



# **GUIDELINES IN RESPECT OF COMPLAINTS AGAINST MEDICAL AND DENTAL PRACTITIONERS**

*"To protect society and guide the professions"*

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## **Introduction**

This publication is aimed at informing practitioners about their rights as respondents, about the patients' rights as users of health care, about the Council's procedures and how complaints are lodged when necessary. It is not intended to jeopardize practitioner/ patient relationship.

The Uganda Medical and Dental Practitioners Council ( UMDPC) is a statutory body, established under Statute No. 11 of 1996. UMDPC is committed to promotion of health of the population, monitoring and supervision of professional education, setting and maintenance of fair standards of professional practice and ethics, and to discipline errant medical and dental practitioners.

UMDPC furthermore endeavours to live up to its mission of **“Protecting the public from effects of malpractice and providing guidance to the professionals.”**

All medical and dental practitioners are expected to adhere to uphold the highest standard of professional and ethical behavior. Where members of the public, patients, institutions or groups of persons observe or experience unprofessional treatment/ conduct or unethical behavior on the part of practitioner, they are entitled and encouraged to report such conduct to UMDPC by lodging a formal complaint following the guidelines set out below.

## **Guidelines**

- A letter of complaint should be forwarded to the Registrar of UMDPC by posting it to P.O Box 16115, Kampala or by hand to Room D008, Ministry of Health Headquarters – Annex Building or by faxing it to 0414-345844 or by E-mail: [registrar@umdpc.com](mailto:registrar@umdpc.com)
- The complaint must be in writing and should be signed by the complainant or his/her legal representative or any other person lodging the complaint on behalf of the complainant. The Council does not deal with anonymous complaints.

- It is important that the practitioner is identified properly by supplying his/her surname, initials and practice address. The complaint itself must be comprehensive, containing all the relevant dates and facts and supported by relevant documents where possible.
- On receipt of the complaint, the Registrar may request for further information from the complainant, or may take any other action for the purpose of verifying the allegations.
- The Registrar will then forward the complaint to the practitioner concerned (respondent) and request a written explanation from him/her. The respondent will also be warned that such explanation may be used in evidence against him/her.
- The letter of complaint, as well as the respondent's explanation, will then be forwarded to the Ethics/Discipline Committee of the Council for Consideration.
- The Committee will decide whether there are grounds (prima facie evidence) for an inquiry to be held or not.
- If the Committee decides that any inquiry should be held, the Registrar, in consultation with the Chairperson, shall convene a meeting of the Council.
- A notice in writing, signed by the Registrar and indicating the date, place and time of the inquiry, shall be served personally or sent by registered post or courier to the person whose conduct is the subject of inquiry at least 21 (twenty one) days prior to the date of inquiry.
- The notice above shall specify particulars of the alleged misconduct and shall be accompanied by a copy of any document to be produced in evidence at the inquiry.
- The respondent shall be entitled to be present and to be represented by an advocate of his/her choice in respect to the inquiry.
- If the respondent, without reasonable cause fails to appear the Council shall proceed with the inquiry in his/her absence.
- During the inquiry, the complainant as well as the respondent usually give oral evidence. In some cases evidence of expert witnesses may be required. A legal advisor is available to assist the Council on issues of law.
- The Council has the powers to order the attendance of witnesses at the inquiry and may require the production of books and documents where necessary.

- The Council has the discretion to hold an inquiry in public or private and shall determine its proceedings.
- Within 30 (thirty) days after the conclusion of an inquiry, the Registrar shall notify the person concerned in writing of the decision of the Council.
- A practitioner aggrieved by the decision of the Council may within 90 (ninety) days from the date of notification of the Council's decisions, appeal to the High Court against the decision.
- The Council shall be able to conduct an inquiry whether or not the subject matter is being considered or has been considered by a court law.

## **Penalties**

Should the respondent be found guilty of unprofessional/unethical conduct, the following penalties may be imposed:

- A verbal warning
- A warning in writing
- A serious warning in writing with a copy to the employer
- Placement on probation
- Suspension from practice for a prescribed period.
- Erasure from the register
- Any other penalty the Council may deem fit in the circumstances

It is important to note that the Council cannot order the respondent to make any financial restitution to the complainant.

## Examples of unprofessional /unethical conduct by registered practitioners

- Failure to update one's continuing medical education and obtain Annual Practising Licence.
- Advertising
- Professional incompetence
- Disclosure of information regarding a patient without his/her permission
- Lack of respect for colleagues
- Giving false certificates or evidence

- Receiving or giving a bribe
- Deliberate failure to obtain consent from a patient
- Rudeness to patients
- Failure to refer a patient where it is clearly indicated
- Abandonment of a patient under one's care
- Abuse of drugs and alcohol
- Offences involving forgery dishonesty, indecency or violence
- Sexual relationships with patients and/or attendants
- Professional negligence that leads to maim or death
- Conducting biomedical research without following established guidelines.
- Intentionally administering a lethal chemical to a patient