



In the matter of Medical and Dental Practitioners Council and In the matter of the Uganda Medical and Dental Practitioners Council in the Alleged Professional Misconduct by Dr. Asinja Kapuru into the Alleged Loss of a Baby at Mulago National Referral Hospital

Country: Uganda

Region: Africa

Year: 2013

Court: Medical and Dental Practitioners Council, Uganda

Health Topics: Child and adolescent health, Health care and health services, Health information, Hospitals, Medical malpractice, Sexual and reproductive health

Human Rights: Right of access to information, Right to family life

Facts

Mr. Bukenya's wife went into labour and was admitted into the Mulago Hospital. She was operated upon by Dr. Kapuru and delivered a child by Caesarean section. The baby was not brought to her when she asked to see the baby. Mr. Bukenya was informed that his wife had delivered a male child and asked him to identify the baby by his clothes. When he could not do so and asked the nurse to look at the file, she told him the baby would be in the Special Care Unit (SCU). When his wife went to look for the baby, the SCU staff told her they hadn't received her baby. Thereafter, when she went back to ward, she was told that her baby had died immediately after birth and was told to pick up the body from the labour ward. She went to the labour ward but was informed that her baby was in the mortuary and the staff at the mortuary said they had not received the body of her baby. After some time, she was handed over a dead body of a female baby contrary to what they had been informed earlier. Mr. Bukenya alleged that their live baby boy had been swapped with a dead baby girl by the hospital staff. They had reported the matter to the Uganda Police who had ordered a DNA test but the tests were not revealed to them.

Decision and Reasoning

The Court held Dr. Kapuru guilty of gross professional misconduct. Dr. Kapuru had admitted that he had filed two reports one indicating the birth of a baby boy and then on being convinced by a senior nursing staff changed his records to a baby girl being born. The Court stated that substituting a medical record by a new one without sufficient and proper reason amounts to misconduct. Further the DNA report showed that the dead baby that was handed over to the couple was not theirs. The Court was further not convinced that Dr. Kapuru had changed the records due to pressure from the nursing staff.

Decision Excerpts

The matter under consideration raises a question of professional misconduct by a medical practitioner. Professional misconduct is the kind of conduct that is outside the bounds of what is considered acceptable or worthy of its membership by the governing body of profession. Such behavior usually manifests in negligence and/or failure to make reasonable provision for safeguarding of life, health or property of a person who may be affected by the work for which the professional is responsible. The fact that substituting a medical record for another by a medical practitioner is wrong and unbecoming of a practitioner is beyond debate. The motive of such conduct is a matter of concern if it is simply a manifestation of lack of responsibility. A responsible doctor records information on the basis of his actual findings and not in the basis of rumors from nurses or colleagues. When a practitioner handles a patient, he or she assumes full responsibility for that patient. It is disgraceful for Dr. Kapuru to claim (or plead) that he made the second theatre report because of pressure. It is unbelievable that a fully trained medical practitioner could be cowed by a nurse to do something he knew was unethical and wrong. Indeed a DNA report procured by the Police and a copy of which has been provided to the Council confirms that the dead baby which was handed over to the Bukenyas by Mulago Hospital staff was not theirs! It is, therefore, clear that the disappearance of Ms. Nabakiibi's baby was a well-

planned evil act by a group of medical personnel of Mulago Hospital, including Dr. Kapury. • (Page 5)

•The Uganda Police should vigorously follow up this matter and bring the culprits to book. Moreover, the Council is very much alive to a common view held by the general public that there is a racket of nurses/midwives and doctors at Mulago Hospital who routinely steal hapless parentsâ€™ babies and sell them! Accordingly the Council strongly recommends that the Uganda Nurses and Midwives Council take up this matter with a view to bringing the concerned members of the fraternity to book. • (Page 6)

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