



SUB-DECREE

ON

THE CODE OF ETHICS FOR MIDWIVES¹

Royal Government of Cambodia

- 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 Kram 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 Kram No. NS/RKT/0196/06 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Health
- Having seen the Reach Kram 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 Royal Decree No. NS/RKT/0906/389 dated 18 September 2006 on the Establishment of the Midwives Council
- Having seen the Sub-decree No. 67 ANK/BK dated 22 October 1997 on the Organization and Functioning of the Ministry of Health
- Having seen Sub-decree No. 94 ANK/BK dated 11 September 2002 on the Procedure and Conditions for the Authorization of Foreign Medical, Para-Clinic, Medical Assistance Professional to Practice in the Kingdom of Cambodia

¹ This Sub-Decree on the Code of Ethics for Midwives has been prepared by Dr Jan Duke, UNFPA International Consultant, based on the English Draft prepared by Dr Kong, UNFPA National Legal Consultant. The draft was developed based on a range of documents including the Draft Code of Ethics for Midwives, the Draft Code of Ethics for Nurses, and the Physicians Code of Ethics.

As International Consultant Dr Duke comments that it is important that the role of the Midwifery Council remains an independent organisation concerned with regulation and registration of midwives and that the Council does not become involved in promulgating regulations that are the responsibility of employing agencies or the Ministry of Health.

Further, Dr Duke notes that in the Kingdom of Cambodia the meaning of Code of Ethics is much broader than the meaning of a Code of Ethics in the international regulatory frameworks.

- Having seen the Approval of the Council of Ministers Meeting on [day, month 2010]

DECIDED

CHAPTER 1: General Provisions

Article 1: Objective

The objective of this Sub-decree is to regulate the midwifery code of ethics in the Kingdom of Cambodia, thereby ensuring safe birthing practices, reducing maternal and neonatal mortality and morbidity, and improving the health status of women, mothers and their newborn babies.

Article 2: Coverage

This Sub-decree governs midwives and midwifery trainees, working in both public and private institutions in the Kingdom of Cambodia.

Article 3: Definition of a Midwife

A midwife is a person who, having been regularly admitted to a midwifery educational programme of an institution recognised by the Ministry of Health or the Ministry of Education, Youth and Sports, has successfully completed a prescribed course of study, in midwifery, and has acquired the requisite qualifications to be registered to practice midwifery. A midwife is a responsible and accountable professional who works in partnership with women to give the necessary support, care and advice during pregnancy, labour and the postpartum period, to conduct births on the midwife's own responsibility and to provide care for the newborn and the infant. This care includes preventative measures, the promotion of normal birth, the detection of complications in mother and child, the accessing of medical care or other appropriate assistance and the carrying out of emergency measures. A midwife has an important task in health counselling and education, not only for the woman, but also within the family and the community. **This work should involve antenatal education and preparation for parenthood and may extend to women's health, sexual or reproductive health, sexual or reproductive health and child care.**

CHAPTER 2 General Duties and Responsibilities of a Midwife

Article 4: Primary Duties of a Midwife

A Midwife shall:

- (1) Function in accordance with law and provisions regulating on midwifery practice and apply traditional midwifery practice as appropriate.
- (2) Accept accountability and responsibility for own actions within midwifery practice.
- (3) Communicate information to facilitate decision-making by the woman.
- (4) Promote safe and effective midwifery care.
- (5) Assess, plan, provide and evaluate safe and effective midwifery care.
- (6) Assess, plan, provide and evaluate safe and effective midwifery care for the woman and/ or baby with complex needs
- (7) Advocate to protect the rights of women, families and communities in relation to maternity care, including the right to carry out the pregnancy free from violence
- (8) Develop effective strategies to implement and support collaborative midwifery practice.
- (9) Actively support midwifery as a public health strategy.
- (10) Ensure midwifery practice is culturally safe.
- (11) Base midwifery practice on ethical decision making.
- (12) Identify personal beliefs and develop these beliefs in ways that enhance midwifery practice.
- (13) Act to enhance the professional development of self and others.
- (14) Use research to inform midwifery practice.
- (15) Be involved in relevant policy and strategy development to promote maternal and child health

Article 5: Midwifery Establishment

A midwifery establishment is a place where a midwife practises midwifery services.

A midwife may practice in any establishment including the home, community, hospitals, clinics or health units.

A midwifery establishment and midwifery equipment shall be maintained in a safe and hygienic manner.

Article 6: Notification to Midwives Council

A midwife shall notify the Midwives Council within thirty days after she has changed her place of work or midwifery establishment.

A midwife shall notify the Midwives Council within thirty days after she has changed her name.

Article 7: Midwifery Association

Each midwife shall have freedom to form or join a midwifery association for pursuing the protection of the midwifery profession and midwifery interests.

Article 8: Sovereignty of a Patient

A midwife shall respect the life, body, honor and dignity of patients while providing midwifery services.

In cases where a patient cannot talk or express her will, her husband, parents, guardian or legal representative shall be informed about her health condition.

Article 9: Professional Confidentiality

A midwife shall be responsible for professional confidentiality as prescribed by law and relevant provisions for maintaining the privacy, honor and dignity of patients.

A midwife shall not write or speak about anything, or conduct herself in a manner, which may affect any midwife or the midwifery profession.

A midwife shall not reveal a patient's identity for publication, public comment or scientific purposes except when the patient gives her consent.

Article 10: Professional Independence

A midwife shall maintain her professional independence in all circumstances.

A midwife shall respect the professional independence of other midwives.

Article 11: Rights of a Patient

A midwife shall respect the rights of a patient in choosing any midwife and shall facilitate a patient in choosing a midwife of her choice.

A midwife shall provide midwifery services to a patient without discrimination based on race, color, sex, language, belief, religion, political affiliation, origin, social status, resource, or other status.

Article 12: Advertisement

A midwife shall not advertise midwifery services, establishments or settings without appropriate authorization.

The owner(s) or manager(s) of the midwifery establishments shall be responsible for seeking authorization from the Ministry of Health if they wish to advertise their midwifery establishments or services.

The advertisement shall comply with Khmer culture, tradition and dignity.

False advertisement shall result in criminal punishment according to applicable criminal law.

Article 13: Midwifery Prescription

A midwife may issue a midwifery prescription based on the *Prakas* issued by the Ministry of Health.

A midwife shall not prescribe or distribute medicine without authorization of the relevant authority concerning drugs administration in the Kingdom of Cambodia.

A midwife shall not advise the patient to consume expired drugs or to mislead that expired drugs are effective drugs.

Article 14: Limits of Midwifery Practice

A midwife shall not provide midwifery services, issue a midwifery prescription or offer midwifery counselling outside her field of expertise or responsibility except in the case of an emergency.

Article 15: Midwifery Emergency

A midwifery emergency is any event where a woman, who is pre-delivery, delivering, has recently delivered, and/or an infant, is in an immediate danger. In the case of such emergency, a midwife shall immediately assist the patient and shall provide all necessary care.

Article 16: Battered Woman

A midwife shall take appropriate actions to assist a woman and/or her infant who are victims of physical assault and battery.

Article 17: Notice to Competent Authority

A midwife who examines or counsels a suspect, an accused, a detainee or a convicted person shall notify the competent authority if she finds that those persons are not receiving adequate healthcare or treatment.

Article 18: Prohibition of Midwifery Practice

A midwife shall be prohibited from conduct as follows:

- (1) A midwife shall not extort money or valuables from patients.
- (2) A midwife shall not use her authority for obtaining a contract, privilege, rights, or interests from a patient.
- (3) A midwife shall not act in conflict of interest with hospitals, clinics or other midwifery establishments in regards to the referral of patients for commissions or fees.
- (4) A midwife shall not perform midwifery practice in a public places such as commercial centers, parks and other open places which may interfere the privacy, honor and dignity of the patients.
- (5) A midwife shall not issue a fake midwifery certificate, letter of certification, referral or other documents concerning midwifery practice.
- (6) A midwife shall not cheat, overcharge or provide false information concerning her services and fees.
- (7) A midwife shall not establish a group, a network or a community in order to discriminate against another midwife, group or community.
- (8) A midwife shall not use a pseudonym in midwifery practice.

Article 19: Abortion

A midwife shall not be forced to do the abortion.

Abortions shall be carried out according to the applicable law and provisions.

Article 20: Midwives Holding other Positions

A midwife who holds any electoral mandates or formal positions shall not use her position to attract patients.

Article 21: Working Outside Midwifery Profession

A midwife shall not work in any affairs or institutions outside her professional practice which may humiliate or degrade the honor or dignity of the midwifery profession, medical profession or paramedical professions.

Article 22: Prohibition of Supporting Illegal Midwifery Practice

A midwife shall not support any person to practice illegal midwifery.

CHAPTER 3

Relationship between Midwife, Patients and Infants

Article 23: Responsible Midwifery Services

A midwife shall provide midwifery services with full responsibility based on the knowledge and availability of the most modern midwifery procedures and practice and may seek advice from another midwife or medical professional as appropriate.

Article 24: Fair Practice

A midwife shall attend to patients within a reasonable timeframe and shall always be accountable for practice.

Article 25: Seeking Consent from a Patient

A midwife shall explain clearly to the patient who has been examined, counselled or treated about her health condition, research and healthcare options. A midwife shall use all available means to explain the patient about her health condition.

In the event that a patient, her husband, parents, guardian or the legal representative of the patient refuses the treatment or healthcare administered by the midwife, the midwife shall explain to them the consequences of such refusal.

Article 26: Notifying a Patient

A midwife shall inform the patient about any diagnosis or development in her health condition.

In life threatening conditions, a midwife shall provide the most accurate information to the patient and may inform her husband, parents, guardian or legal representative except in the event that the patient disagrees to let the midwife to inform them.

Article 27: Denial of Services

A midwife may refuse to provide midwifery services to any patients based on professional or personal reasons except in case of emergency. If services are refused the midwife shall refer the patient to alternative services.

Article 28: Duties Owed

In case of an accident in a public or private place, a midwife shall not abandon the patients, infants and/or children unless there is an appropriate order by the head of the unit or competent authority.

Article 29: Services for a Minor and a Person under General Guardianship

A midwife who examines a minor or a person under general guardianship shall notify his or her parents, general guardian or a legal representative and shall seek consent from them before providing midwifery services.

A midwife may also consider the comments made by a minor and a person under general guardianship.

Article 30: Special Protection for a Minor

A midwife shall offer special protection for a minor, if she or he is not well treated, or if her or his interests or rights are not well protected. In such case, a midwife shall notify the competent authority as soon as possible.

Article 31: Foreseeable Danger

During delivery or after delivery, if a midwife foresees that the life of a mother or infant is in danger, she shall inform patient's husband, her relatives or any persons based on the request of the patient so that they are able to consider alternative means of care of the patient.

Article 32: Official Language

A midwife shall keep all documents records, observations or other documents in the Khmer language. Additionally a patient may request to have it done in another language if the midwife is able to do this.

Article 33: Confidential Documents

A midwife shall be responsible for keeping all midwifery documents. All records and documents concerning patients shall be treated as confidential except for internal use, medical purposes or judicial proceedings. A midwife may refer such documents to a third

person only at the request of the patient, parents, guardian or legal representative of the patients.

A midwife shall reveal her personal identification and sign on all relevant documents.

Article 34: Clear Recording

A midwife shall write midwifery prescriptions and records clearly so that the patients and concerned persons can understand them

Article 35: Respecting Patient Privacy

A midwife shall not interfere in personal issues or invade the personal privacy of the patients except when relating to midwifery practice.

Article 36: Assisting a Patient

A midwife shall assist the patient who is entitled to receive social supports or benefits as provided for by applicable law or provisions. However, a midwife shall not provide misleading information about such benefits or social supports.

Article 37: Gift for a Midwife

A midwife who provides midwifery services and care may receive a gift, rewards or other benefits from the patients if such benefits are not contradictory to the applicable law.

Article 38: Midwifery Fees

A midwife or a midwifery establishment shall advertise the fee for midwifery examination, treatment, consultation and other midwifery services.

A midwife or official in charge may inform the patient about the fees quote and other necessary costs before providing midwifery service, except in case of emergency.

The fees may be claimed for payment only after the midwifery service has been offered. A midwife or a midwifery establishment shall not allow taking a deposit before offering midwifery services.

A midwife may offer midwifery services free of charge.

A midwife or a midwifery establishment shall respond to any inquiries made by the patients, parents, guardian or legal representative of patients for information related to midwifery fees.

CHAPTER 4

Relationship between Midwife and Colleagues and other Medical Professionals

Article 39: Maintaining Relationship

A midwife shall maintain a good relationship with her colleagues and other medical professionals by encouraging and supporting each other in the interests of professional healthcare, patients, public safety, and wellbeing in the community and workplace.

Article 40: Instruction of Medical Professionals

A midwife who is assigned to carry out any midwifery duty by a medical professional shall follow the instruction except in the case of *force majeure* or impossibility, or in the event that such instruction is contradictory to the midwifery profession.

Article 41: Attended Patients

A midwife who provides midwifery services to a patient who has previously been attended by another midwife shall comply as follows:

- (1) A midwife may be invited to replace another midwife who is not available or able to provide midwifery services.
- (2) A midwife shall withdraw herself from the replacement when the first midwife returns to practice.
- (3) A midwife may communicate with a midwife who previously provided midwifery services to the patient for comments or advice. Before doing so, the midwife shall have consent from the patient.
- (4) Midwives may jointly provide midwifery services to a patient if they are requested to do so by the patient or they volunteer to offer such services with consent of the patient or parents, husband, relatives or legal representative of the patient.

Article 42: Midwifery Trainees

A midwife shall not allow a midwifery trainee to practice alone without immediate supervision. The Midwives Council shall regulate the training of midwives including requirements for supervision of trainees

CHAPTER 5 Midwifery Practice

Section 1 General Midwifery Practice

Article 43: Competent Midwifery Practice

A midwife shall be responsible for her own practice. A midwife shall maintain her competence to carry out midwifery practice. A midwife shall not practice outside her area of responsibility and competency

Article 44: the Use of Letterhead

A midwife may use letterhead for her midwifery prescription and print personal identification on it. The letterhead shall not contain any content of commercial advertisement.

Personal identification and data may include:

- (1) Full name, midwifery registration number, address of the midwifery establishment, phone number, fax number, e-mail address, date and time of consultation.
- (2) Relationship between the midwifery establishment and the insurance institution, if any.
- (3) Title of the practice and authorization by the Ministry of Health.
- (4) In the event that the midwife practises in a partnership or group, a list of personal identification of all midwifery partners or members shall be included on the letterhead of the midwifery prescription.

Article 45: Public Information to be provided

A midwife or midwifery establishment must publicize information as follows:

- (1) Full name and address of the midwifery establishment, phone number, fax number, e-mail address
- (2) Relationship between the midwifery establishment and the insurance institution, if any.
- (3) Names and registration numbers of all midwives employed in the establishment

Article 46: Equal Protection

All midwives shall be equally treated and enjoy equal professional protection under this Sub-decree.

Section 2 Public Midwifery Practice

Article 47: Public Midwife and Professional Independence

A public midwife is a public official and shall respect the law and provisions concerning public functions.

A public midwife shall not be forced to abuse her midwifery profession by any public institution, employer or supervisor.

Article 48: Notification to the Midwives Council

A public midwife shall notify the Midwives Council about her employment on the form created by the Midwives Council and shall submit a written contract or an official letter of appointment issued by a relevant public institution.

Article 49: Notification of Public Institutions

Before conducting disciplinary action of the public midwife concerning professional misconduct, the Midwives Council shall inform the head of the institution that employs the midwife.

Section 3 Private Midwifery Practice

Article 50 Private Midwifery Practice and Professional Independence

A midwife shall be allowed to practice in a private institution as a private midwife.

A private midwife shall not be forced to abuse her midwifery profession by any private institution, employer or supervisor.

Article 51: Notification to the Midwives Council

A private midwife shall notify the Midwives Council about her employment based on the form created by the Midwives Council and shall submit a written contract or an official letter of appointment issues by a relevant private institution.

Article 52: Notification of Private Institutions

Before conducting disciplinary action of the private midwife concerning professional misconduct, the Midwives Council shall inform the head of the institution that employs the midwife.

Section 4 Midwifery Review

Article 53: Definition

A midwifery review is an act of reviewing and analysing the performance of a midwife concerning her midwifery practice following a complaint about that practise.

Article 54: Appointment of the Midwifery Reviewer or the Midwifery Reviewing Committee

A midwifery reviewer or the midwifery reviewing committee (however named) shall be appointed by the Midwives Council to review complaints filed by a patient or any concerned authority and to review the performance of a midwife.

Article 55: Conflict of Interests for a Midwifery Reviewer

A midwife who treats a patient shall not perform a review for the same case.

A midwife who works at the same midwifery establishment or is a relative up to 4th level or a close connection to a person involved in the case being reviewed shall not perform the review.

Article 56: Competence of a Midwifery Reviewer

A midwifery reviewer shall be professionally independent and competent to express opinions concerning her analysis and findings of the reviewed case.

A midwifery reviewer shall not be biased in providing her arguments or conclusions concerning to the reviewed case.

Article 57: Informing the Patients

A midwifery reviewer or a midwifery reviewing committee shall inform a patient about the requirements in reviewing the relevant case.

Article 58: Roles of a Midwifery Reviewer

A midwifery reviewer shall not interfere in the treatment or healthcare plan of the attended midwife except as the law or provisions state otherwise.

In all cases a midwifery reviewer shall notify the Midwives Council of the outcome of the review and the Council shall initiate further action as appropriate.

Article 59: Confidentiality of a Midwifery Reviewer

A midwifery reviewer shall strictly respect professional confidentiality. Reports or documents containing identification of the patient or attending midwife shall not be disclosed to irrelevant institutions or the public.

Section 5

Forensic Midwifery Practice

Article 60: Midwifery Forensic Certificate

A midwife may issue a forensic certificate concerning any midwifery services only at the request of the patient, husband, parents, a relative or a legal representative person of the patient; or any competent authority as provided for by the applicable law and provisions.

Article 61: Competence for Conducting Forensic Examination

A midwife shall provide forensic analysis and findings based on the most accurate methods and techniques used for the midwifery examination requested by the concerned parties or competent authority as stipulated in the Article 60 of this Sub-decree.

Article 62: Conflict of Interests

A midwife shall not perform forensic examinations when there is a question of conflict of interests.

A midwife who is suspected or accused of malpractice or under criminal jurisdiction shall not perform forensic examinations.

Article 63: Contents of the Forensic Examinations Report

While performing forensic examination, a midwife shall report only the contents requested for conducting examination. A midwife shall not report facts or findings that she learnt prior to the examination.

Article 64: Confirmation of the Forensic Examination

A midwife shall confirm that she has done the forensic examination by herself to the best of her knowledge and ability.

CHAPTER 6 Other Provisions

Article 65: Additional Policies

Registration of midwives, complaints and disciplinary procedures and penalties shall be adopted by the Midwifery Council.

Article 66: Knowledge of Code of Ethics

At the time of registration, a midwife shall declare before the Midwives Council that she has understood the Sub-decree on the Code of Ethics for Midwives.

Article 67: Non-Practicing Midwife

Any midwife who is registered with the Midwives Council but does not practice is not required to apply for or renew a practising certificate. She shall notify the Midwives Council about her intention to be a non-practicing midwife.

Article 68: Submission of False Statement

A false statement submitted to the Midwives Council by a midwife shall be subject to disciplinary actions or cancellation of the registration.

Article 69: Change and Giving up of Midwifery Practice

A midwife who changes or gives up her midwifery professional practice shall notify to Midwives Council.

Article 70: Decisions of the Midwives Council

Each level of the Midwives Council shall make its decisions based on applicable law and provisions and Khmer culture and tradition.

Article 71: Appeal for Reviews

A decision of the Provincial Midwives Council may be revised or reviewed by the Regional Midwives Council.

A decision of the Regional Midwives Council may be revised or reviewed by the National Midwives Council.

Article 72: Monitoring the Midwifery Practice

Each level of the Midwives Council shall monitor the application of all provisions of the Council.

Article 73: Internal Rules

The Midwives Council shall adopt develop and adopt a set of internal administrative rules based on relevant applicable law, international standards and Khmer culture, tradition and custom.

The Midwives Council may review and adopt the international and regional midwifery standards into midwifery practice in the Kingdom of Cambodia.

CHAPTER 7

Final Provisions

Article 74: Validity

All provisions contrary to this Sub-decree shall be hereby repealed.

Article 75: Enforcement

The Minister of the Council of Ministers, the Minister of the Ministry of Health, the Minister of the Ministry of Justice, the Minister of the Ministry of Interior, the Minister of the Ministry of Labor and Professional Training, the Minister of the Ministry of Women and Veterans Affairs, the Minister of the Ministry of Environment, the Minister of the Ministry of the Rural Development, all ministers, secretary of states of relevant ministries and institutions shall be responsible to apply this Sub-decree from the date of signature.

Phnom Penh, [Day, Month, 2010]

Prime Minister

Samdech Akka Moha Sena Padei Techo HUN SEN

Places of Reception

- Ministry of the Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- General Secretariat of the Royal Government
- Cabinet of the Prime Minister
- Cabinets of H.E. Deputy Prime Ministers
- As indicated in Article 75 of this Sub-decree
- Official Gazette
- Chronological File