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THE PHYSIOTHERAPISTS ACT

(No. 20 of 2014)

THE PHYSIOTHERAPISTS RULES, 2017

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## THE PHYSIOTHERAPISTS ACT

(No. 20 of 2014)

## THE PHYSIOTHERAPISTS RULES, 2017

IN EXERCISE of the powers conferred on the Cabinet Secretary by section 39 of the Physiotherapists Act, 2014 the Cabinet Secretary makes the following Rules:—

## THE PHYSIOTHERAPISTS RULES, 2017

## PART I—PRELIMINARY

1. These rules may be cited as the Physiotherapists (Registration and Licensing) Rules, 2017. Citation.

2. (1) In these rules, unless the context otherwise requires — Interpretation.

“chairperson” means the chairperson of the Council, the Preliminary Inquiry Subcommittee or of the Disciplinary Committee, as the case may be;

“complainant” means a body or person that makes a complaint to the Council;

“complaint” means allegations made against a physiotherapist in accordance with rule 46(2);

“inquiry” means a disciplinary inquiry held by the Disciplinary Committee inquiring into the conduct of a physiotherapist; and

“notice of inquiry” means a notice from the Preliminary Inquiry Sub-committee under rule 46(5).

3. (1) The following acts shall, for the purposes of these rules, be deemed to be acts pertaining to the practice of physiotherapy —

Acts pertaining  
to the practice of  
physiotherapy.

- (a) the professional and therapeutic use of movement techniques based upon physiological principles, supplemented when necessary by soft tissue manipulation and other myofascial release techniques, electro physical agents and other physical and supportive measures and including professional advice to, and training of, the patient, for the prevention and treatment of injury, disease or other disorder, with the objective of restoration of function and achievement of optimum functionality;
- (b) the use of procedures covered in the field of Physiotherapy that include: physiotherapeutic examination of patients according to the condition diagnosed by a Physiotherapist or a referring medical practitioner including assessment of the patient’s response to physiotherapy treatment, the selection of treatment techniques and treatment devices in response to the diagnosis given, and counselling or advice to the patient in response to the diagnosis by the Physiotherapist or a referring medical practitioner; and
- (c) the administration of therapeutic movements that entail the application of biomechanical and neuro-physiological principles and these may include: relaxed passive movements, soft tissue stretching, spinal and peripheral movements, assisted exercises by means of manual or mechanical or hydrotherapy techniques, the administration of

electro-physical agents, re-education and functional activities, measurement, prescription, fitting and training on use of mobility and supportive aids, sports screening ,injury prevention and management programs, posture and ergonomic correction among others exercises and techniques that are meant for therapy.

(2) The acts and procedures specified in paragraph (1) shall fall under the practice of physiotherapy when carried out in the following general areas of medical practice—

- (a) cardio-respiratory;
- (b) musculoskeletal;
- (c) neurology;
- (d) geriatrics;
- (e) paediatrics;
- (f) sports;
- (g) women's health;
- (h) community-based rehabilitation and disability mainstreaming for persons with disabilities;
- (i) palliative care;
- (j) lymphoedema drainage;
- (k) industrial physiotherapy or ergonomics; and
- (l) animal practice.

(3) For the purposes of these rules, “electro-physical agents” include infra-red diathermy, short wave diathermy, microwave diathermy, ultrasound therapy, cryotherapy kits, electrical current stimulators, hot packs, electrical and manual traction kits, and ultraviolet light.

#### PART II—COMMITTEES OF THE COUNCIL

4. (1) The Council shall establish a committee to be known as the Training, Education Standards, Licensing and Registration Committee whose functions shall include—

- (a) considering applications and other matters related to the accreditation of training institutions;
- (b) considering applications and other matters related to the registration and licensing of members;
- (c) considering applications and other matters related to private practice;
- (d) considering applications and other matters concerning the accreditation of agencies that provide continuing professional development;
- (e) considering applications and matters concerning pre-registration assessment; and
- (f) performing any other function that may be conferred on it by the Council.

(2) The Training, Education Standards, Licensing and Registration Committee may establish subcommittees for the effective performance of its functions.

Training,  
Education  
Standards,  
Licensing and  
Registration  
Committee.

(3) The decisions made by the Training, Education Standards, Licensing and Registration Committee shall not take force unless such decisions have been considered and adopted by the Council.

(4) The Council shall make rules of procedure that will govern the Training, Education Standards, Licensing and Registration Committee.

(5) The Training, Education Standards, Licensing and Registration Committee may, subject to the approval of the Council, regulate its own procedure.

5. The Council may, subject to the Act or any other relevant written law, establish such other committees as may be necessary for the performance of its functions.

Power of the Council to establish other Committees.

### PART III—REGISTRATION AND LICENSING

6. (1) The Registrar shall keep or cause to be kept a register of physiotherapists in which the names of all persons qualified to be registered under the Act shall be entered.

Register.

(2) Notwithstanding the generality of paragraph (1), there shall be entered in the register—

- (a) the person's registration number;
- (b) the person's qualifications and category of physiotherapy practice; and
- (c) the person's last known address.

(3) A person shall not be registered as a physiotherapist unless that person is a citizen of Kenya and has undergone assessment by the Council in accordance with the provisions of the Act.

7. (1) An application for registration shall be made in writing to the Registrar in the form set out in the First Schedule.

Application for registration as a physiotherapist.

(2) An application for registration shall be made to the Registrar and must be accompanied by the following—

- (a) the registration fee prescribed under these rules;
- (b) a letter from the Council indicating that the applicant has complied training and assessment requirements prescribed under the Act;
- (c) certified certificate or certificates showing that the applicant has attained the qualifications required for registration under the Act;
- (d) certified academic records showing that the applicant has attained the qualifications required for registration under the Act;
- (e) a reference of good character from a physiotherapist in good professional standing who is not a relative and has known the applicant for a period of not less than three years, given in the form prescribed in the First Schedule; and
- (f) a reference as to the physical and mental health of the applicant from a health professional who is not a relative of the applicant, given in the form prescribed in the First Schedule.

(4) The Registrar may require an applicant to provide further documents or information to determine the suitability of the applicant to be registered under the Act.

(5) Applicants who hold qualifications from outside Kenya shall be required to provide an official translation of all documents that are not written in the English language.

8. (1) The Registrar shall issue a person who is qualified to be registered under the Act and who has complied the requirements under the Act and these rules with a certificate of registration which shall indicate the part or section of the register the person is registered and any designated title or category of practice the person is registered to practice.

Certificate of registration.

(2) The certificate shall be issued under the seal of the Council and shall specify the date of registration, the place of issuance, and shall be signed by the Registrar and the chairperson of the Council.

(3) The certificate shall, at all times, remain the property of the Council and shall be surrendered to the Registrar if the name of the person is, for whatever reason, struck off the Register or the certificate no longer accurately reflects the record of the holder in the Register.

9. (1) A registered person shall notify the Registrar in writing of any change to his or her details in the Register within one month of the change occurring in the form prescribed in the First Schedule.

Amendments to the register.

(2) The Registrar may, where necessary, make further enquiries or require further information in order to verify the information provided under paragraph (1).

10. (1) A registered person may apply to have his or her name removed from the Register.

Removal from the register.

(2) An application for removal from the Register must state the reasons for removal and must be accompanied by a declaration signed by the applicant indicating that he or she has no knowledge of any breach of the Physiotherapists Code of Conduct by the applicant or he or she is not subject to any disciplinary proceedings under the Act.

(3) A registered person who is undergoing any disciplinary proceedings under the Act or these rules shall not have his or her name removed from the register until the disciplinary proceedings have been finally determined.

(4) The Registrar may inquire into the reasons for the application for removal made under this rule.

(5) The Registrar shall, upon satisfaction that an applicant has satisfied the requirements of this rule, as soon as practicable remove the applicant's name from the register and, immediately thereafter, cause the name and address of the person so removed to be published in the *Gazette*.

11. (1) A registered person shall not engage in the practice of physiotherapy unless he or she has been issued with an annual practicing licence by the Council.

Annual practicing licence.

(2) Each registered person who intends to engage in the practice of physiotherapy shall apply to the Council for an annual practicing license in the form prescribed in the First Schedule.

(3) The annual practicing licence shall contain the following information—

- (a) the name and physical address of the registered person;
- (b) the category of practice of physiotherapy the registered person is licensed to practice;
- (c) the seal of the Council;
- (d) the signature of the Registrar and the chairperson of the Council;
- (e) the period for which the licence is valid;
- (f) a serial number; and
- (g) any conditions that the Council may impose on the registered person.

(4) The initial application after the coming into force of these rules for the annual practicing license by a registered person shall be made in the form set out in the First Schedule and be accompanied by the following—

- (a) the prescribed fee;
- (b) the person's certificate of registration; and
- (c) proof of compliance with the Council's Continuing Professional Development Rules and Guidelines.

(5) The registered person's subsequent applications for annual practicing licenses shall be made in the form set out in the First Schedule and accompanied by proof of compliance with the Council's Continuing Professional Development Rules and Guidelines.

(6) Each registered person may apply to the Council for the renewal of his or her annual practising licence not earlier than the first working day of September and not later than the last working day of November in each year.

(7) Where a registered person fails to apply for the renewal of his or her annual practising license within the period prescribed in paragraph (6), he or she may be allowed to apply on or before the last working day of the month of April in the following year in the form set out in the First Schedule.

(8) An annual practicing licence shall lapse if a registered fails submit an application for renewal in accordance with the provisions of paragraphs (6) or (7).

(9) A registered person whose annual practicing license has lapsed may apply for renewal if he or she—

- (a) provides a statement indicating reasons, with supporting evidence, for the failure to renew the annual practicing license;
- (b) a copy of the annual practicing license that was last issued to the applicant;
- (c) an application made out in the form prescribed in the First Schedule; and



- (d) pays the prescribed fees and penalties.

12. (1) Notwithstanding any other provision of these rules, the Council may permit a person who is not a citizen of Kenya to practise as a physiotherapist in Kenya if the Council is satisfied that he or she satisfies the requirement to carry on the practice of physiotherapy under the Act, these rules or any other relevant written law.

Temporary  
practicing  
license.

(2) A person who is not a citizen of Kenya who wishes to engage in the practice of physiotherapy in Kenya shall apply to the Council in the form set out in the First Schedule.

(3) An application under paragraph (2) shall be accompanied by—

- (a) proof that the person is qualified to engage in the practice of physiotherapy;
- (b) proof that the person is authorised to work in Kenya under the relevant written law;
- (c) proof that the person has undergone a course or training in the practice of physiotherapy from an institution that is recognised by the Council;
- (d) proof that the person has been authorised by an institution recognised by the Council to engage in the practice of physiotherapy in his or her country of origin; and
- (e) any other proof that the Council may require, including the findings of any inquiry that the Council may make into the suitability of the person to engage in the practice of physiotherapy in Kenya.

(4) The Council may issue a person who is not a citizen of Kenya who wishes to engage in the practice of physiotherapy in Kenya with a temporary practicing license—

- (a) which shall be accompanied by the prescribed fee;
- (b) which shall be for such a purpose and such a period as the Council may prescribe; and
- (c) which may, on its expiry, be renewed for such a period, not exceeding one year, as the Council may prescribe.

(5) Where a licence issued or renewed under sub rule (4), the details of the license or its renewal shall be entered by the Registrar in a separate register of all persons who have been granted a temporary practicing licence.

(7) Where a temporary practising licence lapses and is not renewed within thirty days of its lapsing, the name of the holder of the licence shall be removed from the register kept under paragraph (5) and the Council may—

- (a) refuse to renew the temporary practicing license; or
- (b) impose a levy on the holder of the lapsed temporary practicing license before renewing the license.

(8) It is an offence for any person to practice physiotherapy in Kenya without the authorisation of the Council

13. (1) A person shall not engage in private practice as a physiotherapist except in accordance with these rules. Private practice.

(2) A person shall be deemed to engage in private practice if the person is a physiotherapist—

- (a) on his or her own account and is entitled to receive the entire amount of all fees and charges earned for his or her own benefit; or
- (b) in partnership with others and is entitled to receive, for his or her own financial benefit, a share of the fees and charges earned.

(3) A person shall be deemed not to engage in private practice as a physiotherapist if such person is employed by—

- (a) a government institution or any other public body; or
- (b) any other person or employer where all fees and charges accrue to that other person or employer.

(4) A person shall not engage in private practice unless he or she —

- (a) is a citizen of Kenya;
- (b) is registered, enrolled or licensed as a physiotherapist in accordance with the provisions of section 20;
- (c) submits a premises inspection certificate issued by the Council;
- (d) has served as a physiotherapist for at least one year under the supervision of a senior physiotherapist who shall have engaged in the practice of physiotherapy for at least three years;
- (e) holds a valid annual practicing license;
- (f) holds such other qualifications as may be prescribed by the Council; and
- (g) has complied with the continuing professional development guidelines and rules of the Council.

(5) A physiotherapist in private practice shall apply to the Council for an annual practicing license in the form set out in the First Schedule and shall pay the prescribed fees at the time of the making of the application.

(6) The Council shall issue an annual practising license to an applicant who fulfils the requirements set out in paragraph (4).

(7) An annual practising license shall be valid from the date it is issued and shall expire on the thirtieth day of December of every year unless its holder ceases to be a registered person in accordance with these Rules.

(8) Where an annual practising license ceases to be in force in accordance with paragraph (7), the person to whom the license was issued shall surrender it to the Council within thirty days from the date the license ceased to be in force.

14. (1) Premises shall not be used for the practice of physiotherapy without an inspection of the premises and a license issued by the Council in respect of the premises.

Inspection and  
licensing of  
premises.

(2) The Council shall determine the minimum requirements of materials and equipment required in any premises in respect of each category or level of practice of physiotherapy.

(3) Any person or institution that intends to use any premises for the practice of physiotherapy shall apply for a premises inspection licence in the form set out in the First Schedule.

(4) The Council shall, within two months after receiving an application, conduct a site inspection of the premises.

(5) A premises inspection licence shall not be issued by the Council unless the Council is satisfied that—

- (a) the premises are kept in good order and are in a good state of repair;
- (b) the premises are reasonably secured;
- (c) the premises conform to any guidelines as may be prescribed by the Council; and
- (d) the practice is not situated within a residential area save as may otherwise be permitted by the Council.

(6) During a site inspection of premises intended to be used for the practice of physiotherapy, the Council shall ensure that—

- (a) the premises has a reception area and a patients' waiting room;
- (b) the premises has a consultation room that is reasonably sound-proofed;
- (c) the consultation room has a desk and chair for the physiotherapist and at least two seats reserved for patients;
- (d) the premises has a treatment room that is separate from the consultation room and that its floor dimensions measure not less than ten feet by ten feet;
- (e) the premises has facilities for washing hands;
- (f) the premises has an examination area that may either be in separate room or in a different area in the consultation room that has curtained off from the rest of the room;
- (g) the premises has a lockable storage cabinet for patients' files, registers and other confidential documents or a computer with security and password protection; and
- (h) the premises has complied with the relevant public health and safety standards.

(7) A premises inspection licence shall not be issued unless the premises has the following tools and equipment—

- (a) in the examination room—
  - (i) thermometer;
  - (ii) stethoscope;
  - (iii) sphygmomanometer;

- (iv) tape measure;
- (v) patella hammer;
- (vi) goniometer;
- (vii) weighing scale; and
- (viii) examination gloves;
- (b) in the treatment room—
  - (i) standard treatment or examination couch with a mackintosh, a step and adequate linen;
  - (ii) at least one heating modality including hot packs or infra-red lamp, therapeutic ultrasound, shortwave diathermy and microwave;
  - (iii) electrical stimulating currents modality or tens;
  - (iv) cold packs;
  - (v) therabands;
  - (vi) re-education or posture mirror;
  - (vii) Swiss balls or medicine balls;
  - (viii) assorted weights;
  - (ix) two colour-coded bins (yellow and black) for solid waste management;
  - (x) protective gear, gloves and dust coats for staff; and
  - (xi) updated Standard Operating Procedures; and
- (c) in the premises generally, a physiotherapists handbook and other reference materials.

(8) The Council may prescribe such further requirements as may be necessary to ensure the effective practice of any level or category of physiotherapy

#### PART IV—ACCREDITATION OF TRAINING INSTITUTIONS

15. (1) Any institution, as at the commencement of these rules, that either intends to offer or is offering training in any category of physiotherapy under the Act shall apply to the Council for accreditation.

Application for accreditation.

(2) An application for accreditation shall be made in the form set out in the First Schedule.

- (3) An application for accreditation shall be accompanied by—
  - (a) documents of registration and approval to offer higher education training in Kenya issued by the relevant authority;
  - (b) a feasibility study done by a competent team of persons with relevant professional qualifications highlighting the justifications of the programme and value addition to the profession and market;
  - (c) a strategic plan highlighting specific actions to be taken in order to achieve sustainability and growth of the proposed training programme;

- (d) supporting policy documents including a human resource policy, research and development policy, and other relevant institutional policy documents; and
- (e) a complete and detailed curriculum in respect of each category of physiotherapy training that is proposed or on-going at the institution.

16. (1) The Training, Education Standards, Licensing and Registration Committee shall review an application for accreditation and shall, within three months of the application, make its recommendation to the Council specifying whether or not the applicant has met all the conditions prescribed under the Act and these rules.

Review of application for accreditation.

(2) The Council shall, after reviewing the recommendations, notify the applicant in writing whether or not the application satisfies the conditions prescribed under the Act and these regulations.

(3) An applicant that has been notified by the Council of the applicant's failure to satisfy the conditions prescribed under the Act or these rules may—

- (a) reapply for accreditation within twelve months from the date of notification having made any changes necessary to comply with the conditions prescribed under the Act and these rules; or
- (b) make a new application for accreditation at any time after the expiry of twelve months from the date of notification.

(4) Where the Council has notified an applicant that the applicant has complied with the conditions prescribed under the Act and these rules, the Council shall, within sixty days of the notification, further notify the applicant in writing—

- (a) that the Council has reviewed the application in detail and state whether or not the applicant has made a *prima facie* case for the inspection of the facilities of the applying institution; and
- (b) of the date or dates when the Training, Education Standards, Licensing and Registration Committee shall make an on-site visit to inspect the premises of the applicant at the place or places the applicant intends to offer training in physiotherapy.

(5) The Committee shall, on the date or dates given in the notice, or any other mutually agreed time between the Council and the applicant, carry out an inspection of the physical facilities.

(6) Where the Training, Education Standards, Licensing and Registration Committee determines that the applicant has not complied with the conditions prescribed under the Act or these rules to offer the programme or programmes the applicant wishes the Council to accredit, the Committee shall submit a report to the Council stating its decision, the reasons thereon and any recommendations thereof.

17. (1) The Council shall, within six months of receiving the report specified in rule 16(6), consider the report and make a decision.

Decision of the Council on application for accreditation.

(2) Where the Council determines that an applicant should be accredited, the Council shall issue a provisional licence for a period that shall not exceed two years.

(3) The Council may impose such conditions as it considers necessary with respect to any provisional license issued under paragraph (2).

(4) Where the Council determines that an applicant does not meet the conditions prescribed under the Act or these rules, the Council shall require—

- (a) the applicant to suspend the training programme or programmes immediately;
- (b) the applicant to furnish the Council with a closure plan that includes how the students who are already admitted to the programme will be transitioned; and
- (c) the applicant to close the programme within one year from the date of the notice for closure from the Council.

18. (1) The Council shall, after the lapse of the provisional licence, undertake an assessment of the training offered by an institution and prepare a report for the institution.

Accreditation.

(2) The Council shall issue an accreditation licence, which shall be valid for a period not exceeding three years, if it is satisfied that the institution has complied or continues to comply with the conditions for accreditation.

19. (1) The Registrar shall maintain a register of all the institutions in respect of which the Council has issued a provisional license or an accreditation license.

Register of  
accredited  
institutions.

(2) The Registrar shall publish a notice in the *Gazette* specifying the institutions that have been granted accreditation licenses.

20. The Council may, on its own motion or upon the recommendation of the Training, Education Standards, Licensing and Registration Committee, undertake an assessment of any institution that has been granted a provisional or accreditation license to determine whether or not the institution is in compliance with the Act and these rules.

Assessment of  
institutions.

21. (1) An application for the renewal of an accreditation license shall be made, in the form set out in the First Schedule, one year before the accreditation license lapses.

Renewal of  
accreditation.

(2) Application for renewal shall be accompanied by—

- (a) a detailed report indicating the progress made in the maintenance of quality standards and measures taken by the institution to that effect;
- (b) an evaluation of the impact of the training programmes offered by the institution; and
- (c) an updated training curriculum

22. (1) Where the Council undertakes an assessment under rule 20 and determines that an institution has not complied with the provisions of the Act, these rules, or the conditions imposed on the institution's accreditation license for a period of more than six months, the Council may require, in writing, the institution to take corrective measures and prescribe the period within which the measures shall be undertaken.

Suspension of  
accreditation.

(2) A training institution that receives a notice requiring it take corrective measures shall, upon receipt of such a notice, submit a recovery plan to the Council setting out the actions it intends to take and the periods within which the actions will be undertaken to comply with the Act, these rules, the conditions of its accreditation licence and the prescriptions of the Council under paragraph (1).

(3) The Training, Education Standards, Licensing and Registration Committee shall review and verify the recovery plan submitted under paragraph (2) and make recommendations to the Council.

(4) The Council shall review the recovery plan and the recommendations of the Training, Education Standards, Licensing and Registration Committee and shall determine, in consultation with the institution, the measures to be undertaken by the institution to comply with the Act, these rules, the conditions of its accreditation licence and the prescriptions of the Council under paragraph (1).

(5) Where a training institution fails to undertake the measures determined under paragraph (4), the Council may, upon the recommendation of the Training, Education Standards, Licensing and Registration Committee—

- (a) suspend the accreditation licence for such a period as the Council may determine; or
- (b) revoke the accreditation licence.

(6) The Council shall publish in the *Gazette* and in at least one newspaper of national circulation a notice of suspension or revocation of an accreditation licence of a training institution.

23. (1) A training institution may, by notice in writing to the Council, terminate a training programme or programmes that the institution has been accredited to provide

Termination of training programme and closure of training institution.

(2) A training institution that has notified the Council of its intention to terminate a programme or programmes shall, within one month of the notice, submit a winding up plan that shall describe—

- (a) a transition plan for the students registered to undertake training;
- (b) a transition plan for the human resources; and
- (c) any other matter relevant to the winding up and effective transition of the winding up of the programme or programmes.

(3) An institution that fails to apply for a renewal of its accreditation shall, for the purposes of these rules, be deemed to have terminated its programme and shall, within two months of the lapse of the accreditation, submit a winding up plan in accordance with the provisions of paragraph (2).

24. (1) An institution whose training licence has been revoked by the Council shall, within two months of the revocation, submit to the Council a closure plan which shall provide for—

Closure of training institution after revocation of accreditation licence.

- (a) the transition plan of all the registered students;
- (b) a transition plan for human resources; and
- (c) any other matter relevant to the closure and transition of the

training institution or programme.

(2) The Council may, upon review of the closure plan submitted under paragraph (1)—

- (a) direct that the training institution teaches out all its students registered at the time of the revocation; or
- (b) direct that the training institution is closed down immediately.

(3) Where the Council directs that the institution should be closed down immediately under paragraph (2)(b), it shall further direct that the training institution shall—

- (a) not admit new students;
- (b) teach out students within one academic year of the revocation of the licence;
- (c) facilitate the transfer of students whose programmes run beyond the closure year to other accredited institutions;
- (d) maintain human resources, training and educational facilities required for teaching out;
- (e) facilitate the completion of academic processes of the students in the final year, including graduation and all other training requirements in the curriculum; and
- (f) ensure and facilitate smooth administrative processes during the closure period.

(4) The Council shall publish a notice in the *Gazette* and at least one newspaper of national circulation the revocation of an accreditation licence of a training institution.

25. (1) The Council shall co-operate with any other authority with a mandate to regulate any category or form of training under the Act.

Co-operation with other regulatory authorities.

(2) The Council may develop joint guidelines and operational procedures with any authority with a mandate to regulate training or any category of physiotherapy

#### PART V—PRE-REGISTRATION ASSESSMENT

26. The Training, Education Standards, Licensing and Registration Committee shall, subject to direction of the Council, perform the following functions in relation to pre-registration assessment—

Pre-registration assessment.

- (a) set and review pre-registration assessment procedures of training institutions;
- (b) oversee the assessment, including examinations and internships, under the Act;
- (c) approve the registration of persons;
- (d) monitor and ensure compliance with these rules; and
- (e) carry out such further functions as may be assigned or determined by the Council.

27. (1) All candidates admitted to study physiotherapy in the different categories must satisfy the following requirements before they are issued with index numbers by the Council—

Criteria for admission to study



- (a) for a Diploma in Physiotherapy, the holders of Kenya Certificate of Secondary Education must have a minimum aggregate of C plain, or its equivalent and the following other qualifications—
- (i) C - English or Kiswahili;
  - (ii) C - Mathematics and Physics or Physical sciences;
  - (iii) C - Biology; and
  - (iv) C - in chemistry or physics or physical sciences or mathematics; or
- (b) for Bachelors degree in Physiotherapy, the holders of the Kenya Certificate of Secondary Education must have a minimum grade of C+, or its equivalent in the case of other qualifications, in the following subjects—
- (i) Biology;
  - (ii) Chemistry;
  - (iii) Mathematics or physics; and
  - (iv) English or Kiswahili.
- (2) The Training, Education Standards, Licensing and Registration Committee shall make further rules regarding the entry requirements for the different categories of training of physiotherapy.
28. (1) The Registrar shall, in consultation with the Training, Education Standards, Licensing and Registration Committee, cause to be issued a student index number to each student who has been admitted to a training institution accredited under the Act and these rules.
- (2) Each accredited training institution shall, within six months of admitting any student or students, submit to the Council a complete list of its students and the Council shall assign and issue an index number to the students.
- (3) Each accredited training institution shall, at the beginning of each year, submit a list and respective index numbers of students who have temporarily or permanently terminated their studies and the institution shall specify, in the list, the reason for termination of study for each student.
29. (1) Once in every year, the Council shall publish in the *Gazette* a notice calling for all persons who have qualified from accredited institutions to apply for training and assessment
- (2) An application for training and assessment under paragraph (1) shall be made to the committee in the prescribed form set out in the First Schedule and shall be accompanied by the following proof of completion of training in a specified field or category of physiotherapy that is recognised by the Council and in particular—
- (a) a certified copy of the certificate of training indicating the category of training of physiotherapy; and
  - (b) an academic record of the courses completed and grades scored.
30. (1) Any person may apply to the Council for the recognition of his or her professional qualifications if that person—

physiotherapy.

Student index numbers.

Application for pre-registration assessment.

Recognition and approval of foreign

- (a) has undergone any category of training in a foreign training institution; qualifications.
  - (b) has attained professional qualifications that would enable that person to practice physiotherapy in that foreign country; and
  - (c) has practiced physiotherapy for at least three years.
- (2) An application under paragraph (1) for recognition shall be made in the form set out in the First Schedule
- (3) The Council shall recognise or approve foreign qualifications in physiotherapy in accordance with the quality standards set out in these rules and may, where the quality standards of a foreign training institution do not satisfy the standards set by the Council, decline to approve or recognise the foreign qualifications.
- (4) The Council may recommend that a person who has applied for recognition and approval of qualifications from a foreign training institution that is not recognised by the Council should undertake remedial training at an accredited training institution in order to satisfy the Council that the person is qualified to be registered under this Act.
31. (1) A person may transfer credits of accumulated qualification in physiotherapy to another accredited institution. Transfer of academic credits.
- (2) Notwithstanding the generality of paragraph (1)—
- (a) the person transferring the credits shall satisfy the minimum entry requirements specified by these rules;
  - (b) exemptions shall not apply across different categories of physiotherapy training; and
  - (c) the maximum amount of credits that can be transferred shall be the equivalent of two years of training.
32. (1) The Training, Education Standards, Licensing and Registration Committee shall constitute an examination panel which shall consist of a co-ordinator of assessment and examiners. Examinations.
- (2) The examination panel shall oversee the setting and evaluation of examinations.
- (3) Examinations shall be conducted at least twice a year at a time to be determined by the Council.
- (4) The Council shall publish a notice in the *Gazette* specifying the date on which an examination under this rule shall be conducted.
- (5) The Training, Education Standards, Licensing and Registration Committee and the examination panel shall, within three months after an examination has been conducted under this rule, submit to the Council a written report signed by the members of the examination panel specifying, in respect of each student—
- (a) the name and the last known address of the student;
  - (b) the student's index number;
  - (c) the marks or grade attained by the student in the examination;
  - (d) an assessment report or grade from the internship by the student; and

- (e) a recommendation of whether or not the student should be referred to further training or assessment.

(6) The Council shall, within three months after approval of the report submitted under paragraph (5), inform each student of the decision of the Council.

(7) A student who is aggrieved with the decision of the Council may, within fourteen days of being informed of the Council's decision, apply to the Council for reconsideration of the decision.

(8) The Council shall consider and determine an application under paragraph (7) expeditiously and the determination of the Council shall be final.

33. (1) Any person who wishes to be registered as a physiotherapist under the Act and these rules shall undergo an internship training of not less than one year in accordance with section 20 of the Act.

Internship  
training.

(2) A person who wishes to undertake internship training shall sit an examination conducted by the Council before undertaking the internship.

(3) The Council shall approve training institutions offering internship training programmes and shall publish and publicise a list of the approved training institutions once in each year.

(4) The training institution shall assign a supervisor approved by the Council to each person undertaking internship training.

(5) A person shall not be assigned as a supervisor unless that person—

- (a) is registered as a physiotherapist under the Act;
- (b) Possesses a valid annual practising licence;
- (c) has been practising for at least three years;
- (d) is a member of a professional association that is recognised by the Council; and
- (e) has satisfied any other condition imposed by the Council to supervise students.

(6) The Council shall issue each student who is undergoing internship training with an interim practising licence that—

- (a) shall specify that the student is undergoing internship training; and
- (b) shall specify any other conditions imposed by the Council.

(7) The Council shall not consider any internship training undertaken without a licence as an internship for the purposes of these rules.

(8) Each person undergoing internship training shall maintain a logbook containing a monthly summary of activities undertaken as part of the internship and shall be submitted, together with the internship report, to the Council.

(9) The Training, Education Standards, Licensing and Registration Committee shall consider the logbook and assessment

report of students in evaluating the students for the purposes of registration under the Act and these rules.

(10) A person who is registered to practice physiotherapy and wishes to advance his or her studies or qualifications shall not be assessed by the Council.

(11) The Council may specify further grounds for the exemption of physiotherapists from pre-registration assessment.

#### PART VI—CONTINUING PROFESSIONAL DEVELOPMENT

34. (1) The Council may establish, accredit and approve programmes for continuing professional development.

Continuing  
professional  
development.

(2) The objectives of continuing professional development shall include—

- (a) raising the quality and standards of learning and teaching of Physiotherapy in Kenya;
- (b) enabling and facilitating the achievement of the objectives of the Act;
- (c) recognising achievements, developments and advancements in physiotherapy;
- (d) monitoring and evaluating the provision of professional services in the field of physiotherapy;
- (e) facilitating cross-disciplinary collaboration and learning with other areas of medicine practice; and
- (f) identifying the learning needs of physiotherapists and facilitate training to cover any learning and training gaps.

35. (1) The Council shall assign a unit or units of continuing professional development for the measurement and award of credits to persons registered under the Act.

Continuing  
professional  
development  
programmes.

(2) In assigning units under paragraph (1), the Council shall have regard to—

- (a) standards of practice;
- (b) qualifications of trainers;
- (c) areas of practice;
- (d) emerging areas and the training needs in the practice of physiotherapy;
- (e) the relevance of the training to the profession and any training gaps;
- (f) modes of delivery; and
- (g) other factors relevant to the achievement of the objectives of continuing professional development determined by the Council.

(3) The Council shall develop and update a curriculum for continuing professional development setting out the courses and areas of training.

(4) Any course or professional training programme that is not

accredited by the Council shall not be eligible for the purposes of determining the unit points earned under these rules.

(5) The Council may design, facilitate and maintain continuing professional development programmes for persons in the various categories of practice of physiotherapy.

(6) The Council shall take all practical and reasonable measures to ensure that continuing professional development activities are accessible to all persons in the practice of physiotherapy in Kenya including—

- (a) providing a calendar of continuing professional activities organised by the Council or accredited training institutions;
- (b) decentralising continuing professional activities to ensure members can access the courses and trainings nationally; and
- (c) employing methods of learning that can facilitate easier and faster access to the continuing professional development activities.

(7) The Council shall maintain, on an annual basis, all records of continuing professional development activities undertaken by all registered members and the continuing professional development points earned by each member.

(8) The Council shall, in consultation with other relevant regulatory authorities, determine other courses applicable to the continuing professional development of physiotherapists.

36. (1) The Council may approve an institution, body or organisation, to be referred to as an accredited agency, to provide continuing professional development programmes to persons registered under the Act.

Accreditation to provide Continuing Professional Development programmes

(2) Any application for accreditation to provide continuing professional development programmes shall be made to the Council in the form set out in the First Schedule.

(3) An application for accreditation shall be accompanied by—

- (a) the name, address and particulars of the institution, body or organisation that intends to provide continuing professional development;
- (b) a copy of the curriculum and course content;
- (c) an institutional profile including the facilities, facilitators of the trainings, previous similar activities if any, and any other factors relevant to the institutional profile;
- (d) a statement explaining any variation from the approved curriculum, wherever a variation occurs, and the justification thereof;
- (e) a proposed calendar of continuing professional development courses;
- (f) the fees payable by participants and particulars thereof;
- (g) the prescribed fees; and
- (h) the professional qualifications, registration status and areas of specialisation of the providers of continuing professional

development training.

(4) The Council shall consider and determine an application under this rule within three months of receiving the application.

(5) The Council may, before determining an application under this rule, require further information from the applicant and may visit the premises where the applicant intends to offer continuing professional development training.

(6) The Council may reject, approve, or approve with conditions, any application to offer continuing professional development programmes.

(7) The Council shall, where it makes an approval, specify —

- (a) the kind or type of courses that shall be offered by the applicant;
- (b) the number of units or credits of continuing professional development that shall be offered for each course offered by the applicant;
- (c) the capacity of the applicant in terms of the number of persons that can be trained by the applicant; and
- (d) the maximum number of persons that can participate in a single continuing professional development activity.

(8) The Council shall specify, in the certificate of accreditation, any other conditions that the applicant shall be required to comply with in the conduct of continuing professional development activities.

(9) Any material variation by the applicant in the continuing professional development including the curriculum, course content, training calendar, or any other activities must be communicated in writing to the Council as soon as practicable.

(10) An institution, body or organisation that has been accredited by the Council to provide continuing professional development training shall, within a month of the conduct of any training course by the institution, body or organisation, furnish the Council with the records of the course or the activities carried out during the course including —

- (a) the name and details of the institution, body or organisation offering the course;
- (b) the date of the course was offered;
- (c) the names and particulars of the participants;
- (d) the activities undertaken during the course; and
- (e) the number of units or credits earned by each participant.

(11) Where an institution, body or organisation fails to comply with the requirements specified in paragraph (10), the Council may revoke the institution's, body's or organisation's certificate of accreditation.

37. (1) The Registrar shall maintain a register of all programmes offered by the Council or accredited institutions. Records.

(2) The Registrar shall alter or amend the register maintained under paragraph (1) where there are any changes to any programme

offered by the Council or accredited institutions.

38. (1) The Council or an accredited institution shall award each person who undertakes a training programme or a continuing professional development programme with credits or units for the activities undertaken during the training programme.

Award of credits and units, and proof of compliance.

(2) The Council or the accredited institution that awards credits or units for the activities undertaken during a training programme may authenticate those credits or units by way of a certificate specifying the training programme, the activities undertaken during the training programme, and the credits or units awarded for the successful completion of the programme.

(3) A person who wishes to apply for an annual practicing licence from the Council shall be required to obtain five continuing professional development units before applying for the licence.

39. (1) The Council may exempt any person from having to undertake continuing professional development activities—

Exemption from Continuing Professional Development.

- (a) where that person is undergoing any training or undertaking any studies that are relevant to the practice of physiotherapy;
- (b) where that person is engaged or involved, as an instructor or facilitator, in any of the courses or training programmes conducted by the Council or an accredited institution:

Provided that such exemption shall only apply in respect to the specific training programmes that the person has facilitated;

- (c) where that person's is absent from the country for studies or activities related to the practice of physiotherapy; or
- (d) for any other reason that the Council may determine.

(2) A person who wishes to be exempted from having to undertake continuing professional development activities shall apply to the Council in the form set out in the First Schedule.

(3) An application under paragraph (2) shall be accompanied by the prescribed fee.

(4) A person exempted having to undertake continuing professional development activities shall be required to pay the prescribed exemption fee.

40. (1) The Council may establish a mechanism to manage the continuing professional development programme.

Management of Continuing Professional Development.

(2) The mechanism established under this rule shall be subject to the authority and direction of the Council.

41. The Council may publish guidelines with regard to continuing professional development programmes including guidelines on—

Continuing Professional Development Guidelines.

- (a) the principles, objectives and goals of continuing professional development;
- (b) the standards of continuing professional development;
- (c) the allocation of credit points or units;
- (d) the quality and content of continuing professional development courses;
- (e) the communication strategy for continuing professional development activities and feedback;
- (f) the responsibilities of the Council in relation to continuing professional development; and
- (g) the responsibilities of accredited agencies in relation to continuing professional development; and
- (h) appeals from decisions of the Council on continuing professional development.

#### PART VII—DISCIPLINE

42. (1) The Disciplinary Committee established under section 28 (1) of the Act shall administer the provisions in these rules relating to the discipline of registered physiotherapists and shall have the power to—

Guidelines and operations of the Disciplinary Committee.

- (a) receive complaints from any person on the conduct of physiotherapists;
- (b) institute, on its own motion or upon the advice of the Council, an inquiry into any matter relating to the conduct of a physiotherapist; and
- (c) co-opt any person to be a member of the Committee or any of its sub-committees as may be needed by the Committee from time to time.

(2) The Disciplinary Committee may publish additional guidelines for handling and managing disciplinary matters which may include guidelines for—

- (a) the procedures and format of submitting complaints against physiotherapists;
- (b) the period within which complaints must be heard and determined by the Committee;
- (c) the conduct of investigations or inquiries into complaints against physiotherapists;
- (d) the manner and form of notices by the Disciplinary Committee and the parties to a complaint;
- (e) the procedures relating to decisions by the Committee and communication of the decisions to the parties;
- (f) appeals from the decisions of the Committee; and
- (g) any other matter that is relevant to the operations of the Committee.



43. (1) The Registrar shall establish a secretariat and registry for the Disciplinary Committee in accordance with section 28(4) of the Act.

Secretariat and registry of the Disciplinary Committee.

(2) The Registrar shall, in consultation with the Council, provide such resources, members of staff and facilities as may be required to enable the Disciplinary Committee to carry out its functions including—

- (a) the staff of the Disciplinary Committee's registry;
- (b) administrative systems for the management of the disciplinary processes for the Disciplinary Committee;
- (c) offices;
- (d) remuneration and allowances for members of the Disciplinary Committee;
- (e) experts or other technical input required by the Disciplinary Committees; and
- (f) any other resources or support required by the Disciplinary Committee.

44. (1) The Disciplinary Committee shall establish a sub-committee to be known as the Preliminary Inquiry Sub-committee composed of five members whose membership shall be as follows—

Preliminary Inquiry Sub-Committee.

- (a) any two members of the Disciplinary Committee;
- (b) an advocate of the High Court of not less than five years' experience who holds a current practising certificate;
- (c) a person nominated by the Physiotherapists Society of Kenya; and
- (d) any person that the Disciplinary Committee may co-opt, on an *ad hoc* basis, to provide technical input or advice to the Sub-committee and Disciplinary Committee.

(2) The Preliminary Inquiry Sub-committee shall, subject to these rules and any directions by the Disciplinary Committee, determine its own procedure.

45. (1) The Preliminary Inquiry Sub-committee shall—

Functions of the Preliminary Inquiry Sub-committee.

- (a) conduct an initial inquiry into a complaint submitted to the Council or the Disciplinary Committee and make appropriate recommendations to the Disciplinary Committee; and
- (b) provide any further information or evidence as may be required by the Committee.

(2) In carrying out an initial inquiry, the Sub-committee shall consider the following—

- (a) the available information and evidence regarding a particular complaint;
- (b) the alternatives available to address the complaint including mediation and arbitration;
- (c) the applicable procedures to address the complaints; and
- (d) any other recommendation in respect of the complaint.

(3) Subject to paragraph (1), the Preliminary Inquiry Sub-Committee, after considering the complaint and making any such inquiry as it thinks fit shall—

- (a) where it determines that the complaint does not warrant reference to the Disciplinary Committee, reject the complaint and inform the Committee accordingly; or
- (b) where it determines that the complaint warrants reference to the Disciplinary Committee, refer it to the Committee together with its findings and recommendations.

(4) Where the Preliminary Inquiry Sub-committee determines that the complaint warrants reference to the Disciplinary Committee, the Sub-committee shall prepare a report for the Disciplinary Committee which shall, among other things, provide—

- (a) the particulars of the complaint;
- (b) a summary of the evidence provided in relation to the complaint;
- (c) any representations made to the Sub-committee by the parties in relation to the complaint; and
- (d) the Sub-committee's recommendations in relation to the complaint.

(6) In conducting a preliminary inquiry into a complaint, the Preliminary Inquiry Sub-committee may summon or correspond with any person including physiotherapists to whom a complaint relates as may be necessary and may peruse or inspect all documents relating to the complaint.

46. (1) The Registrar shall publish and publicise information about how and where to file a complaint against a physiotherapist.

Procedure for receiving and processing of complaints.

(2) A complaint against a physiotherapist shall be filed in writing with the registry of the Disciplinary Committee.

(3) A complaint shall state—

- (a) the name of the physiotherapist against whom a complaint is made;
- (b) any known professional details of the physiotherapist;
- (c) in general terms, the particulars of the complaint against the physiotherapist;
- (d) the date and place where the alleged misconduct took place;
- (e) any witnesses or evidence to support the complaint; and
- (f) any other relevant information that the complainant may wish to provide.

(4) A complaint shall be referred to the Preliminary Inquiry Sub-committee within seven days of being filed in the registry.

(5) The Preliminary Inquiry Sub-committee shall, within seven days of receiving a complaint, notify the physiotherapist against whom the complaint is made of the complaint in the form set out in the First Schedule.

(6) The notice contemplated under paragraph (5) shall be sent to the physiotherapist by registered post addressed to his or her last known address.

(7) The Preliminary Inquiry Sub-committee shall immediately thereafter commence investigations into the complaint and may require the physiotherapist against whom a complaint is made to furnish the Sub-committee with information related to the complaint.

47. (1) In any complaint against a physiotherapist related to a conviction of a physiotherapist under section 29(a) of the Act, the Preliminary Inquiry Sub-committee shall endeavour to obtain evidence of the conviction including certified copies of court proceedings.

Preliminary Inquiry Sub-committee to obtain evidence of conviction under section 29(a) of Act.

(2) Where the Sub-committee is unable to obtain the evidence contemplated in paragraph (1), the Sub-committee shall make a recommendation that the Disciplinary Committee should not accept the complaint against the physiotherapist.

48. The Disciplinary Committee shall provide a physiotherapist against whom a complaint has been made or the physiotherapist's representative an opportunity to challenge the complaint or the facts alleged in the complaint.

Accused physiotherapist to be heard.

49. The Disciplinary Committee shall give the person who makes a complaint against a physiotherapist or the complainant's representative an opportunity to prove the complaint or the facts alleged in the complaint.

Accuser to be given opportunity to prove allegations.

50. The Disciplinary Committee shall, at any time before the determination of a complaint made against a physiotherapist, and on behalf of any party to the complaint, require the attendance of any witness or require the production of any document held by any person that may be required for the determination of the complaint.

Witnesses to attend hearings, documents to be produced for hearings.

51. (1) The Disciplinary Committee may conduct joint disciplinary proceedings where—

Joint disciplinary proceedings.

(a) a complaint has been made against more than one physiotherapist by the same person or group of persons; or

(b) More than one physiotherapist has been accused of the same thing by different complainants.

(2) The Disciplinary Committee, before it conducts joint proceedings, shall only proceed where the complainants have given their informed and written consent for the conducting of joint proceedings.

52. The chairperson of the Disciplinary Committee shall announce determination or the finding of the Council after a complaint has been heard and determined in accordance with the procedure described in this Part.

The announcement of the findings of the Council.

53. (1) Proceedings before the Disciplinary Committee shall be conducted in English or Kiswahili.

Language of proceedings.

(2) Notwithstanding the provisions of paragraph (1), the Committee may allow a complaint to be filed in any other language.

(3) Where necessary, the Committee shall, taking into account all the circumstances of the case, grant the assistance of a competent interpreter free of charge to a party or witness who does not understand or speak the language used at the hearing or who is deaf.

54. The Committee shall, in conducting proceedings under these

Powers of the Disciplinary

Rules, have the power to—	Committee at a hearing.
<ul style="list-style-type: none"> <li>(a) administer oaths, which shall be administered by the chairperson of the Committee;</li> <li>(b) summon persons to attend and give evidence;</li> <li>(c) order the production of relevant documents, including court judgments; and</li> <li>(d) recover in whole or in part the cost of the inquiry not exceeding one million shillings from any or all of the parties involved in the proceedings.</li> </ul>	
55. All notices and summonses by the Committee in relation to any complaint made against a physiotherapist shall be issued under the hand of the Registrar and shall be deemed to have been issued by the Committee.	Notices and summonses.
56. The Disciplinary Committee shall take into account the need to protect any matter that relates to the intimate, personal or financial circumstance of any party or consists of information communicated or obtained in confidence or concerns national security and may order that all or part of the evidence of a person be heard <i>in camera</i> , or prohibit or restrict the publication of that evidence.	Confidentiality.
57. (1) Where a physiotherapist whose conduct is the subject of investigation, without reasonable excuse, fails to appear either personally or through his or her representative at the time and place fixed in the notice of hearing served on him or her—	Non-appearance, appearance and conduct at a hearing.
<ul style="list-style-type: none"> <li>(a) the inquiry may proceed in his or her absence; and</li> <li>(b) he or she commits an act of professional misconduct.</li> </ul>	
(2) Where a person appearing at the inquiry, without reasonable excuse—	
<ul style="list-style-type: none"> <li>(a) refuses or fails to be sworn in or affirmed;</li> <li>(b) refuses or fails to answer a question that he or she is required to answer by the person chairing the proceedings of the Disciplinary Committee; or</li> <li>(c) refuses or fails to produce a document that he or she was required to produce by a summons served on him or her, he or she commits an offence.</li> </ul>	
58. In hearing and determining complaints against physiotherapists, the Disciplinary Committee shall have due regard to the principles of natural justice and shall not be bound by the ordinary legal or technical rules of evidence applicable to proceedings before a court of law.	Principles of natural justice.
59. Without prejudice to any other powers it may have, the Disciplinary Committee may exclude from any hearing or part of it, any person whose conduct has disrupted or is likely, in the opinion of the Committee, to disrupt the hearing.	Exclusion of disruptive persons.
60. The Disciplinary Committee shall adopt any procedure for the hearing of disciplinary matters subject to the following conditions—	Procedure adopted by the Disciplinary Committee at a hearing.
<ul style="list-style-type: none"> <li>(a) the chairperson shall, at the commencement of the hearing, explain the order of proceedings that the Disciplinary</li> </ul>	

Committee intends to adopt;

- (b) the Disciplinary Committee shall conduct the hearing in such manner as it considers suitable for the hearing and determination of the application or the clarification of issues before it and generally for the just handling of the proceedings and shall, so far as it appears to it appropriate, avoid legal technicalities and formalities in its proceedings;
- (c) the parties shall be heard in such order as the Disciplinary Committee shall determine and shall be entitled to give evidence, call witnesses and address the Committee on the evidence and, generally on the subject matter of the complaint;
- (d) testimony before the Committee may be given orally or, if the Disciplinary Committee so directs, by affidavit or written statement, but the Committee may, at any stage of the proceedings, require the personal attendance of any deponent or author of a written statement;
- (e) the Disciplinary Committee may receive evidence of any fact which appears to it to be relevant to the complaint;
- (f) the Committee may, during the hearing and if it is satisfied that it is just and reasonable to do so, permit a party to rely on grounds not stated in his or her complaint or, as the case may be, his or her reply and to adduce any evidence not presented to the Disciplinary Committee before or at the time the Committee determines the complaint; and
- (g) the Disciplinary Committee may require any witness to give evidence on oath or affirmation and for that purpose it may administer an oath or affirmation in the form set out in the First Schedule.

61. The quorum at a meeting of the Disciplinary Committee shall be three members.

Quorum.

62. The Disciplinary Committee may, at the request of any party and upon any such further conditions as the Committee may prescribe, provide visual demonstration facilities for the display of any maps, charts, diagrams, illustrations or texts and documents, which that party intends to exhibit during the proceedings.

Visual demonstration facilities.

63. (1) After hearing the complaint, the Disciplinary Committee may determine or direct—

Decisions of the Disciplinary Committee.

- (a) that the complaint be dismissed;
- (b) that the physiotherapist be reprimanded;
- (c) that the physiotherapist be suspended from practice for a period not exceeding two years; or
- (d) give such other directions as the Committee may consider fit.

(2) The Disciplinary Committee may determine a complaint by a majority of the members present and the Committee shall record whether the determination of the complaint was unanimous or taken by a majority of the members present.

(3) For the purposes of determining a complaint against a physiotherapist, every member of the Disciplinary Committee shall have one vote and, in the event of an equality of votes, the chairperson

shall have a casting vote.

(4) The determination of a complaint by the Disciplinary Committee may be given orally at the end of the hearing or it may be reserved and shall—

- (a) be reduced to writing whether there has been a hearing or not; and
- (b) be signed and dated by the chairperson.

(5) A dissenting determination by a member of the Disciplinary Committee may be pronounced separately by the member who made it and shall be in writing, and dated and signed by that member.

(6) Every document containing a determination of a complaint by the Disciplinary Committee shall, as soon as may be reasonable, be entered in the register and the Committee shall send a copy of the entry to each party to the complaint.

(7) Except where a determination of a complaint has been announced at the end of the hearing, the determination shall be treated as having been made on the date on which a copy of the document recording it is sent to the parties to the complaint.

(8) Every direction by or determination of the Disciplinary Committee shall be given or made under the hand of the chairperson or, in his or her absence, by the person chairing the meeting at which the direction is given or determination is made.

(9) Every order or determination of the Disciplinary Committee bearing the signature of the chairperson or the person who was chairing the meeting at which the direction was given or order made shall be *prima facie* evidence that the order or determination is that of the Committee.

(10) The Disciplinary Committee shall give reasons for reaching its determination and each determination shall include—

- (a) a statement of the findings of fact made from the evidence adduced, including, where applicable, any relevant government policy; and
- (b) a statement of the laws and rules of law applied, and the interpretation thereof.

(11) All decisions made by the Disciplinary Committee shall be communicated to the Council within seven days of the making of decision.

64. (1) Any person who is aggrieved by the decision of the Committee may apply to the Council for a review of the decision within fourteen days of being notified of the decision or such other period as the Council may allow. Appeals.

(2) An application under paragraph (1) shall be made in the form set out in the First Schedule.

(3) Where an application for review under paragraph (1) has been received by the Council, the Council shall hear and determine the application within three months of the date of receiving the application.

(4) The procedures applicable to the Disciplinary Committee under rules 48 to 63 shall, with the necessary modifications, be applicable to the Council when hearing an application under paragraph

(1).

(5) The Council may, subject to these Rules, make additional rules and guidelines as may be required to ensure the effective determination of an application under paragraph (1).

(6) The Council shall, when reviewing the decision of the Disciplinary Committee—

- (a) set aside the decision of the Disciplinary Committee;
- (b) confirm the decision of the Disciplinary Committee; or
- (c) vary the terms of the decision of the Disciplinary Committee.

(7) The Council shall determine an application made under paragraph (1) within six months of receiving the application.

#### PART VIII—MISCELLANEOUS PROVISIONS

65. (1) The chairperson shall preside at every meeting of the Council at which he or she is present.

Chairing  
meetings of the  
Council.

(2) In the absence of the chairperson, the members shall elect, or choose by consensus, any member to chair the meeting.

(3) A member elected or chosen under paragraph (2) above shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

66. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

Conflicts of  
interest and  
disclosure.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

#### PART IX—TRANSITIONAL MATTERS

67. All persons who were members of the Society of Physiotherapists or were in the practice of physiotherapy at the time of the coming into force of these rules shall be exempted from the training and assessment requirements prescribed by these rules.

Exemption from  
preregistration  
assessment.

## FIRST SCHEDULE

## FORMS

Form 1

THE PHYSIOTHERAPISTS RULES, 2017

r. 11(2)

## APPLICATION/RENEWAL OF PRACTICE LICENSE

This application must be completed in full and be submitted to the Physiotherapist Council of Kenya before expiry of a practicing license (every 12 months), or upon successful completion of a Council's pre-registration examination.

The Application/Renewal of Practice License fee is Ksh 3,000. Newly qualified physiotherapists are exempted from the processing fee of Ksh 1,000 if the application is received within 30 days upon release of the Council's pre-registration examinations. The express processing (i.e. within 3 days) of an Application/Renewal of Practice License fee is Ksh 5,000.

Loss of the practice license must be reported to the council and the nearest police station. The fee for replacement of a lost practicing license is Ksh 5,000.

All payments to the Council should be made through the following bank accounts:

1208584197 Bank –Kenya commercial ,Branch –kencom

Required Attachments:

1. All Physiotherapist Council of Kenya Registration Certificates;
2. National Identity Card [ID]/Alien [ID] and passport;
3. Two (2) colored passport size photographs;
4. Expiring original practice license; and
5. Evidence of having undergone 20 hrs of professional training every year / CPD Log Book.

Attach photographs here

OFFICIAL ONLY	USE								NEW	RENEWAL	EXPIRY DATE
------------------	-----	--	--	--	--	--	--	--	-----	---------	-------------

## SECTION A: APPLICANT INFORMATION

First name.....Middle name(s).....  
Surname.....

Other names if not as in your certificates.....

(Attach Testimonials)

Date of Birth ...../...../..... ID No.....

*dd*

*mmm*

*yyyy*

Passport No.....

Current Postal Address .....-.....

*box no*

*code*

*town*

Mobile No.....



Current email address .....

## SECTION B: PCK REGISTRATION INFORMATION

Qualifications	Registration/ Enrolment Number
1. ....	.....
2. ....	.....
3. ....	.....
4. ....	.....

## SECTION C: EMPLOYMENT/PHYSIOTHERAPY PRACTICE INFORMATION

Please indicate working experience within the last three years (beginning with the current year):

No	Name of Employer	Place of Work / Station / Branch	Department / Section	Main Responsibilities i.e. Administrative, Clinical Practice (specify area) or Teaching	From (Month & Year)	To (Month & Year)
1.						
2.						
3.						
4.						

## SECTION D: DECLARATION

I.....  
 .....do hereby declare that the foregoing information I have given is true and correct to the best of my knowledge.

Signature of Applicant.....

Date.....

Form 2

PHYSIOTHERAPISTS RULES, 2017

r. 36 (2)

## ACCREDITATION TO PROVIDE CONTINUING PROFESSIONAL DEVELOPMENT

PLEASE READ THIS SECTION CAREFULLY BEFORE COMPLETING THE FORM

- The application form must be completed by a duly authorized person
- Every application must be accompanied by:
  - The application fee of Ksh 15,000 (non-refundable).
  - Calendar of activities
  - Names of two referees.

\*All payments should be made at any Kenya commercial bank Branch countrywide to Council's account No. 1208584197, Kencom Branch.

## PART A: ADMINISTRATIVE INFORMATION

1. Particulars of Applicant	
a) Name of Institution:	
b) Permanent Address:	
c) Physical Address:	
d) City/Town:	e) County:
f) Postal Address:	g) Postal Code:
h) Plot No.:	i) LR No.:
j) Telephone No.:	k) Mobile No.:
l) Email:	m) Website:
n) Fax:	
2. Name of contact person:	
Landline No.:	Mobile No.:
Email:	
Any additional Information:	

## PART B: DECLARATION BY APPLICANT

I, the undersigned confirm that all the information in this form and accompanying documentation is correct and true to the best of my knowledge. I further agree to inform the PCK, about any changes or modifications made to the information given in the document submitted.

Name of Head of Institution/Department:

Signature: \_\_\_\_\_

Name of CPD coordinator: \_\_\_\_\_

Signature: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Official Stamp:

<b>PART C: FOR PCK OFFICIAL USE ONLY PREPARED BY: -</b> Name:..... Designation..... Signature..... Date..... <b>CHECKED BY: -</b> Name:..... Designation..... Signature..... Date.....	<b>APPROVED/NOT APPROVED</b> Name..... Designation..... Signature.....Date.....
---	--

Form 3

## PHYSIOTHERAPISTS RULES, 2017

r. 15 (1)

ACCREDITATION/RENEWAL OF ACCREDITATION TO TRAIN  
PHYSIOTHERAPY

1. Name of institution.....
2. Postal address.....
3. Physical address .....
- County ..... Sub-county .....
4. Telephone..... Mobile.....
5. Email address.....
6.
  - (a) Date of incorporation or registration.....  
(Attach copy of certificate of incorporation/ registration)
  - (b) Name and designation of the institutional head.....
  - (c) Governing body.....
7. Number and type of training courses (i.e. certificates, diplomas, degrees)
8. Training courses to be considered for purposes of accreditation
  - (a) .....
  - (b).....
  - (c) .....
9. Envisaged benefits of accreditation of training course for health sector in Kenya

.....

.....

.....

.....

On behalf of the applicant herein above mentioned, I .....  
the (designation) ..... of the applicant hereby make  
application for Accreditation/Licence of the applicant as a Physiotherapy Training  
Provider to offer a .....

(Certificate, diploma, degree, Post-graduate diploma or post-graduate degree) in  
physiotherapy training in Kenya under the name and style of  
..... being an institution registered as a higher  
education institution under the ..... (Laws of Kenya)  
(Attach registration certificates) and confirm payment of Kshs 300,000 being the  
requisite application fee. I declare that the information given herein is correct to the best  
of my knowledge and belief.

Name.....

Designation.....

Signature.....Institution's stamp.....

NOTE: All applications must be accompanied by the documents required under section  
14 of these rules.

Form 4

## PHYSIOTHERAPISTS RULES, 2017

r.13 (5)

## APPLICATION FOR PRIVATE PRACTICE LICENCE

(All fields are mandatory. Cancel where not applicable)

1. Surname.....Other Names.....Reg. No.....
  2. Date of Birth..... Nationality.....
  3. Address.....Code.....Town.....County.....  
Mobile.....
  4. Email.....
  5. Particulars of experience (e.g. posts held and types of practice in which the applicant has been engaged and countries in which the applicant has practiced)  
 Cardio respiratory.....  
 Orthopaedic and musculoskeletal.....  
 Neurology.....  
 Geriatrics.....  
 Paediatrics.....  
 Sports.....  
 Women's health.....  
 Palliative care.....  
 Lymphoedema drainage.....  
 Industrial physiotherapy/ergonomics.....  
 Animal practice.....  
 Others .....
  6. Name of Authorized premises.....
  7. Notification for any changes of name, address and/or authorized premises  
 .....
  8. Do you propose to practice on your own behalf or to be employed whole-time or part-time by a Private Practitioner (give details.....
  9. What type of practice do you purpose to engage in? Specialist or General Practice? If specialist, specify discipline.  
 .....
- Requirements:
- 1) Letter of clearance from the Ministry
  - 2) Inspection Report for the premises
  - 3) Proof of employment for those working in institutions.
  - 5) Computer generated and stamped banking slip together with duly filled in form should be within the first week , either emailed to ..... or posted to the address below

## 6) Fees

## Kenyans

A fee of Ksh 10,000 is payable annually for Specialist Practice

A fee of Ksh 10,000 is payable annually for General Practice

## Non-Kenyans

A fee of Ksh 15,000 is payable annually for Specialist Practice

A fee of Ksh 15,000 is payable annually for General Practice

\*All payments should be made at any Kenya commercial bank Branch countrywide to Council's account No.1208584197, Kencom Branch; SWIFT CODE: KCBLKENX , BANK CODE: 01 , BRANCH CODE : 100

I hereby certify that the above information is correct to the best of my knowledge.

Signature of applicant .....Date.....

FOR OFFICIAL USE

APPROVED/NOT APPROVED

## PREPARED:

Name:..... Name.....

Designation..... Designation.....

Signature.....Date..... Signature.....  
.....

## RECOMMENDED: -

Date.....

Name:.....

Designation.....

Signature.....Date.....

## Form 5

## PHYSIOTHERAPISTS RULES, 2017

r. 7 (1)

## APPLICATION FOR REGISTRATION AS A PHYSIOTHERAPIST

1. Surname .....First Name.....Other Names.....
2. Date of Birth.....Nationality.....
3. ID No. /Passport No.....
4. Address.....Code.....Town.....County.....  
.....Cell Phone.....
5. Email.....
6. Degree, Diploma or License held.....Dates qualified.....
7. Name of school.....Email.....
8. Name of Internship Training Centre.....Email.....  
Period of internship from.....to.....
9. Particulars and testimonials covering the period(s) of experience.....

10. Name of employer.....  
 Address.....Code.....Town.....County.....  
 Email.....Tel.....

Requirements

- (a) Copy of ID/Passport
- (b) Coloured passport size photo
- (c) Certified copies of professional & academic certificates
- (d) Evidence of passing Council's pre-registration examination
- (e) Must appear in the list submitted by deans of Accredited National Medical Schools
- (f) Dully filled, stamped and signed Internship completion Assessment Forms.
- (g) Evidence of registration from EAC Partner States Board's and councils (for those applying for reciprocal registration)
- (h) Registration Fee .....
- (i) All payments should be made at any Kenya commercial bank Branch countrywide to Board's account No. 1208584197, Kencom Branch; SWIFT CODE: KCBLKENX , BANK CODE: 01 , BRANCH CODE : 100

I hereby certify that the above information is correct to the best of my knowledge and that I have met the above requirements.

Signature of Applicant:.....Date .....

FOR OFFICIAL USE

The process will take a maximum of two weeks. PREPARED:	APPROVED/NOT APPROVED
Name:.....	Name.....
Designation.....	Designation.....
Signature.....	Signature.....
Date.....	Date.....
RECOMMENDED:	
Name:.....	
Designation.....	
Signature.....	
Date.....	

Form 6

PHYSIOTHERAPISTS RULES, 2017

r. 29 (1)

APPLICATION FOR PRE-REGISTRATION ASSESSMENT

*(Please read the accompanying explanatory notes before completing this form. Make sure you provide all the documents required and sign the declaration form)*

I. PERSONAL DETAILS

- (a) Title: Dr. ( ) Mr. ( ) Mrs. ( ) Miss ( ) Ms. ( ) Other ( ) { Tick(✓) where applicable }
- (b) Surname: .....  
       First name: ..... Other names: .....
- (c) Sex: Male ( ) Female ( )
- (d) Date of Birth: Day: ..... Month: ..... Year: .....
- (e) Country of birth: .....
- (f) Nationality: .....
- (g) County of residence: .....
- (h) Address:
- i. Permanent Postal Address:  
       P.O. Box: ..... Code: ..... Town: .....
- ii. Physical Address: .....
- iii. Personal Mobile No: ..... Home Telephone No: .....
- iv. Email address: .....
- v. Name of the next of Kin: ..... Telephone No.: .....

## II. EDUCATION BACKGROUND:

<i>Name of Primary School and Address:</i>	<i>Name of Secondary School and Address:</i>
Start Date:	Start Date:
Finish Date:	Finish Date:
No. of Years:	No. of Years:
Qualification:	Qualification:
Country:	Country:

## III. POST SECONDARY EDUCATION:

(Relevant to Physiotherapy)

Name of Institution: .....

Contact Address of the Institution: .....

County: ..... Country: .....

Qualification: ..... Year qualification obtained: .....

Duration of Training: Start: ..... Finish: .....

## IV. OTHER RELEVANT TRAINING:

Name of Institution: .....

Contact Address of the Institution: .....

County: ..... Country: .....

Qualification: ..... Year qualification obtained: .....

Duration of Training: Start: ..... Finish: .....

## Applicant's declaration form

This declaration must be read, understood and signed by the applicant.

I ..... of  
P.O. Box .....do hereby  
declare that:

- i. The information I have supplied on this form and any attachment is complete, correct and up to date.
- ii. I undertake to inform the Physiotherapy Council of Kenya (PCK) of any change to my circumstances (e.g. address) while my application is being considered.
- iii. I authorize the Physiotherapy Council of Kenya to make any inquiries necessary to assist in the assessment of my qualifications and to use any information supplied in this application.
- iv. I have read, understood and commit myself to abide with the rules and regulations in the guidelines.

Applicant's Signature: .....

Date:.....

Witnessed by: ..... (For Physiotherapy Council of Kenya)

Signature: .....

Date: .....

## Application checklist:

Documents that you must include with this application are:

- Duly filled application form for evaluation and assessment for enrolment for a Physiotherapist. [ ]
- Certified copy of National Identity card or Passport. [ ]
- Certified copy of the K.C.S.E certificate or its equivalent. [ ]
- Certified copy of Diploma/Degree in Physiotherapy or its equivalent. [ ]
- Certified academic transcripts for each academic year of training completed for the Diploma/ Degree in Physiotherapy (or its equivalent), showing numbers of years, subjects, contact hours and examination results (marks, grades) obtained. [ ]
- Evidence of enrolment as a physiotherapist in the country where the training was obtained (where Applicable). [ ]
- Evidence of supervised internship. [ ]
- Two current coloured passport size photographs (indicate name & ID. No. behind). [ ]



Form 7

## PHYSIOTHERAPISTS RULES, 2017

r. 46 (4)

## NOTIFICATION OF REGISTRATION OF COMPLAINT

Dr./Mr./Mrs/Miss .....

Address .....

Dear Sir/Madam,

On behalf of the Physiotherapist Council of Kenya, notice is hereby given to you that in consequence of a complaint made to the Council against you/information received by the Council an inquiry is to be held into the following complaint/complaints against you.

*If the complaint relates to a conviction-*

That you were on the ..... day of ..... at .....

(specify Court recording the conviction) convicted of .....

.....

(set out particulars of the conviction in sufficient detail to identify the case)

OR

*If the complaint relates to conduct-*

That being registered under the Act you .....

.....

(set out briefly the facts alleged) ..... and that in relation to the facts alleged you have been guilty of infamous conduct in a professional respect.

(Where there is more than one complaint, the complaints are to be stated consecutively (complaints relating to a conviction being set out before complaints relating to conduct).

Notice if further given to you that on the ..... day of .....,

20..... a meeting of the Council will be held at .....

..... at ..... a.m./p.m. to consider the above complaint/complaints against you and to determine whether or not the Council should direct the Registrar to remove your name from the register pursuant to section 32 (1) (e) of the Physiotherapist Act (2014).

You are hereby invited to answer in writing the above complaint/complaints and also to appear in person before the Council at the place, date and time specified for the purpose of answering the complaints. You may bring your advocate with you. The Council has the power to hear and decide upon the complaint /complaints if you do not appear.

Any answer, admission or other statement or communication which you may desire to make with respect to the said complaint/complaints should be addressed to the Chairman of the Council.

If you desire to make any application that the inquiry should be postponed, you should send the application to the Secretary of the Council as soon as possible, stating the ground on which you desire a postponement.

Dated this ..... day of ..... ,20 .....

.....

Registrar

Form 8

## PHYSIOTHERAPISTS RULES, 2017

r. 7 (2) (f)

## CERTIFICATE OF GOOD CHARACTER

I, .....  
 of (address) .....  
 do certify as follows—

1. I have read the statutory declaration made on the ..... day of ..... 20..... By Dr./Mr./Mrs./Miss. .... of (address) .....
2. The said Dr./Mr./Mrs./Miss. ....  
 Was formally registered as a physiotherapist with the following address and qualifications .....  
 .....  
 .....  
 Registration No. ....  
 .....  
 .....
3. I have been and am well acquainted with the said Dr./Mr./Mrs./Miss. ....  
 .....  
 both before and since his name was erased from the register, and I believe him to be now a person of good character, and the statements in the said declaration are, to the best of my knowledge, information and belief, true.

Signed

Registered Address

Registered Qualifications

Date

Dated this ..... day of ....., 20 .....

Signature of Witness .....

Address ..... Date .....

Form 10

PHYSIOTHERAPISTS RULES, 2017

r. 30 (1)

APPLICATION FOR RECOGNITION AND APPROVAL OF FOREIGN  
QUALIFICATIONS

Part A: Applicants details

Name.....

Date of birth.....

Postal address.....

Mobile no.....

Email.....

Type of programme; certificate ( ) diploma ( ) undergraduate ( ) postgraduate ( )

Part B: Details of course to be recognized/ equated

Course name: Institution Completed yes ( ) No ( )

Unit code	Unit title	Year completed	PCK Equivalent	For official use only					

The applicant MUST adhere to the following requirements:

- (a) Attach certified copies of the academic qualifications including transcripts
- (b) Attach certified copies of transcripts or detailed academic record
- (c) Provide original documents to the Council if deemed necessary
- (d) A letter of recommendation of the applicant from the institution granting the Academic Award.
- (e) Proof of payment of the requisite fees

INCOMPLETE applications shall not be processed.

Form 11

## PHYSIOTHERAPISTS RULES, 2017 r. 39 (2)

## EXEMPTION FROM CONTINUING PROFESSIONAL DEVELOPMENT

Write clearly using CAPITAL LETTERS and tick boxes where applicable

Family Name:

First Name(s):

REGISTRATION No.:

## SECTION A

Provide the reason(s) that you are applying for an exemption below:

.....

.....

.....

.....

.....

.....

## SECTION B

Period of exemption (dd/mm/yyyy)

.....

.....

Provide details of the documentation enclosed to support your application:

## SECTION C

I confirm that the information I have given in this application is true to the best of my knowledge. I understand that submission of a false application is a breach of the Code of Professional Practice for Physiotherapists Registered with the Physiotherapist Council of Kenya

Signature:.....

Date:.....

Internal Use Only

Staff Initials:.....

Date Received: .....

Date Processed:.....

Outcome:.....

## SECOND SCHEDULE

*Prescribed fees*

APPLICATION	PRESCRIBED FEES (Kshs.)
Application for accreditation to train Physiotherapy – <i>rule 14 (2)</i>	300,000
Self-assessment checklist – training institutions – <i>rule 14 (2)</i>	20,000
Application for renewal of accreditation to train Physiotherapy – <i>rule 14 (2)</i>	300,000
Application for accreditation to provide Continuing Professional Development training – <i>rule 32 (2)</i>	15,000
Accreditation of Continuing Professional Development training Provider – <i>rule 32 (2)</i>	30,000
Exemption from CPD form – <i>rule 35 (2) (a)</i>	2,000
Application for pre-registration assessment by the Council - <i>rule 6</i>	Clinical supervision - 5,000
	Manual - 2,000
	Logbook - 2,000
	Indexing - 1,000
Recognition and approval of foreign qualifications – <i>rule 26 (2)</i>	-USD 1,100
Application for registration as a physiotherapist - <i>rule 6 (3) (c)</i>	5,000
	Foreign trained Physiotherapists - USD 1,100
Application for annual practicing licence – <i>rule 10 (2)</i>	Citizens – 3,000
	Non-citizens 15,000
	Express processing of certificates - 5,000
Application for renewal of annual practicing licence – <i>rule 10 (2)</i>	Citizens – 3,000
	Non-citizens – 15,000
	Express processing of certificates - 5,000
Application for a private practising certificate renewal – <i>rule 12 (5)</i>	Citizens – 10,000
	Non-citizens 15,000
Application for renewal of private practicing certificate – <i>rule 12 (5)</i>	10,000
Notice of change of address – <i>rule 6 (3)</i>	5,000
Application for temporary certificate to	0-6 months: USD 500

practice physiotherapy in Kenya – <i>rule 11 (1)</i>	Over 6 months: USD 1, 100
Inspection of premises – <i>rule 13 (3)</i>	Application fee/ assessment checklist – 2,000
	Small clinics – 5,000
	Mid-level health facilities – 20, 000
	Tertiary facilities – 40, 000
Council Assessment (internship and examinations) fees – <i>rule 29 (1)</i>	Internship license – 2, 000
	Examination fee – 12, 000
Penalty for the late renewal of license (all categories)	50% of applicable fees

Dated the 15th August, 2017

CLEOPA MAILU,  
Cabinet Secretary for Health.