

الهيئة الوطنية لتنظيم المهن والخدمات الصحية NATIONAL HEALTH REGULATORY AUTHORITY

Guide to Professionals Referred to Investigation & Disciplinary Committees

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Introduction

The National Health Regulatory Authority (NHRA), is an independent body established by law No. (38) for 2009. Article (4) of the law specifies the role of NHRA to investigate patients' complaints and take disciplinary actions against professionals committing medical errors.

All investigation and disciplinary procedures are explained in resolution No. (1) for 2018 issued by the president of the Supreme Council of Health.

This booklet is meant to guide professionals through the process of complaints or incidents investigations as well as that of being referred to a disciplinary committee. It clearly states the steps taken during each process, the rights of the professional, as well as their responsibilities.

For further inquiries please contact us on: complaints@nhra.bh

1.Complaints/ Incidents:

Complaints: NHRA accepts only complaints related to medical errors or complaints related to breach of medical ethics. Other complaints related to administrative or financial issues are not accepted by NHRA.

Incidents: Is referred to cases reported by physicians or facilities themselves. When NHRA is notified about an incident, it will not proceed to investigation or take actions against the reporting physician or facility unless there is a major consequence, the incident results in a judicial investigation or a complaint is raised or the facility were the incident happen did not apply the appropriate policy or procedure to deal with it. Please refer to NHRA incident reporting policy for the definition of incidents and reporting policy.

2.Investigation Procedures:

Once a complaint or an incident is accepted by NHRA, a formal investigation is launched. The purpose of investigation is to identify whether the cause of the patient's condition is a result of medical error or its part of the natural course of his/her condition or a result of known complications.

The following steps are taken:

2.1. The medical record and all relevant investigations and radiological images are requested from the related health care facilities.

2.2. The health care professional will be notified to provide his feedback regarding the complaint.

2.3. The complaint unit will interview the professional and record his statement. The team may request from the professional to provide further evidence related to the case.

2.4. For non-physicians, after collecting the medical records and the related documents and if the unit's investigation found evidence of misconduct, negligence or violation of NHRA regulations, the case will be presented to the related disciplinary committee established by resolution issued by the CEO.

2.5. For physicians, after collecting the medical records and the related documents the case will be presented to the related investigation committee

2.6. The investigation process involves the following steps:

2.6.1. Review all received documents

2.6.2. Interview all concerned parties

2.6.3. Interview the responsible professional

2.6.4. Request expert opinions in certain cases especially if the case involves a sub-specialty

2.6.5. Once the committee makes a decision and should they find the evidence of misconduct, negligence, or a violation against the regulations of NHRA, the professional will be called in again and will be confronted by the accusations.

2.6.6. If the committee's decision is still the same, the professional will be referred for disciplinary committee.

3. Referral to the Disciplinary Committee:

Following the investigation of complaints or other incidents referred to NHRA, if the investigation committee/ complaints unit finds misconduct or negligence from a professional, a referral will be issued to the appropriate disciplinary committee as per profession by the CEO.

4. Disciplinary Committees:

Several disciplinary committees are formulated within NHRA based on profession. These include:

1. Medical & Dental Disciplinary Committee.
2. Nursing Disciplinary Committee.
3. Allied Disciplinary Committee.
4. Pharmacists Disciplinary Committee.

5. Disciplinary Procedures:

5.1 Once the referral by CEO to the disciplinary committee is received, the committee will review thoroughly the investigation report and will notify the professional to appear in front of the committee.

5.2 The committee will confront the professional with the accusations listed by in the investigation report and disciplinary referral decision issued by the CEO.

5.3 The committee might listen to further experts view or review new evidence.

Accordingly, it will have decided on the disciplinary action listed in professionals laws, or will return the case to the investigation committee/complaints unit for further investigation.

5.4 The Disciplinary committee's decision will be discussed in the Supreme Council of Health. The council may approve it or return it to the disciplinary committee again to re-evaluate the disciplinary decision.

5.6 Once the final disciplinary decision has been finalized, the professional will be notified of it.

6. Appeals Process:

After receiving the disciplinary decision, you have the right to appeal the decision to the president of the Supreme Council of Health within a maximum of two weeks.

An appeal committee, independent from the disciplinary committee, will be formulated. The appeal committee will review the following:

1. If certain facts have not been taken into consideration by the investigation or disciplinary committee
2. If the proper process was not taken by the investigation or disciplinary committee
3. If you were not given the chance to defend yourself at the hearing

The appeals committee will not re-investigate the case again, the appeal committee may either maintain the issued disciplinary action or reduce it.

Your over all Rights:

You have a right to the following:

1. Review all relevant documents related to the complaints against you at NHRA, however copies of those documents will only be granted upon the approval of the chairperson of the committee. The documents which may be received in a hard copy include:

- a.** Copy of the complaint
- b.** Copy of expert reports
- c.** Copy of your statements

However copies of medical records belonging to other health care facilities will not be provided, but you have the right to review them at NHRA.

- 2.** Request a deferral with justifiable reasons and at least one week prior to the date of the hearing.
- 3.** Be respected by committee members.
- 4.** Have an attorney present with you during the hearing.(as an observer)
- 5.** Submit supporting documents and lists of witnesses.
- 6.** Obtain a copy of your statements.
- 7.** Submit a defense memorandum within a maximum of two weeks from the date of the hearing.
- 8.** To appeal the disciplinary committee's decision within a maximum of two weeks from the date of receiving the decision.

Your overall responsibilities:

- 1.** Be aware of all the related laws and regulations.
- 2.** Attend on the date and time specified.
- 3.** Respect all committee members.
- 4.** Give justifiable reasons in case you request a deferral of the meeting, within the specified time frames.

Your rights & responsibility during investigation Process:

You have the right to:

- 1.** Fully defend yourself in front of the committee.
- 2.** Provide new evidence to support your position.
- 3.** Provide a list of witnesses to be interviewed by the committee.
- 4.** Submit a written defense memorandum

Your rights & responsibility during Disciplinary Process:

1. Once the referral to the disciplinary committee is received, read it carefully, it will state the name of the patient, and the violations you are accused of committing.
2. You will also receive a written notification of the date, time, and location of the meeting at least two weeks prior to the meeting.
3. Should you need time to review the records available at NHRA, you must attend at least two days prior to the hearing to do so in coordination with the committee's rapporteur.
4. Should you not be able to attend the designated meeting, you should write a formal letter to the chairperson of the committee explaining your inability to attend. The reason should be justifiable and the committee has the right to refuse to delay the hearing.
5. A delay of the hearing may be requested once only.
6. Failure to attend on the specified day or time will result in the committee proceeding with its procedures without your attendance.
7. You may also submit a defense memorandum supported by any documents you feel will support your position within a maximum of two weeks from the date of the hearing. Anything submitted after the specified period will not be considered by the committee.
8. Once a decision is reached, and is approved by the Supreme Council of Health, you will be notified in writing about the decision.



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