



VI. LEGAL NOTICE.....

THE MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS ACT
(*Cap. 253*)

IN EXERCISE of the powers conferred by section 26 of the Medical Laboratory Technicians and Technologists Act, the Medical Laboratory Technicians and Technologists Board makes the following Regulations—

THE MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS (DISCIPLINARY PROCEDURE) REGULATIONS, 2024

Citation.	1. These Regulations may be cited as the Medical Laboratory Technicians and Technologists (Disciplinary Procedure) Regulations, 2024.
Interpretation.	2. In these Regulations, unless the context otherwise requires— “Act” means the Medical Laboratory Technicians and Technologists Act; “committee” means the disciplinary committee
Complaint registration.	3. (1) Disciplinary proceedings against a medical laboratory Technician and technologist may be commenced by submitting a complaint statement with the Board on the following— (a) conviction by a court of law; (b) professional misconduct; (c) negligence; or (d) impropriety. (2) The information under subsection (1) may be submitted electronically or in writing. (3) The Board compliance officer shall receive a complaint statement containing the information required under sub-regulation (1) and register the occurrence book. (4) The compliance officer shall require the complainant to fill a complaint in the Form KMLTTB/DC/02 (5) The compliance officer shall, in consultation with the registrar, confirm whether the Officer is registered. (6) Where the officer is registered, a case file will be opened and the matter shall be referred to the Board.

	<p>(7) The Registrar shall, where the Compliance officer has a reason to believe that more information and documentation are required an investigation, launch preliminary investigation.</p>
Case merit determination	<p>4. (1) Where the Board has reason to believe in respect of any registered person that such person, either before or after he became registered—</p> <p>(a) has been convicted of an offense punishable by imprisonment, the commission of which in the opinion of the Board, has dishonored him in the public estimation;</p> <p>(b) has been guilty of negligence or professional misconduct in respect of his calling;</p> <p>(c) has been guilty of impropriety or misconduct in respect of his calling,</p> <p>it may refer the matter to the Disciplinary Committee with the case file.</p> <p>(2) Where the Board does not refer the matter to the disciplinary committee it shall determine the matter and communicate its decision in writing to the complainant within seven working days from the day of the decision.</p>
Inquiry by the disciplinary committee	<p>5. (1) The Disciplinary Committee shall receive the case file of the matter referred by the board for inquiry and recommendations.</p> <p>(2) The Committee shall inform the Respondent of the allegations made within 2 weeks upon the receipt of the case file.</p> <p>(3) Where necessary the committee shall issue a mention notice in writing using form KMLTTB/DC/05 to the relevant parties.</p> <p>(4) The purpose of the mention is to agree on pre-trial directions.</p>
Pre-Hearing.	<p>6. (1) The Committee shall issue hearing notices inviting the complainant and the accused in writing using form KMLTTB/DC/06 for the hearing.</p> <p>(2) The Committee may summon the witnesses for hearing and where need be, the Disciplinary committee may Identify and invite an expert from a list of KMLTTB approved experts to act as witnesses in disciplinary cases involving medical laboratory sciences complaints.</p> <p>(3) This expert witnesses will be in the fields of molecular diagnostics, clinical chemistry ,hematology , Blood transfusion science , parasitology , histopathology, cytopathology, immunology ,entomology, genomics(genotyping</p>
hearing	<p>7. (1) The Registrar shall coordinate the hearing process.</p> <p>(2) During the hearing, the committee may administer oaths or affirmation and may enforce the attendance of persons as witnesses and the production of</p>

	<p>books and documents.</p> <p>(3) The proceedings shall be recorded and typed by the Registrar during the hearing.</p> <p>(4) The Disciplinary Committee shall deliberate and compile a report for Recommendation to the Board for further action.</p> <p>(5) Identify and invite an expert from a list of the Board approved experts to act as witnesses in disciplinary cases involving medical laboratory sciences complaints.</p> <p>(6) This expert witnesses will be in the fields of molecular diagnostics, clinical chemistry ,hematology , Blood transfusion science , parasitology , histopathology, cytopathology, immunology ,entomology, genomics(genotyping, sequencing), phenotyping, Health professions education,mycology,virology and microbiology.</p> <p>(7) The list of identified and approved experts shall be entered into a register in the form KMLTTB/DC/08 set out in the Schedule.</p> <p>(8) The Disciplinary Committee shall deliberate and compile a report for Recommendation to the Board for further action</p> <p>(9) Were on the recommendations of the Committee the Board is satisfied that an Officer is in breach of any of the terms or conditions prescribed by the Board under section 27, the Board may—</p> <ul style="list-style-type: none"> (a) issue the Officer with a letter of admonishment; (b) suspend the registration certificate of the officer for a specified period not exceeding twelve months; (c) withdraw or cancel the practicing certificate, or suspend the practicing certificate of the officer for a period not exceeding three months; (d) impose a fine which the Board deems appropriate in the circumstance; or (e) remove the name of the officer from the register. <p>(10) The Registrar shall communicate the decision of the Board to the relevant parties within 2 weeks from the time of the Full Board meeting.</p> <p>(11) On the completion of the hearing, the Committee shall secure the case files and any other relevant documents</p>
appeal	<p>8. Any medical laboratory technician or technologist who is aggrieved by the decision of the Board in the exercise of its powers under this section may within</p>

	<p>sixty days from the date of the decision of the Board appeal to the High Court and in any such appeal, the High Court may annul or vary the decision as it thinks fit.</p>
<p>Further disciplinary measures</p>	<p>9. (1) The Board may be reimbursed by the medical laboratory technician or technologist costs and witness expenses incurred in connection with the disciplinary hearing and such costs shall be civil debt recoverable summarily by the Board.</p> <p>(2) Where after the hearing in disciplinary proceedings under this Act, the Committee recommends to the Board that a registered laboratory technician or technologist is unfit to practice his profession as a result of ill-health, the Board may, if satisfied with the Committee's recommendations, withdraw the technologist's or technician's certificate of registration or practicing certificate until such a time as the Board is satisfied that the laboratory technician or technologist is fully recovered to resume his duties.</p> <p>(3) A laboratory technician or technologist who has been suspended from practice or whose license to practice has been withdrawn or canceled shall from the date of such suspension, withdrawal or cancellation, surrender to the Registrar his registration and practicing certificates and annual license.</p> <p>(4) Any person being a registered medical laboratory technician or technologist who refuses or fails to surrender his badges, licenses or certificates, to the Registrar on request shall be guilty of professional misconduct and liable to be fined by the Board a fine of not less than twenty thousand shillings.</p> <p>(5) Any medical laboratory technician or technologist who is aggrieved by the decision of the Board in the exercise of its powers under this section may within sixty days from the date of the decision of the Board appeal to the High Court.</p>
<p>Lifting of suspension</p>	<p>10. (1) Where a medical laboratory technician or technologist has been suspended from practicing, he may appeal to the Board for the lifting of the suspension at any time before the expiry thereof in the form KMLTTB/DC/09 set out in the schedule.</p> <p>(2) Once an appeal has been lodged, the board shall consider the attached documents and make a determination to lift suspension or not.</p> <p>(3) Where the Board is satisfied in respect of any medical laboratory technician or technologist that he should have his suspension lifted, the Board shall, upon the receipt of the prescribed fee, lift the suspension and restore to the laboratory technician or technologist his registration and practicing certificates and his annual licence. (Certificate of lifting suspension) after payment of the prescribed fee by the board</p>
<p>Restoration to the register</p>	<p>11. (1) A laboratory technician or technologist whose name has been removed from the register may after the expiry of a period of three years from the date of such removal, appeal to the Board for restoration of his name in the register.</p>

	<p>(2) The Board shall consider the application under sub-regulation (1) and communicate its decision within twenty-one days of receipt of the application.</p> <p>(3) The Board shall consider the following—</p> <ul style="list-style-type: none"> (a) whether the applicant has completed the prescribed period; (b) whether compliance with the Board recommendations has been achieved; (c) re-training; (d) probation; (e) fine payment; (f) sentence served <p>(4) The Board may after considering the appeal made under sub regulation (1), cause the name of the person appealing to be restored in the appropriate register, upon payment of the restoration fee.</p>
Curriculum	<p>12. The board shall implement the curricula for all levels of training for purposes of guiding the syllabus of such levels in the training institutions.</p>

Made on the....., 2024.

Titus Mutwiri,
Chairman,
Kenya Medical Laboratory Technicians
and Technologists