researcher
Ms Marlene Ayiro - Legal Counsel I

1.5 List of Recommendations

The Committee recommends that

- i. **The Kenya Medical Practitioners and Dentists Board (KMPDB) constitute a special Committee to review the specialist recognition of Dr. Samira Soni.**
- ii. **The KMPDB to revise the regulations for specialized recognition of doctors.**

1.6 Acknowledgements

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings and the preparation of this Report.

1.7 Adoption of the Report

We, Members of the Departmental Committee on Health, have, pursuant to Standing Order 199 adopted this Report on the Matter of Irregular Specialist Recognition of Dr Samira Soni and affixed our signatures (*Annex A*) to affirm our approval and confirm its accuracy, validity and authenticity on

2.0 INTRODUCTION

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

Subsequently, the Committee organized meetings with the Medical Practitioners and Dentists Board, Ophthalmological Society of Kenya, Dr. Samira Soni (the proprietor of the “Eye and U Eye Centre”) and Hon. Shakeel Shabbir, MP to gather information and evidence to enable it respond to the concerns raised.

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

However, Hon. Shakeel Shabbir, MP, through a letter dated 17th February, 2016 drew the attention of the Committee to the fact that the report does not respond to the fact that Dr. Soni was yet to undertake specialist supervision which was a requirement for receiving specialist recognition. He urged the committee to ensure Dr. Soni undertook the one year of specialist supervision as required in the interest of Kenyans who are being treated by the eye and u centre where she was a specialist consultant.

3.0 SUBMISSIONS AND EVIDENCE

Having received the letter from Hon. Shakeel Shabbir, MP, the Committee commenced its consideration of the matter by requesting for and receiving a report on the matter from the Kenya Medical Practitioners and Dentists Board; inviting the Chairman of the Preliminary Inquiry Committee of the KMPDB and Dr. Soni’s referee Dr. Millicent Kariuki Wanyoike, Prof. Dunera Ilako and Dr. Dharminder Walia on diverse dates. During the meetings, written and oral evidence was adduced as recorded hereunder:-

3.1 Kenya Medical Practitioners and Dentists Board Report.

The Committee considered the report submitted by the Chief Executive Officer, Kenya Medical Practitioners and Dentists Board dated 15th June 2016. The report stated as follows:

1. The Preliminary Inquiry Committee(PIC) of the Board considered the matter as was contained in a letter from the National Assembly Departmental Committee on Health Dated 26th April 2016 under the reference number KNA/DCH/CORR/2016(041).The

Board was required to confirm to the Committee whether the due process was followed regarding the specialist recognition of Dr. Samira Soni and the registration of Eye and U Kenya Clinic;

2. The PIC of the Board considered copy of complaint letter by Hon. Shakeel A. Shabbir, M.P. addressed to the Clerk of the National Assembly, National Assembly Departmental Committee on Health report dated July 2015 together with documents in the Doctor's and the institution's file as well as extracts of full Board Proceedings.

Requirements for specialist/sub-specialist recognition

3. The Medical Practitioners and Dentists Board is mandated by statute to license and recognize medical and dental practitioners in the republic of Kenya. The recognition of medical and dental practitioners as specialists in any medical field is currently governed by the Medical Practitioners and Dentists (Training, Assessment and registration) Rules, 2014. Prior gazettement of Rules 2014 specialist recognition was governed by the Medical Practitioners and Dentists (Private Practice) Rules, 1979;
4. The applicable rules at the material time are the Medical Practitioners and Dentists (Private Practice) Rules, 1979 wherein Rule 2 defines a specialist as
"A medical or dental practitioner who has completed an approved training in a particular discipline in medicine or dentistry, and who has acquired a recognized post-graduate qualification or its equivalent, and who is thereafter has gained sufficient experience and shown to the Boards satisfaction adequate clinical, radiological or laboratory skill in his chosen discipline"
5. By virtue of the provisions of Rules 2 and 25 of the Medical Practitioners and Dentists (Private Practice) Rules (Private Practice Rules, 1979"), a medical or dental Practitioner can be recognized as a specialist if he or she possesses the following qualifications;
 - i. Be a holder of a post graduate qualification equivalent to a Masters of Medicine or Dental Surgery Degree recognized by the Board and having not less than five years of formal training and experience under the supervision of a recognized specialist in a recognized institution;
 - ii. Provided that if a postgraduate qualification is awarded after a three year period of training, no medical or dental practitioner shall be recognized as a specialist unless he or she has had at least two years' experience after obtaining the post graduate qualification.
6. Applications for specialist recognition are submitted to the Board and applicants are required to provide the following documents;
 - i. Certified copy of post graduate qualification and official transcripts
 - ii. Supportive recommendation from two (2) referees in the relevant field
 - iii. Evidence of completion of two year rotation in a recognized institution or 1 year rotation in a recognized institution for sub specialist recognition
 - iv. Payment of a prescribed fee

Process followed for Dr. Samira Sonia's Specialist Recognition

7. The committee was informed that Dr. Soni graduated from the University of Nairobi in the year 1987 wherein she obtained the Basic degree in Bachelor of Medicine and Bachelor of Surgery (MBChB). Thereafter she did her internship at Kenyatta National Hospital and upon completion of the internship program she was registered as a medical practitioner in 1988 bearing registration number 2940;
8. In the year 2004, Dr. Soni graduated from the University of Nairobi with a Master of Medicine (ophthalmology) and from the records held by the Board and information gleaned from her curriculum vitae it is noted that she worked in different institutions as hereunder;
 - i. 2003-December 2005 - Dr. Soni worked at the Eye Stop Kenya with Dr. Millicent Kariuki, a consultant ophthalmologist at the Upper Hill Medical Centre under the direct supervision of the said Dr. Kariuki
 - ii. January 2006- June 2008 - Dr. Soni worked in Lions Blood and Eye Centre in Mombasa
 - iii. July 2008 to December 2010 - Dr. Soni worked at the Eye Stop Kenya at the Upper Hill Medical Centre with Dr. Millicent Kariuki, a consultant Ophthalmologist.
 - iv. January 2011 to December 2011 - Dr. Soni was worked at the Eagle Eye Laser Centre in Nairobi
2. Records held at the Board showed that Dr. Soni first applied for specialist recognition in ophthalmology on 5th February 2009 but the application was not approved as she was considered as having failed to meet the minimum requirements at the time.
3. On 3rd November, 2013 she re-applied for recognition as a specialist in ophthalmology and it was followed by a written appeal dated 7th May, 2014. The said application had recommendations from 2 referees namely Dr. Joytee Trivedi and Dr. Millicent Kariuki Wanyoike. The application was considered and subsequently approved on 15th May, 2014 as she was considered as having met the minimum requirements for such an application.
4. Dr. Samira Dedhia Soni specialist recognition was ratified by the full Board in its 108th Full Board meeting.

Findings

5. In view of the foregoing, the recognition of Dr. Samira Dedhia Soni as a specialist in ophthalmology followed the due process of the Board and complied with the applicable provisions of the law as at the material time.

Registration and Licensing status of Eye and U Kenya Clinic

6. On 7th May 2014, the Medical Practitioners and Dentists Board received an application from Dr. Samira Dedhia Soni for registration and licensing of the Eye and U Clinic as a health Centre located along Waiyaki Way at the Pacis Centre on 3rd Floor, within Westlands in Nairobi. The application was accompanied by the following documents;
 - i. A clinic inspection report recommending registration and licensing which was signed by amongst others Dr. Sam Ocholla, County Health Director, Nairobi County;

- ii. Certificate of incorporation for Eye and U Ophthalmic Limited dated 23rd October 2013 and Certified copies of Dr. Samira Soni's professional Certificates;
7. The application was forwarded to the Chairman of the Private Practice Committee (Inspection Licensing Committee) of the Board for review;
8. It is noteworthy that the Board conducted its statutory functions through its secretariat and the committees that comprise its Board members.
9. The aforesaid committee handles applications for registration and licensing of health facilities within the republic of Kenya;
10. The said application was approved on 9th May 2014 and on 30th June 2014, the registration and licensing of the facility was ratified by the full board during its 108th Sitting;

Findings

11. The Board therefore concluded that the registration of Eye and U clinic followed due process and also complied with the applicable provisions of the law.

3.2 Meeting with Dr Millicent Kariuki.

Dr. Millicent Kariuki appeared before the Committee on 4th August, 2016 and informed it that:

1. She was a qualified ophthalmologist with her own practice and after undergoing two years supervision as per the Boards requirements.
2. Traditionally, there were certified centres where ophthalmologists were required to undergo attachment and supervision before being granted specialist recognition. These were government hospitals or eye units in the country recognized by the Board .The idea of two years supervision in a recognized public institution ensured the doctors got enough exposure in the specific field.
3. Dr .Soni worked under her between 2004- 2009 at her eye clinic for five years. They were partners during this period with Dr. Millicent acting as the senior ophthalmologist and Dr. Soni was the General Physician.
4. They parted ways in 2009 for business reasons after which Dr. Soni started seeking specialist recognition.
5. The Reference letter by the supervisor was a requirement for specialist recognition and that was how she got to recommend Dr. Soni having supervised her for 5 years.
6. Between 2009- 2013, Dr. Soni applied for attachment at the Kikuyu Eye Hospital and was accepted where she was under the supervision of one Dr. Walia. It was alleged that Dr. Soni was asked to observe for two weeks the procedures before undertaking any assignments but on the third day she went to the theatre. This caused a fall out with the Supervisor leading her to be expelled from Kikuyu Hospital. Dr. Soni would thereafter apply to other hospitals like Kenyatta National Hospital for attachment and where she was either turned down or accepted only for a short period.

7. In her opinion, Dr. Soni is good as a medical Ophthalmologist but poor as a surgeon and had equally been advised on the same. She (Dr. Soni) therefore knew her limits.
8. It was not a Board's requirement that whilst the supervisor was recommending a person to cite specific areas that one should be granted specialist recognition. Thus as her supervisor, she would not have highlighted Dr. Soni's weakness as a surgeon.
9. Under Dr. Millicent, Dr. Soni did not get enough surgical experience at the practice since as her supervisor she stopped her from undertaking surgeries but Dr. Soni had enough exposure as a general ophthalmologist. She however did a few surgeries under supervision.

3.3 Meeting with the Kenya Medical Practitioners and Dentists Board.

Mr. Daniel Yumbya, CEO, Medical Practitioners and Dentists' Board appeared before the Committee on 4th August, 2016 and informed the Committee that:

1. The Matter of the Specialist Recognition of Dr. Soni had been revisited by the Board and on inspecting the Board's records since the enactments of the Act, it had been established that even the key complainant in the matter, Dr. Mukesh Joshi himself had no record of specialist recognition by the Board.
2. This could be explained by the fact that after the Act came into force in 1978, under the transitional clauses, the register was reorganized and doctors in practice before the Act were granted recognition in their areas of specialization;
3. A sample list of medical doctors showed that some doctors were directly supervised whilst others were not directly supervised by senior doctors within their specialty in order to acquire specialist recognition.
4. Direct supervision refers to those Doctors who have worked under and have been directly supervised by a specialist recognized by the Board whilst indirect supervision refers to those who go through institutions recognized by the Board for their attachment to gain specialist recognition.
5. The Board had tabled a register of 103 ophthalmologists and majority had been directly supervised. The Board in most of these cases acted on the basis of the referees' recommendations since those referees were deemed to be their trainers. The Board therefore used its discretion in granting specialist recognition in such cases.
6. Dr. Soni was granted specialist recognition on the basis that she worked under the direct supervision of a recognized ophthalmologist and therefore qualified for specialist recognition.
7. There had been no adverse mention against Dr. Soni or any case of medical malpractice received by the Board against her as an ophthalmologist.
8. The Board was also not aware as to why Dr. Soni was sent away from Kikuyu Hospital since no complaint was lodged with the Board. There had also been no complaints received against Dr. Soni's Practice, Eye and U Clinic.

9. The Board could only investigate on the basis of complaints received either against a specialist or a doctor or against a facility.
10. The Board did inspect the Eye and U Clinic after the matter of Dr. Soni's Specialist recognition was raised and found that the facility had high standards, and was well equipped with new technology medical equipment to carry out the practice.
11. The Board also inspected medical records at the facility and found no cause for alarm.
12. The Board peer reviewed 7 ophthalmologists who were to work at the Eye and U Clinic and amongst the 7 peer reviewed, only three were approved and were working at the Clinic.
13. The Board's rules were amended in 2014 and the regulations are clear that once the Board received cases of negligence, it would act on the particular specialist and makes recommendations. The Boards Supervisory Committee would take up the matter and follow up on the recommendations. It had indeed previously recommended that some specialist undergo further supervision for six months before being allowed to continue practicing again.

3.4 Meeting with Dr. Dharminder Walia.

Dr. Dharminder Walia appeared before the Committee on 25th August, 2016 and informed it that:

1. In 2008, he received a letter from the CEO of the Medical Practitioners and Dentists' Board, Mr. Daniel Yumbya, asking him to allow Dr. Soni to work at Kikuyu Eye Hospital.
2. Four colleagues of his had advised him to be cautious in working with Dr. Soni.
3. Despite the warnings, he allowed Dr. Soni to work with him on attachment and advised her to follow his instructions closely while working under him.
4. Despite the caution and advice, within a week, Dr. Soni went to perform a surgery despite being disallowed. She ended up making a mistake leading to a complication during the surgery that had been assigned to another medic on internship. She never realised her mistake but her colleague, the assigned intern, realised and corrected the same. She apologised for her indiscretion. However, her attachment was terminated forthwith.
5. He wrote to Mr. Yumbya informing him of the dismissal and the reasons leading to it.
6. In total, Dr. Soni spent only two and half days of rotation at Kikuyu Eye Hospital.
7. He learnt from professional colleagues that Dr. Soni had a negative record from her graduate studies, from her time in Dar-es-Salaam and all senior consultants denied her a chance of ever practicing at their clinics.
8. The major complaint from professional colleagues was with regard to Dr. Soni failure to adhere to protocol and procedures. While working in Mombasa, she was dismissed after only two days of work.

- 9 In his opinion, the major problem with Dr Soni was her negative attitude and unwillingness to be directed and learn under her seniors
10. There were cases reported of patients who had been to Eye and U Clinic and mishandled Such reports were from Dr Walia's colleagues.

3.5 Meeting with Prof. Dunera Ilako.

Prof. Dunera Ilako appeared before the Committee on 25th August, 2016 and informed it that:

1. She was a lecturer at the University of Nairobi, Department of Ophthalmology and was also the CEO of the Eagle and Eye Laser Centre
2. She acknowledged knowing Dr. Soni first as her lecturer and head of department at the University of Nairobi and later in 2011 when Dr Soni approached her asking to work under her at the Eagle and Eye Laser Centre as she sought specialist recognition. However, the Eagle and Eye Laser Centre was not recognized in terms of specialist recognition by the Kenya Medical Practitioners and Dentists Board
3. When approached in 2011, she granted Dr Soni a chance to practice and drew a contract stipulating what she could and could not do Dr Soni stuck to the contract but left after one year because she fell ill.
4. At the point of leaving, she had not gotten to a point of performing major surgeries as expected of her at that level of training.
- 5 She was aware of a case where Dr Soni while at Kenyatta National Hospital removed both eyes of an accident victim without reference to her seniors
- 6 She also stated that Dr Soni generally lacked ophthalmological surgery competencies though qualified as a medical doctor
7. Dr Soni had not stayed anywhere long enough for specialist supervision to complete the two years required for specialist recognition

3.6 Meeting with Dr. Jyotee Trivedi

Dr Jyotee Trivedi appeared before the Committee on Thursday 2nd March, 2017 and informed it that

- 1 She had received previous invitations to appear before the Committee but in the first invitation she had prior engagements while subsequent invitations were made while she was out of the country
- 2 She was a specialist in ophthalmology, having graduated from Nairobi University with a degree in Medicine and subsequently pursued a master's degree
- 3 She was currently practicing at the Lions sight first eye hospital as a senior ophthalmologist and had 15 years' experience in the field

4. She knew Dr. Soni but as a student since they studied together at undergraduate although she graduated a year ahead of Dr. Soni. She was not aware why Dr. Soni was unable to graduate the same class but the university could have the correct information;
5. Dr. Soni never worked under her supervision at Lions eye Hospital;
6. She never supervised Dr. Soni nor did she recommend her for specialist recognition as an ophthalmologist.
7. Her letters of specialist recognition recommendation to the board were very specific and she never wrote such a letter to the Board in regard to Dr. Soni.
(A sample letter of recommendation was tabled and an email she had sent in reference to Dr. Soni as a student and is hereto annexed)

4.0 COMMITTEE OBSERVATIONS

The Committee observed that:

1. Dr. Soni graduated with a Master of Medicine in ophthalmology in 2004 but her first application for specialist recognition was five years later in 5th February 2009 which was rejected. The five year gap, though not irregular, raised concerns.
2. She reapplied for recognition as a specialist in ophthalmology in November 2013 and it was followed by a written appeal dated 7th May 2014. The said application had recommendations from 2 referees namely Dr. Joytee Trivedi and Dr. Millicent Kariuki Wanyoike. The application was considered and subsequently approved on 15th May 2014 as she was considered as having met the minimum requirements for such an application. However when she appeared before the Committee, Dr. Jyotee Trivedi denied ever supervising or recommending Dr. Soni for purposes of specialist recognition. She however stated that she wrote to the Medical Board indicating that she knew Dr. Soni as a former classmate.
3. It is still not clear if Dr. Soni met the minimum requirements for specialist recognition having only worked under one specialist, Dr. Millicent Kariuki at the Eye Stop Kenya at the Upper Hill Medical Centre between 2003 to December 2008 and again from July 2009 to December 2010. However, these were not recognised institutions for purposes of specialist supervision.
4. Dr. Samira Dedhia Soni applied for registration and licensing of the Eye and U Clinic as a health centre located along Waiyaki Way at the Pacis Centre on 3rd Floor within Westlands in Nairobi On 7th May 2014. The said application was approved on 9th May, 2014 and on 30th June 2014, the registration and licensing of the facility was ratified by the full board during its 108th Sitting.
5. It is notable that Dr. Soni's written appeal on her re-application for specialist recognition was dated 7th May 2014, the same day that she applied for the registration and licensing

of the Eye and U Clinic. Further, Dr. Soni's specialist recognition was approved on 15th May 2014, a week after her application for registration and licensing of the Eye and U clinic as a health Centre was approved by the Board. There seems to be a correlation between the application for registration of the Eye and U Clinic and Dr. Soni's specialist recognition by the Board.

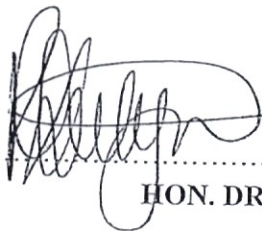
6. Dr. Samira Soni was a qualified doctor but her competencies as an ophthalmological surgeon were wanting.
7. Dr. Samira Soni had not undertaken the requisite 2 years supervised work that is mandatory before one is given specialist recognition.

5.0 COMMITTEE RECOMMENDATIONS

In response to the concerns raised by the Hon. Shakeel Shabbir, MP, the Committee recommends that:

1. The Kenya Medical Practitioners and Dentists Board (KMPDB) should constitute a special Committee to review the specialist recognition of Dr. Samira Soni.
2. The KMPDB to revise the regulations for specialized recognition of doctors.

Signed:



HON. DR. RACHAEL NYAMAI, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON HEALTH

Date:

30/5/2017

MINUTES OF THE 28TH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD ON FRIDAY 12TH MAY, 2017 AT THE SHIMBA CONFERENCE ROOM, PRIDE INN RESORT AND CONVENTION CENTRE, MOMBASA AT 9.30AM.

PRESENT

1. The Hon Mwinga Gunga, M P
2. The Hon. Dr. Robert Pukose, M P
3. The Hon Dr James Muigor, M.P.
4. The Hon. Raphael Milkau Otaalo, M.P.
5. The Hon. Zipporah Jesang, M.P
6. The Hon. Robert Mbuu, M P.
7. The Hon Alfred Agoi, M P.
8. The Hon. Kamande Mwangi, M P.
9. The Hon. Dr Stephen Wachira, M P.
10. The Hon. Dr Susan Musyoka, M.P
11. The Hon. Paul Koinange, M P.
12. The Hon David Karithi, M P
13. The Hon. Dr. James Nyikal, M.P
14. The Hon Jared Opiyo, M.P
15. The Hon John Nyaga Muchiri, M.P.
16. The Hon Fred Outa, M P

- Chairing
(Vice-Chairperson)

ABSENT WITH APOLOGY

1. The Hon Dr Racheal Nyamai, M P
2. The Hon Dr. Eseli Simiyu, CBS, M P
3. The Hon. Stephen M. Mule, M P
4. The Hon Dr Dahur D Mohamed, M P
5. The Hon. Leonard Sang, M P
6. The Hon. Michael Onyura, M.P.
7. The Hon Dr James O Gesami, M P
8. The Hon Di. Naomi Shaban, M P
9. The Hon Di Enoch Kibunguchy, M P
10. The Hon Hassan Aden Osman, M P
11. The Hon James Gakuya, M P
12. The Hon Dr. Patrick Musumba, M P
13. The Hon Alfred Sambu, M P

(Chairperson)

NATIONAL ASSEMBLY SECRETARIAT

- 1 Ms. Esther Nginyo - Third Clerk Assistant.
- 2 Mr. Dennis Mogate - Third Clerk Assistant
- 3 Ms Ruth Mwachaki - Third Clerk Assistant

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|----------------------|---|-----------------------------|
| 4. Ms. Marale Sande | - | Research and Policy Analyst |
| 5. Ms. Merlene Ayiro | - | Legal Counsel |
| 6. Mr. Joash Kosiba | - | Fiscal Analyst |
| 7. Mr. John Nganga | - | Audio Officer |
| 8. Mr. Albert Atunga | - | Serjeant At Arms |

MIN.NO. DCH 126/2017: PRELIMINARIES.

The Chairperson called the meeting to order at 9.45am and said a prayer.

MIN.NO. DCH 127 /2017: CONSIDERATION AND ADOPTION OF REPORTS

The Committee deliberated on the following reports:

i. REPORT ON THE MATTER OF IRREGULAR SPECIALIST RECOGNITION OF DR.SAMIRA SONI

The report was adopted with amendments after being proposed by the Hon. Dr. James Nyikal, M.P, and Seconded by the Hon. Kamande Mwangi, M.P.

ii. REPORT ON THE PETITION BY THE CHILDREN SICKLE CELL FOUNDATION OF KENYA ON ENACTMENT OF LEGISLATION ON PREVENTION, CONTROL AND MANAGEMENT OF SICKLE CELL ANAEMIA

The report was adopted after being proposed by the Hon. Paul Koinange, M.P. and seconded by the Hon. David Karithi, M.P.

iii. REPORT ON THE CONSIDERATION OF THE PETITION REGARDING THE VIOLATION OF THE NUTRITIONISTS AND DIETICIANS ACT AND AMENDMENT TO THE NUTRITIONISTS AND DIETICIANS ACT 2007

The report was adopted with amendments to recommendation (i) after being proposed by the Hon. Alfred Agoi, M.P. and seconded by the Hon. Dr. James Murgor, M.P.

The recommendation to read as follows: *'The Ministry should as a matter of urgency set up a properly instituted council in line with the provisions of the law; as the current Council was in office illegally due to the expiry of its term. The Ministry to further report progress to the Committee within 90 days.'*

iv. REPORT ON THE CONSIDERATION OF THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2015).

The report was adopted after being proposed by the Hon. Hon. Dr. James Nyikal, M.P., and seconded by the Hon. Alfred Agoi, M.P.

v. REPORT ON THE CANCER PREVENTION AND CONTROL AMENDMENT BILL, 2016 (SENATE BILL NO.3 OF 2015)

The report was adopted after being proposed by the Hon. Raphael Otaalo, M.P , and seconded by the Hon Stephen Wachira Karani, M.P.

vi. REPORT ON THE PRE-PUBLICATION SCRUTINY OF THE MEDICAL FUND BILL, 2016

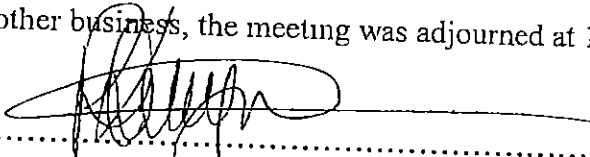
The report was adopted after being proposed by the Hon Raphael Otaalo, M P , and seconded by the Hon Robert Mbui, M.P

vii. REPORT ON THE PRE-PUBLICATION SCRUTINY OF THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL, 2016

The report was adopted after being proposed by the Hon David Kariithi, M P , and seconded by the Hon. Paul Komange, M P.

MIN.NO. DCH 128/2017: ADJOURNMENT

There being no other business, the meeting was adjourned at 12.57pm.

SIGNED: 

HON (DR.) RACHAEL NYAMAI, M.P.
CHAIRPERSON

DATE: 30/5/2017

DC-H: DEPARTMENTAL COMMITTEE ON HEALTH

Morning
Session

ATTENDANCE REGISTER

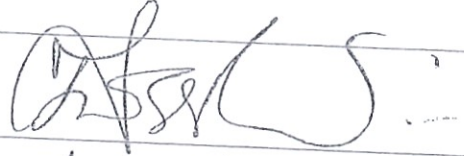
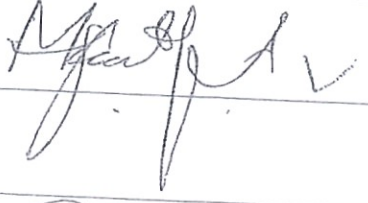
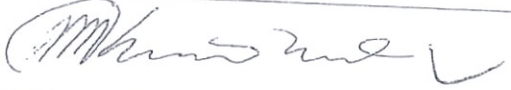
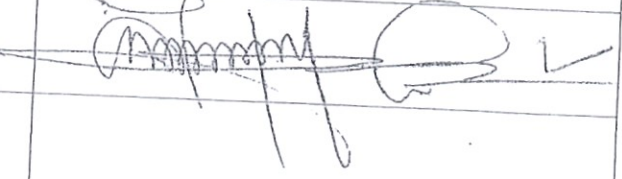


REPORT WRITING RETREAT FOR THE DEPARTMENTAL COMMITTEE ON HEALTH

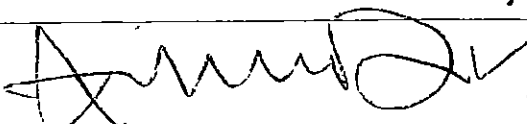


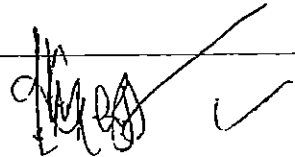
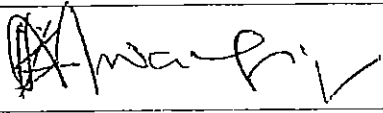
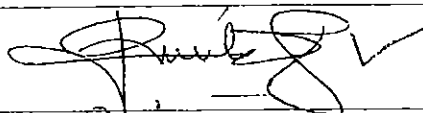
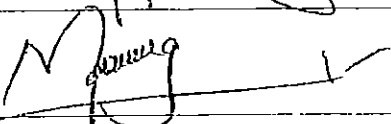
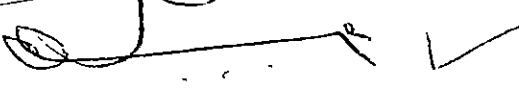

11TH - 14TH MAY 2017.

PRIDE INN PARADISE HOTEL, MOMBASA.

DATE: Friday 12th May 2017

VENUE: SHIMBA CONF. HALL

	HON. MEMBER	SIGNATURE
1.	The Hon. Dr. Rachel Nyamai, M.P. Chairperson	
2.	The Hon. Dr. Robert Pukose, M.P. Vice Chairperson	
3.	The Hon. Alfred Agoi, M.P.	
4.	The Hon. Alfred Sambu, M.P.	
5.	The Hon. David Karithi, M.P.	
6.	The Hon. Dr. Dahir D. Mohamed, M.P.	
7.	The Hon. Dr. Eseli Simiyu, CBS, M.P.	
8.	The Hon. Jared Opiyo, M.P.	
9.	The Hon. Dr. Enoch Kibunguchy, M.P.	
10.	The Hon. Dr. James Murgor, M.P.	
11.	The Hon. Dr. James Nyikal, M.P.	
12.	The Hon. Dr. James O. Gesami, M.P.	
13.	The Hon. Dr. Naomi Shaban, M.P.	
14.	The Hon. Dr. Patrick Musimba, MP	

	HON. MEMBER	SIGNATURE
15.	The Hon. Dr. Stephen Wachira, M.P.	
16	The Hon. Dr. Susan Musyoka, M.P.	
17	The Hon. Fred Outa, M.P.	
18	The Hon. Hassan Aden Osman, M.P.	
19	The Hon. James Gakuya, M.P.	
20	The Hon. John Nyaga Muchiri, HSC, M.P.,	
21	The Hon. Kamande Mwangi, M.P.	
22.	The Hon. Leonard Sang, M.P.	
23	The Hon. Michael Onyura, M.P.	
24	The Hon. Robert Mbui, M.P.	
25	The Hon. Mwinga Gunga Chea, M.P.	
26	The Hon. Paul Koinange, M.P	
27	The Hon. Raphael Milkau Otaalo, M.P.	
28	The Hon. Stephen M. Mule, MP	
29	The Hon. Zipporah Jesang, M.P.	