

No. NS/RKT/0905/396

**ROYAL DECREE
ON
THE ESTABLISHMENT OF DENTAL COUNCIL**

**We,
Preah Bat Norodom Sihanouk,
King of the Kingdom of Cambodia,**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Kret No. NS/RKT/0704/124 of July 15, 2004 on the appointment of the Royal Government of Cambodia;
- Having seen the Reach Kram no. 02/ NS / 94 of July 20, 1994 promulgating the Law on Organization and Functioning of the Council of Ministers.
- Having seen the Royal Kram No. NS/RKM/0196/06 of January 24, 1996 promulgating the Law on the Establishment of Ministry of health;
- Having seen Royal Kram NS/RMK/1100/10 dated 30th November 2000 promulgated the Law on Management of Private Medical, Paramedical, and Medical Aid Profession.
- Having seen Royal Kram No. NS/RKM/1197/05 dated 6th November 1997 promulgated the Law on Common Statute of Royal Armed Force
- Pursuant to the proposal of the Samdech Prime Minister of the Royal Government of Cambodia;

Promulgate

**CHAPTER I
SECTION 1
GENERAL PROVISIONS**

Article 1: To establish a Dental Council in order to mobilize all dentists who have adequate physical for delivering dental profession in the Kingdom of Cambodia.

The term of dentist in this Royal decree is the legal person who graduated and has diploma of dentistry recognized by the Ministry of Health or Ministry of Education Youth and Sports or issued by higher institutions, which is accredited by Accreditation Committee of Cambodia.

All professional dentists shall apply for registration with the dental council.

CHAPTER II

MISSION OF DENTAL COUNCIL

Article 2: Dental Council shall monitor the necessary implementation of ethical guidelines, accuracy, justification and loyalty in doing and sustaining the effective dental profession.

Dental Council shall monitor its all members' practice of professional duty, and other provisions stated in the dental ethic.

Dental Council shall ensure the honor and dignity of dental profession.

Dental Council fulfills its responsibilities through the provincial/ municipal, regional and national board of Dental Council.

SECTION 1

ROLE OF THE ETHICS

Article 3: Dental Council has a responsibility to prepare dental ethic adopting necessary professional conditions in persistent economic, technique and social development, which would be well developed for the interest of the patient.

Dental Council monitors the operation of the tasks and respect.

Dental Council is an autonomous organization in budget expenditure and supplying, and to ensure the dignity to protect the interest of professional ethic.

SECTION 2

ROLE OF ADMINISTRATIVE SUPERVISION

Article 4: Dental Council manages the power by complying with regulation.

Dental Council shall prepare and maintain a list of daily dentists' registration that has completed the legal status and necessary ethics.

The obligation of dentists' registration is to fulfill the caring and treating the sickness.

Dental Council is a single professional organization that has function to monitor the conditions of dental professional practices.

SECTION 3

ROLE OF JUDICIAL DECISION

Article 5: Any legal complaint on mistakes of dental profession to Dental Council does not constitute obstacles to legal proceeding to the court.

SECTION 4

ROLE OF COUNSELING

Article 6: Dental Council shall be called for counseling on the design of draft of law and regulations concerned with dental profession.

SECTION 5

ROLE OF MUTUAL RESCUE

Article 7: Mutual rescuing is a ground for dentists and their family.

Rescuing has been prepared based on the following format:

National Dental Council shall have in its budget a preserved budget for mutual rescuing in order to allow the use of preserved budget as an immediate assistance to any appropriate case for the suffered needed dentist's family.

This board shall have a national committee to help rescue each other and that has a representative from the Cambodian Dental Association as membership.

This committee manages for having annual resources, which cut off from the solicited money from each dentist who has been registered in Dental Council.

CHAPTER III

STRUCTURE

SECTION 1

PROVINCIAL/MUNICIPAL DENTAL COUNCIL BOARD

Article 8: The provincial/municipal Dental Council abbreviated, as “PDC” shall be established in each province and city in the Kingdom of Cambodia.

For province that has less than 10 dentists shall be integrated with the province that has fewer dentists to form a Dental Council.

Article 9: “PDC” shall have 3 full members and 3 assistant members in case of registered dentists are not exceeding 30.

This number will increase up to 05-09-11-15-19 or 21 persons if the number of dentists in the list is exceeding 30-50-100-500-1000 or 2000 persons.

Article 10: “PDC” shall be elected during the general assembly by dentists who have registered with “PDC” for 6 years period.

The finished-mandated member can be a candidate to be re elected.

The board shall elect its chair person and set up an office once after two years after 1/3 of its board members changed. The board shall stipulate in its regulation in case the number of new members is odd number that does not incur definite result.

The office of “PDC” includes: a chairperson of the board, one vice chairperson, a secretary general, a treasurer and a member.

Article 11: “PDC” shall fulfill the work in its respective provincial-municipal framework and under supervision of national Dental Council for general competency, which is stated in article 2 of this Royal decree. “PDC” decides in registration of who completed the conditions based on article 3 in Chapter 1, article 6 in Chapter 2 of the Law on Management of Private Profession in the field of medical, paramedical, medical assistance in the list of Dental Council. “PDC” does not discriminate either of sex, belief, religion, political tendency, and social status, resources or other situations of its members.

Article 12: “PDC” has no power to impose discipline. If there is a complaint against any dentist who is under its competency, “PDC” shall refer that complaint to the regional Dental Council by verifying with a clear motive.

Article 13: Chairperson shall represent “PDC” in every civil activity.

Article 14: Meeting of provincial-municipal Dental Council shall not be conducted publicly.

When there is an equal voice, the voice of the chairperson has the influence to decide.

The chief of Provincial and Municipal Department of Health shall be invited to participate in the meeting of the board who has only voice of consultation.

“PDC” can invite a legal advisor to participate in the meeting.

Article 15: Dentists who are doing dental profession in the province and municipality shall apply for registration, which is regularly administered by the involved provincial and municipal board of the Dental Council.

Can only be registered with Dental Council for dentists who have diploma of dentistry recognized by the Ministry of Health or Ministry of Education Youth and Sports or higher institutions, which are accredited by Accreditation Committee of Cambodia to practice dental profession according to legal condition and code of ethics as set forth.

Dentist can only register in the province- municipality where the profession is taking place.

Article 16: “PDC” shall decide on registration would be within a maximum time of 3 months from the day of received application with adequate documents.

Within a week at the latest after decision was made, the board shall inform the dentist via letter of recommendation. If there is refusal the decision should have a clear reason.

Permitting to registration in each provincial and Municipal Dental Council must be informed most urgently to the provincial and municipal authorities, provincial and municipal prosecutors who are involving and to the National Dental Council.

Article 17: After having permission to register in the provincial-municipal Dental Council where the person is living in, the dentists can only perform their dental profession within where they are registered. In case there is relocation of profession to outside of province-municipal where the dentist registered, the dentist has to inform to the old board and will reapply for a new registration to provincial-municipal Dental Council where the person is moving to.

Article 18: The board of provincial-municipal Dental Council shall receive the appealing complaint from the national council, dental association, the Minister of Health, Director of Provincial-Municipal Department of Health, court prosecutor, and from any dentist who has registered in the Dental Council, then reporting to the National Dental Council.

SECTION 2

REGIONAL DENTAL COUNCIL

Article 19: Division of regions of Dental Council of Cambodia as follow:

- Region 1: Kandal, Phnom Penh, Kampong Speu, Kampong Chhnang Province has a location in Phnom Penh City.
- Region 2: Pursat, Battambang, Banteay Meanchey, Siem Reap, Odar Meanchey Province, and Pailin Town, has a location in Battambang province.
- Region 3: Takeo, Kampot, Koh Kong province, Sihanuk Ville and Kep town has a location in Kampot province.
- Region 4: Stung Treng, Rattanak Kiri, Mondul Kiri, Kratie and Preah Vihear province has a location in Stung Treng province.
- Region 5: Kampong Cham, Kampong Thom, Prey Veng and Svay Rieng Provinces has a location in Kampong Cham province.

Article 20: The regional Dental Council abbreviated as “RDC” (or primary professional disciplinary council) has 5 full time members and 5 assistant members who have been elected by “PDC” in the region. Each “PDC” shall select it’s a full time representative at least and a deputy. The number of remaining seat shall be divided to the province and

municipality based on the number of dentists who have registered by the National Dental Council. The members of regional board shall be elected for 6 years.

The finished-mandated members can stand as candidate to be re-elected. The board shall vote to choose its chief and office within once after 2 years after 1/3 of its board members changed. The supporting members shall replace the full time members when this member has been absent for any reason.

Article 21: The president of “RDC”, president of “PDC” and secretary general of these boards cannot hold overlapped function.

Article 22: The meeting of “RDC” shall be participated as deputy and counselor by:

- Representative of Minister of Health, designated by Minister of Health
- Chief of Provincial-Municipal Department of Health, which is a location of regional council
- A legal advisor assigned by the chief of the provincial-municipal court,
- A dentist in charge of labor (if there is) assigned by the Minister of Labor and Vocational Training
- Director of Regional Medical Technical Care School

Article 23: In the framework of Dental Council, the “RDC” implements its work focusing on disciplinary competence only.

“RDC” can receive appealing complaint from “NDC”, “PDC”, and Dental Association, Minister of Health, Director of Provincial-Municipal Department of Health, provincial municipal authorities and court prosecutors and from any dentist who has registered with the Dental Council.

“RDC” shall examine and decide in maximum of within 6 months after the complaint received. Otherwise, “NDC” can send this complaint to other selected “RDC”.

Article 24: Dentist who is serving in the public service and applied for registration of Dental Council will be able to be invited for doing interpretation in front of “RDC” about its activities in public function only through the Minister of Health, the Provincial-Municipal Department of Health or through prosecutor.

Article 25: Imposing disciplinary punishment shall be done in front of the accused dentist. The accused dentist must have a dental defender or a lawyer in the Kingdom of Cambodia.

Article 26: The Regional Dental Council must have a record of court trial after each trial. They must make an appropriate recording with verification and signature from all members of the board as well as the signature of the accused.

Article 27: “RDC” with participation from disciplinary section of “NDC” can impose as following by:

1. Warning,
2. Blaming by recording in personal document,

3. Prohibiting from doing profession for a while which is not exceeding three years or permanently in any particular aspect or in general of dental function which is recognized by the state,
4. Omitting from the list of Dental Council.

Dentist who received disciplinary punishment shall lose his or her membership in the “PDC”, “RDC” or “NDC” for 1-3 years for the primary and secondary class discipline and will lost permanently for the third and fourth class.

The dentist who has been omitted from the list cannot reapply at other places.

The final decision raised shall be disseminated to every “PDC” and to the “NDC”. The decision of the “RDC” must have a clear reason.

Article 28: After the name omitted from the list for at least 3 years onward, the involved dentist can receive disciplinary amnesty from the Board of Dental Council who has imposed the disciplinary. The request for disciplinary amnesty must be done by the dentist. When the letter of request for disciplinary amnesty is denied after an in-depth examination, a new request for disciplinary amnesty can be done further again within one year only.

Article 29: Disciplinary implementation of the Dental Council is not an obstacle to the implementation of imposing discipline to the mistake as below:

1. Accusation of public authority or private can be filed against the court on the charge of civil affairs,
2. Civil activity to compensate on the primary offense,
3. Imposing administrative discipline at the work place of the dentist,
4. Misconduct committed by the dentist as violation in participating in dental care as stated in the societal law,

SECTION 3

NATIONAL DENTAL COUNCIL

Article 30: The National Dental Council, abbreviated as “NDC” is selected by vote for 6 years divided as below:

- Have a representative in each province-municipality assigned by Director of provincial-municipal Departments of Health.
- Have 2 representatives for Phnom Penh Capital assigned by Director of Phnom Penh municipal department of health.
- Have 5 representatives for central unit assigned by the Minister of Health.
- A representative for the University of Health Science selected by their colleagues.

Article 31: “NDC” shall work to choose and change 1/3 of the membership within every two years. After membership changed 1/3, the National Dental Council shall select its chairperson and office for 2 years.

The office of the board of National Dental Council includes, a chairperson, two vice chairpersons, a secretary general, a deputy secretary general, a treasurer and a vice treasurer. The chief and members of “NDC” who leaves the position can stand to be reselected.

Article 32: The “NDC” has two dental assistants, one of them is representing the Minister of Health and another is representing the Minister of Labor and Vocational Training in the position of vice chairperson and has a voice in counseling.

Article 33: The “NDC” shall have a disciplinary section that has 5 members headed by a chairperson selected out of these 7 members.

Article 34: After changing 1/3 of its members “NDC” shall re-elect the new discipline section.

Article 35: The “NDC” fulfill its national role in the mission stated in article 2 of this Royal Decree.

The “NDC” shall monitor the respect and compliance of all Dental Council members to professional obligations and other guidelines determined by the dental code of ethic.

The “NDC” in conjunction with “PDC” to study and address complicated problem concerns to the commitment of dental profession.

The “NDC” fulfills this task through its sections and committee and examines and studies every issues or designs that raised by the Minister of Health or by other concerned institutions.

Article 36: The “NDC” shall determine consensual budget contribution, which requires the dentist to pay during registration application and annual payment.

The “NDC” shall level off the amount of contribution that “PDC” has to pay to the “NDC” and to the “RDC” and to keep in “PDC” to ensure the expenditure in fulfilling the general works. The paying contribution is an obligation of each member. The “NDC” manages all properties of the Dental Council and can create or support prescription, which is the benefit of dental profession as well as other rescuing work.

The “NDC” control the management of the “PDC” and the “RDC”. The “PDC” shall report to “NDC” in advance for the setup of its different units as well as the management of these organizations.

Article 37: The “NDC” shall create a committee for financial management and internal audition. The members of this committee shall be selected by the “NDC” among the member, which is not in the office of the board.

At the end of each year, this committee shall make a report of its controlling to the “NDC”.

CHAPTER IV

TRANSITIONAL PROVISION

Article 38: For the first six year of the first mandate, compositions of bureau of PDC are elected by colleagues with accreditation from NDC.

Composition of NDC in the first mandate is elected to function effectively.

Article 39: Minister of Health shall designate one temporary task force to supervise the establishment of Dental Council of Cambodia.

Article 40: The Prime Minister of Royal Government of Cambodia shall be in charge of implementation this Royal Decree from this signing date hereafter.

Phnom Penh, 02 November 2005

Royal Signature,

Norodom Sihanouk

No. PRL 0509.417

Having presented to the King for Royal Signature
Prime Minister
Signature
Hun Sen

No. 369 Ch.L

Copied for Dissemination
Phnom Penh, 08 November 2005

Secretary General of Royal Government of Cambodia
[Signature and seal]

Nady Tan