



KINGDOM OF CAMBODIA
NATION RELIGION KING



Royal Government of Cambodia
No. 91 ANK/BK

Sub Decree
on
Transformation of
National Institute of Public Health
to be a Administrative Public Institution



- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal decree NS/RKT/0704/124 dated July 15, 2004 on the appointment of the Royal Government of the Kingdom of Cambodia
- Having seen the Royal Kram No. 02/NS/94 dated July 20, 1994, promulgated Law on Organization and Functioning of the Council of Ministers
- Having seen the Royal Kram NS/RKM/0196/06 dated January 24, 1996 promulgated the Law on Establishment of the Ministry of Health,
- Having seen the Royal Kram NS/RKM/0196/13 dated January 24, 1996 promulgated the Law on Establishment of the Ministry of Economy and Finance
- Having seen Royal-decree NS/RKM/1297/91 dated December 31, 1997 on the Judicial Statute of Administrative Public Institution
- Having seen Sub-decree No. 67 ANK.BK dated October 22, 1997 on the organization and functioning of the Ministry of Health
- Having seen Sub-decree 04 ANK.BK dated January 20, 2000 on the organization and functioning of the Ministry of Economy and Finance
- Having seen the approval of council of ministers at its plenary session on August 18, 2006

HEREBY DECIDES:

Chapter I

General Provisions

Article 1:

National Institute of Public Health, its abbreviation is "NIPH-**ប៊ីស៊ីស**" its previous name was National Institute for Public Health Research has now been decided to transform to an Administrative Public Institute under the line of technical supervision of the Ministry of Health and under the line of financial supervision of the Ministry of Economy and Finance.

Article 2:

NIPH is the legal entity with automated finance. NIPH is located at lot No.2, Kim Ilsung Blvd, Sangkath Beung Kak II, Khan Tuol Kok, Phnom Penh capital. The relocation of NIPH in the future is under the authority of NIPH.

Article 3:

NIPH shall bear the following responsibilities:

- To provide training on public health at level of post education to Health Official/Staff and those who have expertise in health,
- Conduct research on public health which relates to health system, epidemiology, medical science,
- Provide counseling on public health which are related to training and public health education, public health research and health system development,
- Provide **paramedical** service (or co-medical care)
- Filing of documents and distribution of information that relevant to public health,
- Perform as the arms of the Ministry of Health on public health development activities,
- Manage civil servants, staffs, workers, and State's property of NIPH,
- Coordinate and collaborate with national and international organizations and other relevant institutions,

Chapter II

Administration and Management

Part 1

Board of Director

Article 4:

NIPH shall be led by board of directors with comprehensive rights in managing all activities as stated in the provisions of this Sub-degree and the internal regulation of NIPH.

Article 5:

5.1 Board of directors shall compose of 07 (seven) members with the following compositions:

- Representative of the Ministry of Health Chairman
- Representative of Council of Ministers member
- Representative of the Ministry of Economy and Finance member
- Representative of the Ministry of Education, Youth & Sports member
- Director of NIPH auto member
- A Dignitary with knowledge and experiences in health sciences member
- Representative of NIPH's staffs auto member

5.2 Representative of NIPH's staffs shall be elected among all staff members of NIPH for each term.

5.3 Chairman and members of board of director who are not the auto-members shall be nominated by sub-decree for three years term following with the request of the line ministries or institutions that s/he represented. This term can be terminated at anytime with the request of the line ministries or institutions that s/he represented.

Article 6:

Members of the board of directors shall be selected from active officers who has provided service of at least five (5) years or a dignitary who sufficient experiences and high expertise in economic science, health, education or law. The person shall be Khmer citizen who has a criminal record that stated "never been convicted of guilty by the court".

Article 7:

7.1 Chairman of the board of directors is responsible for inviting and defining the agenda of the meeting of the board of directors.

7.2 Board of directors may invited external dignitary with experienced of education research, public health education and representative of donor or development partners to participate in the meeting of the board of directors. Those dignitaries can provide suggestion/recommendation but has no rights to vote.

Article 8:

The mission of the board of directors is responsible in leading, guiding and monitoring the implementing process of NIPH. Having accounted for this mission, the board of directors shall:

- Monitor and approve on the development plan of NIPH in line with the direction determined by the Royal Government,
- Check and approved the Plan of Action of the NIPH,
- Check and approve on the annual income and expenditure and annual budget of NIPH,
- Check and approved the annual financial statement,
- Define structure and determine roles and responsibilities of subordinated unit/offices and development of necessity,
- Define the selection process of promotion and award for NIPH's staffs which is not affected to any regulations or internal regulations which apply to the public agent,
- Determine and approve on the numbers of personnel/staffs for NIPH
- Approve on the public procurement in accordance with the regulation on public procurement,
- Define internal regulations of NIPH,
- Periodically evaluate the level of outcomes versus the NIPH's Goal and set measure for correction action,

Article 9:

Allowance for members of the board of directors shall be determined by Minister of the Ministry of Economy and Finance following the request of the board of directors after having approval of the Minister of Health,

Article 10:

10.1 The meeting of the NIPH's board of directors shall be organized of at least once in a quarter following the request of the chairperson or 2/3 of Board's members and above or with the request of NIPH's Director. In case that the chairperson is busy, the chairperson shall transfer this right to one of the Board's

member to lead the meeting. Chairperson of the meeting shall select a secretary of the meeting and that person must not be member of the board of directors. The secretary does not have rights to vote. The meeting's agenda and related documents shall be submitted to every member of the board of directors and relevant ministries-institutions as mentioned in this sub-degree of at least ten (10) days in advance.

10.2 The meeting of the board of directors shall be valid unless the meeting is attended by more than fifty (50) percent of the total members. The absent member cannot send his/her representative to participate in the meeting on his/her owned behalf. Whenever there are not enough quorum, no later than fifteen (15) days after the immediate previous meet, the board of directors shall call for the next meeting. This meeting shall not be restricted with numbers of quorum and the meeting shall discuss the same topic agendas that had already been proposed for the previous meeting. Participated members shall have to sign on the attendance sheet. All decision of the board of directors shall be valid when the approval made by majority of the members who are present. In case of equal voices the vote of the chairperson shall be prominent.

10.3 Decision of the board of directors shall be documented and signed by the chairperson and the secretary, then keep it at the NIPH. The minutes shall be clearly reflect all contents of the discussions then make copy and submitted to all members of the Board and concerned ministries no later than ten (10) days after the meeting.

10.4 NIPH shall submit to the Council of Ministers, Minister of Health, Minister of the Ministry of Economy and Finance, and Financial auditing officers of the following documents:

- Minutes of the meeting of the board of directors
- Development plan of NIPH
- Annual budget plan
- Annual financial statement

10.5 These documents shall be sent to the person in charge no later than fifteen (15) days.

Part 2

Executive body of NIPH

Article 11:

NIPH shall be managed by one rector appointed by the Royal Decree following the request of the Minister of Health. NIPH's rector is the Executive Director.

Article 12:

12.1 NIPH's rector is fully authorized to manage and implement the works as stipulated in this sub-degree excluding tasks which are under the authorization of the board of directors. NIPH's rector has duties as the followings:

- Organize the meeting of the board of directors.
- Implement all decision made by the board of directors and to put in action of other policies determined by the board of directors.
- Prepare annual budget of NIPH and submit to board of directors for approval,
- Make report of annual management activities, control annual financial accounting and submit these documents to the board of directors for checking,
- When necessary, certification should be made to certify duties of subordinated units under its supervision,
- Employ all vacant positions of the NIPH that approved by the board of directors and comply with regulation on staff management,
- Perform duty in accordance with hierarchy of NIPH's for staff, board of directors including sharing of authority as stipulated in the internal regulation and other relevant regulations, or to fulfill all administrative functions and manage all affairs assigned to by the decision of the board and in accordance with the NIPH's internal regulation.

12.2 The NIPH's director shall perform as a representative of the NIPH in relations with the third parties.

12.3 The NIPH's director shall propose nomination of few vice-directors to the Ministry of Health through the Board. Of both Director and Vice Director shall have knowledge on management.

Part 3
Staffs of NIPH

Article 13:

13.1 Permanent staffs of NIPH are staff of public functions who were transferred from Ministry of Health or those who were transferred from other State's institutions. The same amount of salary and other remunerations of those public servants that approved by Ministry of Public Functions shall be maintained.

13.2 The NIPH may recruit contractual staff, assistant and casual workers. Those staffs and agent shall abide by the internal regulations and the decision of board of directors and the labor law.

13.3 Staffs of NIPH shall be governed by the staff's regulations determined by the board of directors. Board of Directors shall determine bonuses for staff and the modality of payment as stated in the internal regulations.

Part 4

Properties of NIPH

Article 14:

14.1 NIPH will receive its first capital from the State such as land and non-moveable assets as stipulated in the annex in accordance with the final list of inventory. The total area of land is square meters 15.990.00 located at the lot No. 2, Sang Kat Beoung Kak II, Khan Tuol Kok, Phnom Penh Capital.

14.2 NIPH may purchase, exchange or sell movable and immovable assets. NIPH may purchase, exchange or sell immovable assets as necessary for the operation of the Institute after having approve from the two line Ministries and in accordance with the existing law.

Part 5

Financial and Accounting Management of NIPH

Article 15:

The financial and accounting management of NIPH shall implement in accordance with the public accounting principles as stipulated in article 122 of Sub-decree No. 82 ANK, dated November 16, 1995 on General Regulations of Public Accounting.

Article 16:

16.1 Director of NIPH is the front-line manger of the NIPH and shall be responsible for:

- Control the budget and settle all incomes
- Manage payment and issue expense order

16.2 Front-line manager may authorize to line-manager or establish revenue agent or advance agent (petty cash) with approval of NIPH's accounting agent.

Article 17:

17.1 Financial management and account control shall be conformed to the internal regulations of NIPH under the responsibilities of the accounting Agent. This accounting agent shall be nominated by Prakas (Proclamation) of the Minister of Economy and Finance and shall take an oath before resuming the office. The accounting agent shall participate in the meeting of the board of directors as consulting agent but has no right to vote.

17.2 The accounting agent is responsible for the following tasks:

- collect income,
- release money for all expenses,
- secure and manage the application of NIPH's funds and resources,
- maintain legal documents and manage accounting documents

17.3 Accounting agent may delegate certain authority to his/her subordinate.

Article 18:

18.1 NIPH's resources shall include:

- resources provided by the Government at the start-up of NIPH
- subsidy for the functioning and another subsidy as capital as stipulated in the National Budget,
- aids, donations, and other assistance in which NIPH received
- directly borrowing and money that the State borrow for NIPH
- earning and other fees from service charged by NIPH,
- profits earning from NIPH's properties and revenue generate from selling of properties under permission of the Government,
- interest of the property given to NIPH,

18.2 The regular income, expenditure and capital of NIPH is budgeting in the annual budget of NIPH. NIPH's board of directors shall define modality of management and implementation of its budget. All decisions made by the board of

directors relating to the modality of financial management and implementation shall have approval of the Minister of Economy and Finance.

18.3 NIPH's Front-line manager shall prepare budget plan and submit to the board of directors for approval no later than September 30 of each year. The budget shall be maintained the balance between income and expenditure.

Article 19:

19.1 Accounting tasks of NIPH are included as the following:

- general accounting shall be made into two parts, one of which is an operational budget, treasury and another transaction with the third party,
- Accounting, non-furniture, materials and cost-accounting
- accounting analysis if necessary

Accounting of NIPH shall:

- 1- In line with the rules issued by the Prakas of Minister of Economy and Finance,
- 2- strictly followed accounting plan of NIPH approved by the board of directors,
- 3- The accounting plan shall be approved by Minister of Economy and Finance,

19.2 Annual financial statement of NIPH shall be prepared by an accounting agent and front-line manager and attached with management report then submit to the board of directors for reviewing and approval no later than three (3) months from the closing date of account.

Article 20:

NIPH's fund is a public fund which is required to deposit in an account at the national treasury unless otherwise stated by the Prakas (proclamation) of the Minister of Economy and Finance.

Part 6

Fiscal Regime of NIPH

Article 21:

Unless there is contradictory provisions of the laws otherwise NIPH shall be put under the general jurisdiction of fiscal regime.

Part 7

Procurement of NIPH

Article 22:

Decision, implementation and monitoring over NIPH's procurement shall be governed by all existing regulations that related to this matter .

Chapter III

Part 1

Line of Technical Governing Body

Article 23:

23.1 Fifteen (15) days after the meeting of NIPH's Board, the development program and annual budget plan shall be submitted to the Minister of Health and Minister of Economy and Finance for approval. One month after receiving the papers, the Minister of Economy and Finance shall provide his/her suggestions to Minister of Health. Minister in charge of Technical Governing Body shall have a period of two (2) months starting from the date of acknowledgement the receipt of documents submitted by NIPH to approve all the requests.

23.2 Letter of approval shall be signed by Minister of Health or representative and send back to NIPH's director and circulates one copy to Minister of Economy and Finance. NIPH's director shall immediately notify this information to the board of directors.

In case that Minister of Health does not response within the said duration, the development program or annual budget plan shall be considered as acknowledgement and approve.

If there is objection from the Minister of Health on such development program or annual budget plan, Chairman of the Board shall call for a meeting immediately to discuss and find out solutions to such objection.

NIPH's development program and budget expenditure shall not be applicable if the objection made by Minister of Health or Lind leader of Technical Governing Body.

When there is objection from Minister or Line Leader of Technical Governing Body, the regular expenditure shall be segregated into twelve (12) parts for transaction.

Article 24:

24.1 Minister of Health can oppose to the consigned documents as stated in Article 23 above; which include the minute of Board's meeting and annual financial statement. Minister of Health has a period of one (1) month to voice objections.

24.2 NIPH's director shall notify board of directors the contents of the objection of Minister of Health. Board of directors shall conduct the meeting immediately and find out solutions to such objection. If board of directors may not endorse the said objection, then a written response with explaining the reason shall be made immediately to the Minister of Health.

Article 25:

25.1 Minister of Health may cancel or suspend the decision of the Board or NIPH's director if such decision composes of the following matters:

- contrary to the objectives of the Institute,
- contrary to the law and regulations,
- contrary to the modality of meeting as stated in article 10 of this Sub decree,

25.2 The cancellation or suspension shall be made by the Prakas of Minister of Health by indicating of personal idea or due to the complaints of the concerned parties. The cancellation or suspension of the decision shall be made in writing and send to Director of NIPH; and the director immediately notify this information to the board of directors.

Article 26:

In accordance with the existing procedure, regulation and law, Minister of Health may conduct an inspection or reviewing the performance of the NIPH's tasks wherever necessary.

Part 2

Line of Financial Governing Body

Article 27:

27.1 Fifteen (15) days after the meeting of the board of directors of NIPH, annual financial statement shall be submitted to Minister of Economy and Finance and Minister of Health. Within one month period after receiving the

documents, Minister of Health shall provide suggestions to Minister of Economy and Finance. Minister of Economy and Finance has a period of two (2) months from the date of submission of documents by NIPH's director to approve on the documents.

27.2 Letter of approval signed by Minister of Economy and Finance or Ministry's representative shall be sent to NIPH's director and copy to Minister of Health. NIPH's director shall immediately notify about the approval to the board of directors.

In case that there is no response from Minister of Economy and Finance within the said periods as mentioned above, the annual financial statement is considered approved.

If there is objection from the Minister of Economy and Finance on the report, Chairperson of board of directors shall call for meeting immediately to discuss and find out solutions to such objection.

In case that there is no solution to the objection raised by Minister of Economy and Finance, the annual financial statement shall not be considered approved.

Article 28:

The decisions as mentioned below made by the board of directors or NIPH's director shall be requested for prior approval from Minister of Economy and Finance and Minister of Health after consultation with financial controlling officers:

- Decision on the selling and transferring of titles of immovable assets,
- Decision on the exceptional of loan which exceed limitation as set in the Prakas of Minister of Economy and Finance,
- Decision on agreement for borrowing money, agreement for guaranteeing or any type of similarity,

Article 29:

Minister of Economy and Finance shall nominate one financial controlling officer to post at NIPH. The said officer shall be responsible for conducting the pre and post-audit over the financial transaction of NIPH in accordance with Sub-decree No. 81 ANK.BK dated November 16, 1995 on the establishment of financial monitoring scheme on the expenditure of line ministries, provincial- municipal

entities, **autonomous city**-Phnom Penh capital and administrative public organization.

The accounting agent as stated in this Sub decree shall participate in the meeting of the board of directors but has no right to vote.

Article 30:

30.1 The management of front-line manager of NIPH is under the monitoring of General Financial Inspectorate of the Ministry of Economy and Finance.

30.2 The management of accounting agent shall be under the monitoring of Central Accounting Department of the National Treasury and General Financial Inspectorate of the Ministry of Economy and Finance.

30.3 When necessary and in accordance with the provisions of the existing law and other related regulations, Minister of Economy and Finance may conduct verification, inspection and monitoring over NIPH.

Chapter IV
Final Provisions

Article 31:

Any provisions contrary to the contents of this Sub-decree shall be deemed abrogated.

Article 32:

Minister in charge of the Council of Ministers, Minister of Health, Minister of Economy and Finance, Ministers, Secretaries of State of concerned ministries and institutions shall comply with this Sub-decree from date of the signature.

Phnom Penh, September 4, 2006

Prime Minister

HUN SEN

Receivers:

- *Ministry of Royal Palace*
- *Secretariat of the Constitutional Council*
- *Secretariat General of Senate*
- *Secretariat General of National Assembly*
- *Secretary General of the Royal Government*

- *Cabinet of Samdach Prime Minister*
- *Cabinet of H.E. Deputy Prime Minister*
- *As mentioned in article 32*
- *Documents-archives*