

(National Coat-of-Arms)

## ROYAL DECREE

NS/RD/0210/162

ON

### THE ESTABLISHMENT OF THE PHARMACISTS' COUNCIL OF CAMBODIA

I, the undersigned,

**Preah Karuna Preah Bat Samdech Preah Borom Neath NORODOM SIHAMONI, the faithful and devoted servant of the country, religion, nation and the Khmer people; the protégé of Buddha and Indra; the unifier of all Khmers; and the defender of independence, territorial integrity and peace of Kampuchea; and the happiness, liberty and prosperity of the Khmer people, Preah Chau Krong Kampuchea Thipadei;**

*Pursuant to:*

- The Constitution of the Kingdom of Cambodia;
- Royal Decree No. NS/RD/0908/1055, dated September 25, 2008, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Royal *Kram* No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Royal *Kram* No. NS/RK/0196/06, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Health;
- Royal *Kram* No. CS/RK/0696/02, dated June 17, 1996, promulgating the Law on Pharmaceutical Management;
- Royal *Kram* No. NS/RK/1207/037, dated December 28, 2007, promulgating the Law on the Amendment to the Law on Pharmaceutical Management;
- Royal *Kram* No. NS/RK/1100/10, dated November 3, 2000, promulgating the Law on the Management of Private Medical, Paramedical and Medical Aid Practice; (*Stamp*)
- Royal *Kram* No. CS/RK/1197/05, dated November 6, 1997, promulgating the Law on Common Statutes of Soldiers of the Royal Cambodian Armed Forces;
- Requests from *Samdech Akka Moha Sena Padei Techo HUN SEN*, Prime Minister of the Kingdom of Cambodia, approved by the Council of Ministers in the plenary session held on January 22, 2010;

**Hereby order:**

#### CHAPTER 1

#### General Provisions

##### Article 1.-

The **Pharmacists' Council of Cambodia** is created to gather all pharmacists who are physically fit to practice medical and paramedical professions in the Kingdom of Cambodia.

The term pharmacist in this royal decree means a major who holds a diploma of pharmacy issued by the Ministry of Health or the Ministry of Education, Youth and Sport or a diploma of pharmacy issued by a higher education establishment recognized by the Accreditation Committee of Cambodia.

All pharmacists who practice medical or paramedical professions in the Kingdom of Cambodia shall request their registration in the list of the Pharmacists' Council of Cambodia.

## **CHAPTER 2**

### **Missions and Roles of the Pharmacists' Council of Cambodia**

#### **PART 1**

#### **Missions**

##### **Article 2.-**

The Pharmacists' Council of Cambodia, through its participation in fulfilling public services in terms of public health, gains the privilege granted by the state.

The Pharmacists' Council of Cambodia guarantees to oversee the functioning of the principles of morality, integrity, justice and loyalty required for the sustainable and effective practicing of medical and paramedical professions.

The Pharmacists' Council of Cambodia undertakes to oversee the performance of each of its members with respect to professional duties as well as the provisions stipulated in the pharmacist's code of ethics.

The Pharmacists' Council of Cambodia guarantees to protect the reputation and supremacy of medical and paramedical professions. (*Stamp*)

The Pharmacists' Council of Cambodia performs its duties through the Board of the Capital-Provincial Pharmacists' Council with the acronym **BCPPC**, the Board of the Regional Pharmacists' Council with the acronym **BRPC** and the Board of the National Pharmacists' Council with the acronym **BNPC**.

#### **PART 2**

#### **Role of Morality**

##### **Article 3.-**

The Pharmacists' Council of Cambodia is in charge of preparing the pharmacist's code of ethics, taking into account the necessity of the profession for technical, economic and social development in the interests of people.

The Pharmacists' Council of Cambodia shall keep a close watch on the performance of tasks and observance of pharmacists.

The Pharmacists' Council of Cambodia is an autonomous organization. Expenses and funding shall be its sole responsibility, [and it] guarantees supremacy and protects its professional interests and professional ethics.

#### **PART 3**

#### **Role of Administrative Management**

##### **Article 4.-**

The handling of power shall comply with the regulations of the Pharmacists' Council of Cambodia.

The Pharmacists' Council of Cambodia shall prepare, make and keep the list of pharmacists registered in the list of the Pharmacists' Council of Cambodia to satisfy legal conditions and ethical requirements.

The obligation to be registered in the pharmacists' list is for the purpose of performing pharmacy and paramedical work.

The Pharmacists' Council of Cambodia is the sole professional organization with the function of scrutinizing the conditions for practicing pharmacy and paramedical professions.

#### **PART 4** **Role of Judicial Decision**

##### **Article 5.-**

In the performance of its duties in professional discipline work, **BRPC** shall implement the work as a mechanism of jurisdiction.

A complaint about misconduct in any pharmacist's professional work to the Pharmacists' Council of Cambodia is not an obstacle to the filing of a complaint about the misconduct with the court. (*Stamp*)

#### **PART 5** **Role of Consultation**

##### **Article 6.-**

The Pharmacists' Council of Cambodia may be invited to provide comments on draft laws or legal standard documents related to the pharmacy profession.

#### **PART 6** **Role of Mutual Rescue**

##### **Article 7.-**

Mutual rescue has good consequences for pharmacists and their families. Rescue shall be prepared as per the formalities defined by the internal regulations approved by the general meeting:

- The Pharmacists' Council of Cambodia shall have in its budget reserve funds for mutual rescue so the reserve funds can be used immediately to provide assistance in any appropriate case for a pharmacist's family that suffers from hardship;

- The Pharmacists' Council of Cambodia shall have a commission for mutual rescue with a representative of the Pharmacists' Association of Cambodian as a member;

- The said commission handles the affording of annual resources partly through deductions from the financial contribution of each pharmacist registered in the list of the Pharmacists' Council of Cambodia.

### **CHAPTER 3** **STRUCTURE**

#### **PART 1**

#### **Board of Capital-Provincial Pharmacists' Council**

##### **Article 8.-**

**BCPPC** is formulated in each capital-province in the Kingdom of Cambodia.

A capital-province with less than 10 (ten) pharmacists shall be subject to dispatch to the nearest province to create a joint pharmacist council board.

##### **Article 9.-**

**BCPPC** shall have 3 (three) full-fledged members and 3 (three) substitute members in case the number of registered pharmacists is not more than 30 (thirty). This number will increase to 5 (five), 7 (seven), 9 (nine), 11 (eleven) or 13 (thirteen) if the number of registered pharmacists is 30 (thirty), 50 (fifty), 100 (one hundred), 1000 (one thousand) or 2000 (two thousand).

**Article 10.-**

**BCPPC** is elected during the general meeting by pharmacists registered in the **BCPPC** list for a period of 6 (six) years.

The outgoing member may stand for reelection. The board elects the chief and components of its office once every 2 (two) years after 1/3 (one-third) of the board members has been altered and the undividable number of the changed members shall be specified in the internal regulations.

The components of the **BCPPC** office include 1 (one) board chairperson, 1 (one) vice chairperson, 1 (one) secretary, 1 (one) treasurer and 1 (one) member.

**Article 11.-**

**BCPPC** performs its work in the framework of its capital–province and under the supervision of the Pharmacists’ Council of Cambodia with regard to the general competence stipulated in Article 2 of this royal decree.

**BCPPC** decides on the registration of pharmacists who have met the conditions in new Article 4 of Chapter 1, new articles 7 and 8 of Chapter 3 of the Law on Pharmaceutical Management, Article 6 of Chapter 2 and Article 10 of Chapter 3 of the Law on Private Medical, Paramedical and Medical Aid Practices, in the **BCPPC** list.

**BCPPC** tolerates [everyone regardless of the] gender, belief, religion, political tendency, social status, resources or other status of its members.

**Article 12.-**

**BCPPC** has no power to impose discipline. Should there be any complaint against any pharmacist under its competency, **BCPPC** shall forward such complaint to **BRPC** specifying a clear reason.

**Article 13.-**

The chairperson represents **BCPPC** in all civil activities. (*Stamp*)

**Article 14.-**

The meeting of **BCPPC** is not held in public. For every meeting, in case of tied votes, the chairperson shall have the casting vote. The Chief of the Capital–Provincial Department of Health shall be invited to the meeting of the board and only has a consulting vote. **BCPPC** can invite 1 (one) legal advisor to the meeting.

**Article 15.-**

Pharmacists in the capital–province shall submit an application for registration in the list regularly held by the relevant **BCPPC**. Those pharmacists who request to be registered in the list of the Pharmacists’ Council of Cambodia shall hold a pharmacist diploma issued by the Ministry of Health or the Ministry of Education, Youth and Sport or a diploma issued by a higher education

establishment recognized by the Accreditation Committee of Cambodia for the practice of pharmacy, paramedical professions and have met the defined legal conditions and code of ethics.

Pharmacists can only be registered in the list of Capital-Provincial Pharmacists' Council of Cambodia where they practice their profession.

**Article 16.-**

**BCPPC** shall decide on the request for registration within a period of 30 (thirty) working days at the latest from the date of receiving the application with adequate documents.

No later than 1 (one) week after the decision, the council shall provide notification through a letter of recommendation to the pharmacist concerned. If the request for registration is rejected, **BCPPC** shall clearly specify the reason in writing.

Following authorization for registration in the list of each Capital-Provincial Pharmacists' Council of Cambodia, **BCPPC** shall, within 2 (two) weeks at the latest, provide notice to the relevant capital-provincial authorities, prosecutor to the capital-provincial Court of First Instance and **BNPC**.

**Article 17.-**

Following authorization for registration in the list of each Capital-Provincial Pharmacists' Council of Cambodia where they are practicing their profession, pharmacists can practice pharmacy and paramedical professions only in the capital-province where they are registered. In case of relocation to practice their professions outside the capital-province where they are registered, pharmacists shall provide notice to the former board and shall submit a new application for registration to **BCPPC** where they move to live and practice their professions.

*(Stamp)*

**Article 18.-**

**BCPPC** shall accept the complaint of objection from **BNPC**, the Pharmacist Association, the Minister of Health, the Chief of the Capital-Provincial Department of Health, any prosecutor to the court of first instance or pharmacist registered in the list of their Capital-Provincial Pharmacists' Council and then submit a report to **BNPC**.

**PART 2**

**Board of Regional Pharmacists' Council**

**Article 19.-**

The regional division of the Pharmacists' Council of Cambodia is prepared as follows:

- Region 1, including Phnom Penh Capital, Kandal, Kompoong Speu, Kompong Chhnang provinces, is located in Phnom Penh Capital.
- Region 2, including Pursat, Battambang, Banteay Meanchey, Siem Reap, Udon Meanchey and Pailin provinces, is located in Battambang province.
- Region 3, including Takeo, Kampot, Koh Kong, Preah Sihanouk and Kep provinces, is located in Kampot province.

- Region 4, including Stung Treng, Ratanakiri, Mondulakiri, Kratie and Preah Vihear, is located in Stung Treng province.
- Region 5, including Kompong Cham, Kompong Thom, Prey Veng and Svay Rieng provinces, is located in Kompong Cham province.

**Article 20.-**

**BRPC**, [which] plays a role as Primary Professional Disciplinary Board, has 5 (five) full-fledged members and 5 (five) substitute members elected from among **BCPPC** in the region. Each **BCPPC** shall select its representative with at least 1 (one) full-fledged member and 1 (one) substitute member. The remaining seats shall be divided to the capital-province based on the number of pharmacists registered as members of the regional board. Members of the regional board are elected for a period of 6 (six) years. Outgoing members can stand for reelection. The board elects the chief and components of the office once every 2 (two) years after 1/3 (one-third) of the board members has been altered. The substitute members shall replace the full-fledged members when these members are absent for whatever reason.

The components of the **BNPC** office include 1 (one) chairperson, 1 (one) vice chairperson, 1 (one) secretary, 1 (one) treasurer and 1 (one) member.

*(Stamp)*

**Article 21.-**

The chairperson of **BCPPC** and the chairperson of **BNPC** and the secretaries of these boards may not hold overlapping functions.

**Article 22.-**

The meeting of **BNPC** shall be attended in the capacity of vice chairperson and consultant by:

- Representative of the Minister of Health assigned by the Minister of Health;
- Chief of the Capital-Provincial Department of Health, where the regional board is located;
- One legal advisor assigned by the Council of Lawyers;
- One working pharmacist (if any) assigned by the Minister of Labor and Vocational Training;
- Director of the Regional Secondary School of Health.

**Article 23.-**

Within the framework of the Pharmacists' Council, **BRPC** implements its work only in a disciplinary capacity.

**BRPC** may accept the complaint of objection from **BNPC**, **BCPPC**, the Pharmacists' Association, the Minister of Health, the chief of the capital-provincial Department of Health, authorities, prosecutor to the court of first instance or pharmacist registered in the list of their Capital-Provincial Pharmacists' Council of Cambodia.

**BRPC** shall examine and decide [on the matter] within 6 (six) months at the latest after receiving the complaint. Otherwise, **BNPC** can forward such complaint to any other designated **BRPC**.

**Article 24.-**

The pharmacist who is serving in public services and applies for registration in the list of the Pharmacists' Council of Cambodia can elaborate before **BRPC** on its/his/her activity in civil services but only through the Minister of Health, the chief of the capital-provincial Department of Health, or through the prosecutor to the court of first instance.

**Article 25.-**

The imposition of discipline shall be made before the pharmacist concerned. The pharmacist concerned may have a defender as a pharmacist or attorney-at-law of the Kingdom of Cambodia. If the pharmacist concerned refuses to appear to provide clarification for **BRPC** following an invitation made on 3 (three) occasions for no apparent reason, **BRPC** shall follow point 4 in Article 27 of this royal decree.

**Article 26.-**

**BRPC** shall have a record at every meeting regarding the imposition of discipline. **BRPC** shall take proper minutes with certification and the signature of every member of the board as well as the signature of the person concerned to be inquired. (*Stamp*)

**Article 27.-**

With the participation of the disciplinary department of **BNPC**, **BRPC** may impose discipline on members as follows:

- Warning;
- Reprimand by recording in personal file;
- Prohibition from professional practice for not longer than 3 (three) years or permanently in any part or in general, of the pharmacy and paramedical functions recognized by the state;
- Delisting from the Pharmacists' Council of Cambodia.

A pharmacist who is to be delisted from the Pharmacists' Council of Cambodia cannot be registered at any other place.

The final decision raised shall be disseminated to every **BCPPC** as well as to **BNPC**. There shall be clear grounds for the decision of **BRPC**.

**Article 28.-**

After receiving the discipline banning professional practice for at least 3 (three) years, a pharmacist who has been disciplined may be exempted from discipline by the Board of the Pharmacists' Council of Cambodia that has imposed the discipline on him/her. The request for such exemption of discipline shall be made by the pharmacist concerned. As long as the request for the exemption from discipline is rejected after deep deliberation, a new request for exemption from discipline can be made in the next 1 (one) year.

For the permanent discipline, in any part or in general, of the medical and paramedical functions recognized by the state, the request for such exemption shall not be authorized.

**Article 29.-**

Exemption from discipline to the pharmacist is not an obstacle to the enforcement of administrative or judicial discipline imposition.

**PART 3**

**Board of the National Pharmacists' Council**

**Article 30.-**

**BNPC** is selected through election for a period of 6 (six) years, divided as follows:

- 1 (one) representative of each province is elected from among the members of the board of the pharmacists' council of that province. The elected person shall be appointed by the Chief of the Provincial Department of Health.  
(Stamp)

- 2 (two) representatives of the capital are elected from among the members of the Board of the Capital Pharmacists' Council. The elected persons shall be appointed by the Chief of the Phnom Penh Capital Department of Health.

- 5 (five) representatives of the central unit of the Ministry of Health are elected from among fellow pharmacists and elected by the Minister of Health.

- 1 (one) representative of the Faculty of Pharmacy is elected from among fellow pharmacists and elected by the dean of the faculty.

**Article 31.-**

**BNPC** shall choose to modify 1/3 (one-third) of the members once every 2 (two) years. After each modification to 1/3 (one-third) of members, **BNPC** shall select the chief and components of its office once every 2 (two) years.

The components of the **BNPC** office include:

1 (one) board chairperson, 2 (two) vice chairpersons, 1 (one) secretary-general, 1 (one) deputy secretary-general, 1 (one) treasurer, 1 (one) deputy treasurer. The outgoing chairperson and members of **BNPC** can stand for reelection.

**Article 32.-**

**BNPC** has 2 (two) pharmacists: 1 (one) representing the Minister of Health and 1 (one) representing the Minister of Labor and Vocational Training in the capacity as consultant.

**Article 33.-**

**BNPC** has one discipline department comprising 5 (five) members, led by 1 (one) chief who is elected from among the 5 (five) members.

**Article 34.-**

After modification to 1/3 (one-third) of its members, **BNPC** shall hold a reelection of the discipline department.

**Article 35.-**

**BNPC** fulfills its national roles while performing the missions stated in Article 2 hereof. (Stamp)

**BNPC** scrutinizes respect and implementation by all the members of the Pharmacists' Council of Cambodia of professional duties and principles defined in the pharmacist's code of ethics.

**BNPC** cooperates with **BCPPC** in studying and dealing with complicated matters related to the professional treatment of pharmacists.

**BNPC** performs this work through its departments and commissions and examines as well as studies matters or projects raised by the Minister of Health or other relevant institutions.

**Article 36.-**

**BNPC** shall determine the agreed amount of contribution that each member shall pay upon the request for registration, and it shall be paid on an annual basis.

**BNPC** shall also determine the amount of contribution **BCPPC** shall pay to **BNPC**, to **BRPC** and shall be kept at **BCPPC** to cover expenses incurred in the performance of general work. A contribution payment is the obligation of each member.

**BNPC** manages all the properties of the Pharmacists' Council of Cambodia and can create or support the works which are in the interests of the pharmacy profession as well as other rescue work.

**BNPC** controls the management of **BCPPC** and **BRPC**. **BCPPC** shall report to **BNPC** first before sending a copy to **BRPC** about the creation of its organizations as well as the handling of those organizations.

**Article 37.-**

**BNPC** shall form a commission for financial management and internal audit. Members of this commission shall be selected by **BNPC** from among the members who are not in the **BNPC** office.

At the end of each year, this commission shall make a report on its inspection to **BNPC**.

**CHAPTER 4  
Transitional Provisions**

**Article 38.-**

In the first mandate, the components of **BNPC** are selected and approved by the Minister of Health to ensure effective operation.

During a period of the first 6 (six) years of the first mandate, the components of the **BCPPC**, **BRPC** offices are selected by their colleagues and acknowledged by **BNPC**.

**Article 39.-**

The Minister of Health shall appoint a temporary working group to organize the process of forming the Pharmacists' Council of Cambodia.

**CHAPTER 5  
Final Provisions**

**Article 40.-**

Any provisions contrary to this royal decree shall be abrogated.

**Article 41.-**

*Samdech Akka Moha Sena Padei Techo* HUN SEN, Prime Minister of the Kingdom of Cambodia, shall undertake to effectively implement this royal decree from the date of royal signature onwards.

Royal Palace, Phnom Penh Capital,  
February 16, 2010  
**Royal Signature and Seal**  
**NORODOM SIHAMONI**

Forwarded to the King  
for royal signature. *RL.1002.164*  
**Prime Minister**  
**Signature**

*Samdech Akka Moha Sena Padei Techo*  
**HUN SEN**

No. 152 C.  
**For copy and distribution**  
Phnom Penh Capital, February 19, 2010  
**Deputy Secretary-General of the Royal**  
**Government**  
*(Signature and stamp)*

**KHUN CHINKEN**

No. 089 ស.នវប្ប  
Attested true copy  
“for dissemination”.  
Phnom Penh Capital, April 1, 2010  
General Department of  
Administration and Finance  
*(Signature and stamp)*

**Professor KEUT MIECH**