



Kingdom of Cambodia
Nation Religion King
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No. NS/RKT/0200/039

ROYAL DECREE

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

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Reach Kret No. NS/RKT/1198/72 dated November 30, 1998 on the appointment of the Royal Government of Cambodia;
- Having seen the Reach Kram No. 02/NS/94 dated July 20, 1994 promulgating the Law on Organization and Functioning of the Council of Ministers.
- Having seen the Reach Kram No. NS/RKM/0196/06 date January 24, 1996 promulgating the Law on the establishment of Ministry of Health;
- 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 medical council in order to mobilize all physicians who have adequate qualification which is able to provide medical profession in the Kingdom of Cambodia.

The term of physician in this Royal decree is the legal person who graduated and has medical diploma accredited by the Ministry of Health of the Kingdom of Cambodia.

All professional physicians shall apply for registration with the medical council.

SECTION 2 MISSION OF MEDICAL COUNCIL

Article 2: Medical Council shall monitor the implementation of ethical principles, honesty, fairness and devotion which are necessary for sustainable and effective performance of medical profession.

Medical council shall monitor the professional practice of its members, and the implementation of other provisions as stated in the medical ethics.

Medical council shall protect the honor and freedom of medical profession.

Medical council fulfills its duty through the provincial-capital, regional and national medical councils.

SECTION 3 ROLE OF THE ETHIC

Article 3: Medical council shall be responsible for preparing medical ethic in pursuance of the necessary profession and conform to the evolution of economics, technique and social affairs which would be well developed for the interest of the patient.

Medical council monitors the operation of the professional tasks and compliance.

Medical council is an autonomous organization. It is a self-independent in budget expenditure and supplying, and to ensure the freedom and protection of the interest of professional ethic.

SECTION 4 ROLE OF ADMINISTRATIVE SUPERVISION

Article 4: Medical Council shall administer the power in accordance with the regulation.

Medical Councils shall maintain and update regularly the list of physicians who have registered and fulfilled all criteria in compliance with legal requirement and code of ethics.

The obligation of registration on the list of physicians is to fulfill the caring and treating the sickness (Article 10 of the Law on Management of Private Medical, Paramedical, and Medical Aide Profession), except the active military physicians shall not be permitted to represent for opening of the private clinic.

Medical Council is a solely professional organization to monitor the professional practice.

SECTION 5

ROLE OF JUDICIAL DECISION

Article 6: Any physician who commits more serious mistake in his or her profession than that as stated in article 26 of this Royal decree, the court has the rights to bring the case for trial and impose the punishment in accordance with the existing laws.

SECTION 6

ROLE OF COUNSELING

Article 6: Medical Council shall be called for consultation on the design of provisions of: Kret or Law submitted by the executive power for examination.

SECTION 7

ROLE OF MUTUAL RESCUE

Article 7: Mutual rescue is the contribution for physicians and their family.

Rescue has been prepared based on the following arrangement:

National Medical Council shall have in its budget a reserved budget for mutual assistance in order to allow for the use of reserved budget as an immediate assistance to appropriate case of physician's sufferable family.

This Council shall have a national committee that can help each other which include a representative of the Cambodian Medical Association as member.

This Council generate annual resources which take from each physician's contribution who have been registered with Medical Council.

CHAPTER 2

STRUCTURE

SECTION 1

PROVINCIAL-MUNICIPAL MEDICAL COUNCIL

Article 8: The Provincial-Capital Medical Council abbreviated, as “PMC” shall be established in each province and capital in the Kingdom of Cambodia.

For province that has less than 20 physicians shall be integrated with the nearest province that has lesser physicians to form a Medical Council.

Article 9: PMC shall have 9 full members and 9 assistant members in case of physicians who have been registered are not exceeding 100 persons.

This number will increase up to 11, 15, 19 or 21 persons if the number of physicians on the list is exceeding 100, 500, 1000 or 2000 persons.

Article 10: PMC shall be elected during the general assembly by physicians who have registered with PMC for 6 years term.

Members who have already finished their term may also stand for re-election

The Council shall elect their Chairperson and office once every two years after 1/3 of its Council's members have been changed.

The office of PMC includes: one Chairperson of the Council, one or more Vice-chairpersons, one Secretary General, a Deputy Secretary General, one Treasurer and one Deputy Treasurer.

Article 11: PMC shall fulfill its work within its respective provincial-capital framework and under the supervision of National Medical Council on overall competence as stated in article 2 of this Royal decree.

PMC shall decides to register physician who has fulfill all conditions as stipulated in Article 3, and 6 of the Law on Management of Private Medical, Paramedical and Medical Aide Profession on the list of Medical Council. PMC shall not discriminate its members because of sex, their belief, religion, political trend, social status, resources and other statuses.

Article 12: PMC has no power to impose discipline. If there is a complaint against any physician who is under its competency, PMC shall refer that complaint to the Regional Medical Council with specific reason.

Article 13: The Chairperson shall represent PMC in every civil activity.

Article 14: The Meeting of PMC shall not be conducted publicly. When the voices are equal, the vote of the Chairperson is a dominant vote. The Director of the Provincial-capital Health Department shall be invited to participate in the meeting of the Council, but for consultation only. PMC can invite a legal advisor to participate in the meeting.

Article 15: Physicians who practice medical profession in the province and capital shall apply for registration, which is regularly administered by the relevant Provincial- municipal Council.

Can only be registered with Medical Council for those physicians who hold medical diploma recognized by the Ministry of Health for performing medical professional practice and shall have to fulfilled all legal and ethical conditions.

Physician shall solely register within their respective province-capital where they perform medical professional practice.

Article 16: PMC shall decide on the registration, no later than 3 (three) months after receiving complete documents. PMC shall notify in letter of recommendation to the applicant, latest one week after making decision. In case of refusal, PMC should clearly explain the reason of refusal.

The permission for registration on the list of each PMC shall immediately notify to the provincial-municipal authorities, provincial-municipal prosecutors of that province and municipality and to the NMC.

Article 17: After having permission to register in the PMC where the person is living, the physicians can perform their medical professions within the province-municipality where they have registered only.

In case there is a change of location of medical profession to outside of the province-municipality where the physician has registered, the physician shall have to inform to the current council and reapply for new registration with the PMC where the person is going to live.

Article 18: The PMC shall receive the appeal from the National Council, Medical Association, the Minister of Health, Director of Provincial-Municipal Health

Department, prosecutor, and physician who has registered with the medical council, then report to the National Medical Council.

SECTION 2

REGIONAL MEDICAL COUNCIL (OR PRIMARY PROFESSIONAL DISCIPLINARY COUNCIL)

Article 19: The Regional Medical Council is abbreviated as RMC (or Primary Professional Disciplinary Council) has 9 (nine) full members and 9 (nine) assistant members who have been elected from and among PMC of that region. Each PMC shall elect its representative at least one who is full member and one assistant member. The number of remaining seats shall be divided to different province and municipality based on the number of physicians who have been registered by the National Medical Council.

The members of Regional Council shall be elected for 6 years mandate. Members who have already finished their mandate may also stand for re-election. The council shall select its Chairperson and office once in every two years after 1/3 of the council's members has been changed. The assistant members shall replace a full member who is absent regardless of what reason.

Article 20: The Chairperson of PMC, the Chairperson of RMC and Secretary General of these councils cannot hold overlapping function.

Article 21: The meeting of RMC shall be participated as Vice-chair and consultant by:

- Director of Provincial-Municipal Health Department, where RMC is located, shall represent the Minister of Health,
- One legal advisor appointed by the president of the court of that province - municipality,
- One labor-physicians (if it is available) shall be appointed by the Minister of Social Affairs, Labor, Vocational Training and Youth Rehabilitation,
- Director of Regional Technical School of Medical Care appointed by the Minister of Health,

Article 22: In the framework of Medical Council, the RMC shall implement its work by focusing on disciplinary authority only.

RMC can receive complaint from NMC, PMC, Medical Association, Minister of Health, Provincial-Municipal Health Department, authorities and provincial-

municipal prosecutors and from physician who has registered with Medical Council.

RMC shall examine and decide within six months (06) latest, after receiving the complaint. Otherwise, NMC shall send this complaint to one of the RNCs which was selected.

Article 23: Any request made by RMC for interviewing the physician who are serving public service and have registered with PMC shall be made through the Minister of Health, Director of Provincial-municipal Health Department or Provincial- municipal Prosecutor only.

Article 24: Disciplinary action shall be made in the presence of the accused physician. The accused physician is allowed to have defender who is physician or a lawyer recognized by the law.

Article 25: The RMC must have a record of trial after each trial proceedings. They must make an appropriate minute with verification and signature of all members of the council and the signature of the accused.

Article 26: RMC with the participation of disciplinary section of NMC can impose disciplinary action as the followings:

1. Warning,
2. Reprimand and record in personal file,
3. Prohibiting from professional practice for a period of times which is not exceeding three years or it may be prohibited permanently in a particular part or in a general functions of the medical profession which is recognized by the state,
4. Delete his/her name from the list of medical council,

Physician who was imposed first level and second level of disciplinary actions shall lose his/her membership from the PMC, RMC and NMC within 1 to 3 years, their membership shall lose forever when disciplinary action of the third and fourth level is taken.

The physician whose name has been deleted from the list cannot reapply for registration with other places (PMC).

The final decision that has been made shall be disseminated to every PMC and NMC. The decision of the RMC shall clearly proof the reason.

Article 27: After 3 years of termination from the list, the punishment physician shall be free from penalty that was imposed by the Medical Council. The request for a free pardon shall be made by the physician-himself. Once the request for free

pardon is rejected after careful consideration, then the new request for free pardon shall be made again in the next following year.

Article 28: The implementation of disciplinary action of the medical council shall not be an obstacle for the implementation of disciplinary action with the following misconduct:

1. Accusation of civil case can be made by public authority or private person to the court,
2. Civil activity to compensate the damages from misdemeanor,
3. Imposing administrative discipline at the work place of the physician,
4. Misconduct violently committed by the physician when performing medical care as stated in the national laws,

Annex:

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

SECTION 3

NATIONAL MEDICAL COUNCIL OF CAMBODIA

Article 29: The National Medical Council is abbreviated NMC shall be elected for 6 years term and divided as the followings:

- Each representative of the province-municipality shall be appointed by the Director of the Provincial-municipal Health Department,
- Two representatives represent Phnom Penh City shall be appointed by the Director of Phnom Penh Health Department,
- Five representatives are from the central unit appointed by Minister of Health,

- One representative is from the University of Health Science elected by their colleagues,

Article 30: NMC shall elect and change 1/3 of its members every two years. Every time after changing 1/3 of its members, NMC shall elect a Chairperson and its office for a period of two years. The office of NMC shall have one Chairperson, two Vice-chairpersons, one Secretary General, one Deputy Secretary General, one Treasurer and one Deputy Treasurer. The outgoing Chairperson and members of NMC may stand for re-election.

Article 31: The NMC shall have two physicians as assistants, one of them shall represent the Minister of Health and another one shall represent the Minister of Social Affairs, Vocational Training and Youth Rehabilitation in the position of Vice-chairperson and take the role as consultant.

Article 32: The NMC shall have a disciplinary section that composes of 7 (seven) members headed by one Chief who is selected from and among the 7 (seven) members.

Article 33: After election and changing 1/3 of its members, NMC shall elect new disciplinary section.

Article 34: The NMC shall fulfill its national role in the mission as stated in Article 2 of this Royal-decree.

The NMC shall monitor the compliance of professional obligations and other guidelines of all members of Medical Councils as stipulated in the code of medical ethics. The NMC shall collaborate with PMC to deal with all complicated problems that are relating to professional treatment of the physicians.

The NMC shall fulfill this task through its sections and committee in order to examine and review all issues or project plan proposed by the Minister of Health or other relevant institutions,

Article 35: The NMC shall determine a unified contribution fees that each member should pay for registration and annual membership's fee.

The NMC shall limit the amount of contribution fees that PMC should pay to NMC and RMC and the appropriate amount that shall be kept for PMC in order to ensure the expenditure for general affairs. The payment of contribution fee is the obligation of each member. The NMC manages all properties of the Medical Councils and shall create or contribute to the works which are the benefits of medical profession including other rescuing works.

The NMC shall control the management of PMC and RMC. The PMC shall report in advance to NMC before setting up any organization including the management of those organizations.

Article 36: The NMC shall establish a committee to control the accounting and financial management. The members of this committee shall be selected among the members who are not members of the office of the council.

At the end of each year, this committee shall make a report of its controlling activities to the NMC.

CHAPTER III FINAL PROVISIONS

Article 37: The Prime Minister of the Kingdom of Cambodia shall be responsible for achieving the implementation of this Royal-decree.

Article 38: This Royal-decree comes into effect from the date of signature of His Majesty the King.

Phnom Penh, February 1, 2000

Royal signature,

Norodom Sihanouk

No. 20 CL

For dissemination

Phnom Penh, February 2, 2000

Secretary General of RGC

Signature and seal

Nady Tan