



NS/RKT/0906/389

(Informal Translation)

ROYAL DECREE

ON

ESTABLISHMENT OF CAMBODIAN MIDWIVES COUNCIL

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Decree No. NS/RKT/0704/124 dated 15 July 2004, on the Appointment of the Royal Government of Cambodia
- Having seen the Reach Krom No. 02 NS/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers.
- Having seen the Reach Krom No. NS/RKT/0196/06 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Health
- Having seen the Reach Krom No. NS/RKT/1100/10 dated 3 November 2000 promulgating the Law on the Management of Private Medical Professional, Para-Clinic Professional and Medical Assistance Professional
- Having seen the Reach Krom CS/RKM/1179/05 dated 06 November 1997 promulgating the General Statutes for the Military of the Royal Military Police
- Having seen the request letter from the Samdech Prime Minister of Cambodia which was agreed upon by the full session of the Council of Ministers dated 18 August 2006.

We, the King, release the following order:

CHAPTER 1

General Provisions

Article 1._

Establish a Midwives Council for the purpose of gathering all qualified midwives who perform medical professional and para-medical professional in the Kingdom of Cambodia.

The term “Midwife” mentioned in this Royal Decree is referred to a legal person holding a midwife degree issued by the Ministry of Health of the Royal Government of Cambodia or issued by any educational institution whose quality of education is recognized by the Accreditation Committee of Cambodia (ACC).

All midwives performing medical professional and para-medical professional shall register with the Midwives Council.

The Ministry has a separate policy for the Traditional Birth Attendant.

CHAPTER 2

Mission of the Midwives Council

Article 2._

The Midwives Council shall monitor and ensure implementation of principles of morality, righteousness, fairness and loyalty necessary for effectively performing the medical professional and para-medical professional.

The Midwives Council shall observe performance of its member regarding the respect of professional obligation and other regulations stipulated in the Code of Ethics for Midwives.

The Midwives Council shall preserve honour and dignity of medical professional and para-medical professional.

The Midwives Council shall perform its duties through Provincial Midwives Council (PMC), Regional Midwives Council (RMC), and National Midwives Council (NMC).

Section 1

Moral Function

Article 3._

The Midwives Council is responsible for developing the Code of Ethics for Midwives by following necessary point of profession in holding economic and social techniques to leading to improving the patients.

The Midwives Council shall observe all midwifery practice and compliance of the Code of Ethics.

The Midwives Council is an autonomous organization and responsible for handling all financial aspects and ensure the professional dignity, interest and morality.

Section 2

Administration Function

Article 4._

Division of power shall follow the regulation of the Midwives Council. The Midwives Council shall maintain and update regularly the list of midwives who has legally registered and fulfilled the required ethics.

Registering with the Midwives Council renders a person to be able to provide midwifery services.

The Midwives Council is the only professional organization charged with observing performance of medical professional and para-medical professional.

Section 3

Judicial Decision Function

Article 5._

Any complaint made against professional misconduct by midwife shall not be an obstacle for filing complaint to the court.

Section 4

Counselling Function

Article 6._

The Midwives Council shall be requested to provide counselling on drafting midwifery law or other midwifery related regulations/guidelines.

Section 5

Mutual Assistance Function

Article 7._

Mutual assistance is important for the midwives and their families. The mutual assistance scheme shall be as follows:

- The Midwives Council shall reserve budget to be used as emergency response budget whenever necessary to help the grieved families of the midwives in emergency.
- The Midwives Council shall establish a separate Committee for the above purpose composing of one membership from Cambodian Midwives Association.
- The Committee shall make budget available every year which could draw partially from the membership budgets paid by midwives to the Midwives Council.

CHAPTER 3

Organizational Structure

Section 1

Provincial/Municipal Midwives Council (PMC)

Article 8._

PMC shall be established within each province and municipality in the Kingdom of Cambodia. Any provinces/municipalities which has less than 20 midwives shall integrate into the nearest province/municipality in order to form up a Provincial Midwives Council.

Article 9._

PMC shall have 9 permanent members and nine alternative members in the case that the number of midwives does not exceed 100 persons. The number of members could increase up to 11, 15, 19 or 21 should the number of midwife registered exceeds 100, 500, 1,000 or 2,000 respectively.

Article 10._

The PMC members shall be elected by all registered midwives for a period of six years. Members who have already completed their term could also stand for election. The Council shall elect a President and its office once every two years when one third of the Council members have been changed. There must clearly state in the internal rule regarding the indefinable number of change. The office of the PMC shall compose of one President, one Vice President, one Secretary General, one Finance Officer and five other members.

Article 11._

PMC shall undertake its duties within the framework of its own provinces/municipality and under supervision of the National Midwives Council regarding the general responsibility stipulated in the Article 2 of this Royal Decree. PMC has full power to decide on register who fulfilled the condition set out in the Article 3 of Chapter I, Article 6 of Chapter 2 of the Law on Management of private medical professional, para-medical, and auxiliary medical professional.

Article 12._

PMC has no power to impose any disciplinary measure on any midwife under its supervision when there is complaint. PMC shall further submit this complaint to the Regional Midwives Council by clearly specify in the reason of the complaint.

Article 13._

The President shall represent PMC in all civil activities.

Article 14._

The meeting of the PMC shall not be organized openly. The President has the power to make final decision when the votes/voices are equal. Director of the Provincial/Municipality Health Department could be invited to join the meeting for advisory voice only. PMC could invite legal advisor to attend the meeting as well.

Article 15._

Midwives in all provinces/municipalities shall register with the PMC of their respective area. Only midwives holding midwifery degree issued by the Ministry of Health or degree issued by education institution recognized by the Accreditation Committee of Cambodia and has fulfilled the legal and code of Ethics for Midwives are allowed to register. The registration could only be made in the province/municipality where the midwives practice.

Article 16._

PMC shall decide on the registration no later than 3 months, starting from the day they received sufficient required documents from the applicant. One week after approval, PMC shall inform in writing to the applying midwife. Should PMC reject any applicant, a clear reason in writing shall be provided to the applicant.

Any accepted midwife to be registered, PMC shall, no later than two weeks, inform related provincial/municipality authority, provincial/Municipal Prosecutor, and National Midwives Council.

Article 17._

Following their named registered with the Midwives Council, midwives are able to serve as medical professional and para-medical professional in the province/municipality where they were registered. In case that the midwives want to move their professional business outside the read their name were registered, those midwives shall inform the current council and need to re-apply to the new council of their new place.

Article 18._

PMC who receive appeal (rejection complaint) made by the National Midwives Council, Cambodian Midwives Association, Minister of health, Director of Provincial/Municipality Health Department, Prosecutor or any registered midwives shall report to the National Midwives Council.

Section 2

Regional Midwives Council (RMC)

Article 19._

The geographical location for the RMC is divided as follows:

Region 1: the regional office shall cover Phnom Penh, Kandal, Kampong Speu, Kampong Chhnang and be located in Phnom Penh.

Region 2: The regional office shall cover Pursat, Battambang, Banteay Meanchey, Siem Reap, Odor Meanchey, Pailin and be located in Battambang

Region 3: The regional office shall cover Takeo, Kompot, Koh Kong, Sihanoukville and Keo and be located in Kampot

Region 4: the regional office shall cover Stung Treng, Ratanakiri, Mondulkiri, Kratie and Preah Vishea and be located in Stung Treng.

Regional 5: The regional office shall cover Kompong Cham, Kompong Thom, Prey Veng and Svay Rieng and be located in Kamong cham.

Article 20._

RMC plays the role as Primary Professional Discipline council and has nice permanent member and nice alternative members who are elected amongst the region. Each RMC shall nominate at least one representative and one alternative and the remaining seat shall be given to province/municipality depending on number of register midwives.

The elected member of the RMC shall serve for a period of six year. Members who have already completed their term could also stand for the election. RMC shall select a President and other member for the office one every two year when one third of the council members have changed. The alternative member shall back up the permanent member during their absence with whatever reason it may be.

RMC has one President, one Vice President; one Secretary General, one Finance Officer and five other members.

Article 21._

President of the PMC and RMC and the Secretary General of these two councils could not hold duplicated positions.

Article 22._

The following person could attend the meeting of RMC in capacity as Vice Chair and counsellor:

- Representative of the Minister of Health
- Director of Provincial/Municipal Health Department where the RMC is located
- Legal Advisor assigned by Provincial/Municipal Court of the area
- A labour midwife when assigned by the Minister of Labour and Vocational Training
- Principal of Regional Training Centre

Article 23._

In their capacity, RMC shall perform its duties within the disciplinary framework only. RMC could be the place to receive complaint made by Minister of Health, Director of Provincial/Municipality Health Department, Provincial/Municipal Authority, Provincial/Municipal Prosecutor, or the registered midwife herself. RMC shall review and decide within six months the latest following receipt of the above complaint or NMC would send this complaint to a different RMC.

Article 24._

Midwives who are serving public services and already registered with the PMC, could defend the complaint in front of the RMC only through the Minister of Health, Director Provincial/Municipal Health or Provincial/Municipal Prosecutor.

Article 25

Disciplinary action should be made in the present of the accused midwife. The accused midwife is allowed to use defender, be it a midwife or a lawyer in the kingdom of Cambodia. If the accused midwife does not show up within 3 times of invitation without valid reason, RMC will apply Point 4 or the Article 27 of the Royal Decree.

Article 26._

RMC shall maintain all records of disciplinary meetings. RMC shall prepare a comprehensive report with approval and signature from all members of the meetings, including those of the accused midwife.

Article 27._

With participation from the Disciplinary Unit of the NMC, RMC could impose the following disciplinary measures:

1. Give warning
2. Issue a reprimand letter and record in personal file
3. Impose professional suspension for a period of not more than 3 years or permanently of certain or whole part of medical professional and para-medical professional recognized by the Government.
4. Remove from the list of Midwives Council.

Those midwives whose names have been removed from the list are not longer allowed to re-register in other places. Should the last measure be used, the decision shall be disseminated to all PMCs and NMC. RMC is to make the above decision based on a solid reason.

Article 28._

After completing the minimum period of 3 years professional suspension, the imposed midwife could be granted amnesty upon submitting request. Once this request is rejected following thorough assessment, the midwife could re-submit request the following year.

Midwife who has been imposed with permanent disciplinary measure on any part or overall part of medical professional and para-medical profession, there would not be granting of amnesty if so requested.

Article 29._

The implementation of midwife disciplinary measure would conflict with the administrative or judicial measure.

Section 3

National Midwives Council (NMC)

Article 30._

NMC member shall be selected through votes for a period of 6 years as indicated below:

- One representative from each province/municipality who is selected through votes among PMC members and the elected representative shall be appointed by the Provincial/Municipal Health Department Director
- Two representatives from Phnom Penh who are selected through votes among its members and the elected person shall be appointed by the Phnom Penh Municipal Health Department Director.
- Five representatives from central institution who are selected through votes among its members and the elected person shall be appointed by the Minister of Health.
- One representative from Technical School of Medical Care who would be appointed by the Rector of the University.

Article 31._

Following each reshuffling of 1/3 of staff, NMC shall select new staff to fill in one every two years and select chairperson and staff for a period of two year.

The office of the NMC shall compose of one president, two vice presidents, one secretary general, one deputy secretary general, one financier, and one deputy financier. The outgoing NMC president and members can stand for re-election.

Article 32._

NMC shall have two midwife assistants with counselling voice – one represents the Minister of Health and another represents the Minister of Labour and Vocational Training.

Article 33._

NMC shall have Disciplinary Unit comprising of 7 members led by a Chair selected out of the above 7 members. Disciplinary members shall be selected through votes among NMC members.

The disciplinary unit has duties as stipulated in Article 23 and 27 of the Royal Decree.

Article 34._

Following the reshuffling of 1/3 of its staff, NMC shall reselect the disciplinary staff.

Article 35._

NMC shall perform its duties in accordance with Article 2 of the Royal Decree.

NMC shall observe the performance of its member regarding the respect of professional obligation and other regulations stipulated in the Code of Ethics for Midwives.

NMC shall cooperate with PMC in resolving any complex issues related to midwifery practice.

NMC shall perform the above duties through its specialized units and other committees and review all issues and plans proposed by the Minister of Health and other relevant institutions.

Article 36._

NMC shall define an agreed amount of membership contribution which members are required to pay for registration and annual membership fee.

NMC shall also define the amount of the contribution the PMC required to pay to NMC and RMC, and the amount PMC need to keep for general operation expenditures. Paying the membership contribution is a compulsory duty to all members.

NMC shall control all assets of CMC and is allowed to establish or support any VANNAKAM in the interests of midwifery profession including other emergency works.

NMC shall monitor the management of PMC and RMC. PMC shall report to NMC first and then copies to RMC regarding to the formation of its organizational structures as well as other arrangements of those units.

Article 37._

NMC shall establish a committee to handle all financial and internal audit affairs. Members of this committee shall be selected by NMC among members external to the counselling and disciplinary unit.

At the end of the year, the committee shall prepare an evaluation report and submit to the NMC.

CHAPTER 4

Inter Provisions

Article 38._

In the first mandate, NMC members shall be selected and endorsed by Minister of Health to ensure effective process.

During the first 6 years of the first mandate, PMC and RMC staff shall be selected from internal colleagues and recognized by NMC.

Article 39._

Minister of Health shall establish a transitional working group in order to develop the process of establishing CMC.

CHAPTER 5

Final Provisions

Article 40._

Any provisions contrary to the Royal Decree shall be deemed null and void.

Article 41._

The Samdech Prime Minister of the Royal Government of Cambodia shall be responsible for effectively implementing the Royal Decree from the date signed hereunder.

Phnom Penh, September 18, 2006

On behalf of and through the order of the Royal Highest

Acting Head of State

Signature

CHEA SIM