



USE OF TECHNOLOGY & INNOVATION IN STRENGTHENING GOVERNANCE AND REGULATION

HOW DO WE BECOME SMART REGULATORS

Professional Conduct process - Preventive Approaches In Managing Disciplinary Cases

by

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ANNUAL CAPACITY BUILDING WORKSHOP 2024
MARCH 18-20, 2024 LILONGWE, MALAWI

My understanding of the topic

- Malpractice does occur and the magnitude is on the increase. Actual or Due to increased reporting?
- To include Misconduct, malpractice, negligence medical errors
- How do we prevent or minimise them from happening
- What advantage can we take of modern technology in addressing malpractice



Medical law



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TO DO WHAT IS
RIGHT,
YOU NEED TO KNOW WHAT IS
TRUE.



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Duty of a Health professional

- Respect for human life
- Advice and treatment as is necessary within my expertise (scope of practice)
- Respect of patients and their attendants , respecting their dignity
- Respect patients' confidentiality
- Non- discrimination
- Obtain informed consent- not **misconsent**
- Accurate documentation



Code of ethics – the Hippocratic oath

- I will apply , for the benefit of the sick, all measures that are required. That I will remember that there is an art to medicine as well as science.
- I promise my patients competence, integrity, candor, personal commitment to their best interest, compassion and absolute discretion, and confidentiality within the law
- I shall do by my patient as I would be done
- I will not be ashamed to say” I know not”. I will not play God
- I Will take care of my own health



Regulators roles defined

- Regulation is complex and dynamic
- Requires constant adaptation and innovation to respond to the changing needs of the health system and health profession
- We are presented with the emergence of health technologies and innovations that we can take advantage of, but also deal with the challenges that it brings
- Regulator's role is to ensure provision of quality, safe and accessible health care and to promote development and guidance of performance of the health profession



Core functions of the Regulator

Guide the profession and protect the public

- Education and training
- Registration and licensing to practice
- Monitoring performance and ethical practice
- **Protecting society from abuse of medical and dental care and research on human beings**
- Advise the government on issues pertaining to medical and dental profession



Protecting the society

- Set standards of care
- Communicate to the public
- Reassure them of the safety of those providing care
- Win the trust of the public
- Let them know how we deal with errant practice
- Encourage their involvement in the process



Professional conduct and Ethics-Malpractice

- The professional has duties to patients, colleagues and the public
- Medical malpractice occurs when:
 - Health care professional through a negligent act or omission, deviates from standards that are set, accepted and recognized by the profession, and thereby causes injury harm or death to a patient
- Malpractice may arise from errors in diagnosis, treatment and health care management



Causes

- Health provider factors
- The health care system and policies
- The patients



Causes –the provider

- Knowledge attitude and practice-Competence
- Skill in use of New procedures
- Physician Fitness to practice
- Poor Provider- client interaction
- Poor communication with , colleagues, patient and the public
- Poor documentation



Patient factors

- Poor understanding of the health system
- Poor understanding of the role of the patient in the patient charter
- Language barrier
- Cultural barrier
- access barriers



Health systems

- Complex health system
- Provision of equipment and supplies
- Work schedule- overload
- Unclear roles- scope of practice
- Task shifting
- Un-integrated system of care- working in silos
- Poor referral systems
- Weak and ineffective leadership (set goals and direction, empower, inspire, motivate)



Prevention- awareness

Target groups- Packaging the message appropriately

- Professionals
- Patients
- Training institutions
- Professional associations
- Other regulators- NCHE, sister Councils
- Partners – police, local government



Preventive approaches-The professionals

- To ensure right KAP
- Training, (admission, curriculum, training methods, assessment)
- Interdisciplinary training, communication and collaboration
- Training in Professionalism from start to finish



Professionals

- Code of Conduct
- Monitoring performance
- Doing the right thing, at the right time and consistently
- Check out accuracy of qualifications- ECFMG
- Fitness to practice- Fitness to practice Committee
- Continuous Professional Development (CPD)









Patient

- And Empower the patients
- Let them know their rights and responsibilities
- Encourage to report cases of malpractice
- Make reporting process clear and accessible
- Reassure them about actions that will be taken



AMCOA Protocol-Disciplinary procedures

- Receiving complaints
- Review of the complaints
- Instituting inquiry- competently composed tribunal
- Receipt and processing of complaints
- Decision making
- Sanctions
- Appeal process
- Note: Timely response is key. Justice delayed, is justice denied



Sanctions

- Various sanctions available and depends on the gravity and nature of the offence
- Let it be known to the providers as well as the public
- Let the provider know that this information will be shared with the public and other regulatory bodies across the world
- Implication of sanction on the certificate of status



SMART REGULATION

Has the following characteristics:

- Technology enabled
- Flexibility and adaptiveness
- Data-driven
- Outcome oriented
- Stakeholder involvement in the processes



/imagine a street seller selling
roasted dogs meat in a stick on an
African highway street market to a
young boy in a bus

6:24 AM ✓✓

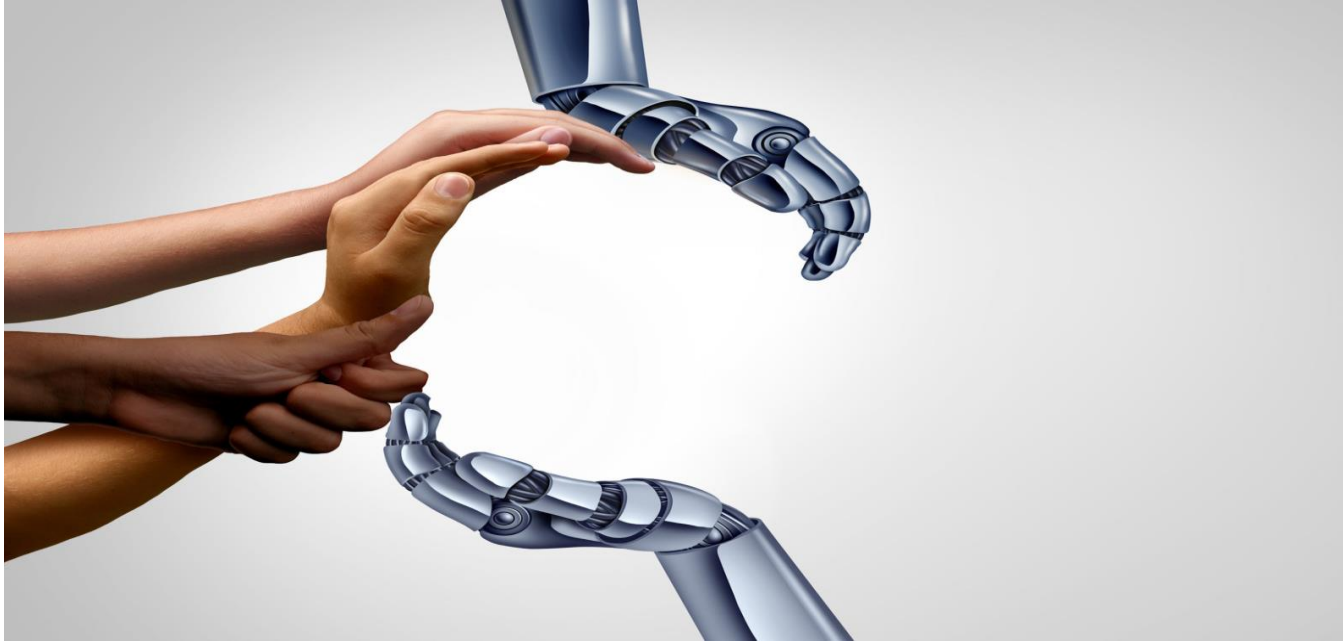


surrender



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Embrace



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Digital platforms

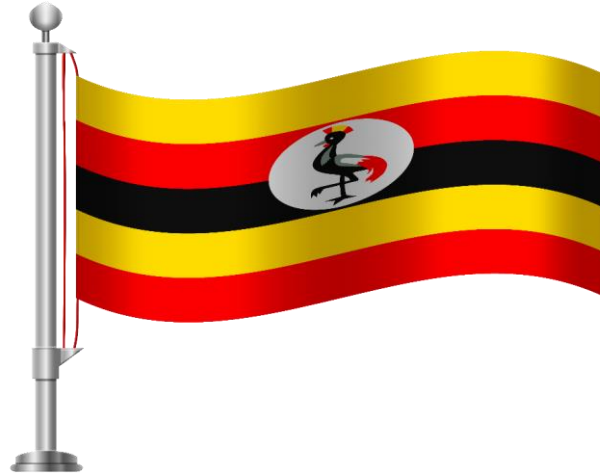
- Should be designed, developed and implemented with a human-centered approach
- Take into account goals needs and values of the stakeholder
- Take into account the health care system within which it is going to operate







THANK YOU



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