

KENYA PHARMACEUTICAL ASSOCIATION



Pharmaceutical Excellence

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INTERNAL MEMO

Ref: KPA/NEC/CourtCase/17

8th November, 2024

FROM: KPA NEC
Kenya Pharmaceutical Association

TO: ALL KPA MEMBERS

Dear Members,

RE: COURT ORDER ON SUPERINTENDENCE FOR LEVEL 4 HOSPITAL PHARMACIES

We would like to provide an important update on the recent developments in our legal case against the Pharmacy and Poisons Board (PPB) and the Ministry of Health regarding the right of KPA members to apply for and secure licenses for superintendency at Level 4 and higher hospital pharmacies.

Court Order Overview:

On November 5, 2024, the High Court, under Hon. Justice E.C. Mwita, issued an interim order (attached) suspending the PPB directive dated May 22, 2024 until further determination of the matter by the courts. This directive previously prevented Pharmaceutical Technologists from applying for or securing superintendency licenses for Level 4 and higher hospital pharmacies. The suspension will remain in effect until the court makes further determinations.

Key Points from the Court Order:

1. Suspension of Restrictions:

The court's interim order allows Pharmaceutical Technologists to apply for and obtain superintendency licenses at Level 4 and above hospitals. This empowers qualified pharmaceutical technologists to serve as superintendents in these facilities, enhancing professional access to essential roles. We encourage all eligible members to proceed with license renewals and applications under this new, unrestricted framework.

Importantly, this order not only benefits our members but also directly contributes to the broader public good, guaranteeing improved healthcare access for citizens. By allowing more pharmaceutical professionals to take on superintendence roles at the available level 4 and higher-level hospital pharmacies, the order helps ensure that more facilities across the country have the professionals and expertise needed to deliver safe and efficient pharmacy services. This expansion of access is a positive step toward achieving higher-quality healthcare for all, ensuring that all citizens receive timely, quality pharmacy services across more healthcare facilities.

2. Submission Timelines:

- KPA is to file written submissions within seven (7) days,
- The Pharmacy and Poisons Board, as the 1st Respondent, will then have 14 days to file their Replying Affidavit and written submissions.

3. Hearing Date: Highlighting of submissions is scheduled for **January 22, 2025.**

We will continue to keep you informed on further developments. Thank you for your steadfast support and patience as we work to uphold the professional rights of our members and contribute to a stronger healthcare system.

Yours Sincerely,

Eric Gichane
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Kenya Pharmaceutical Association

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