

Kingdom of Cambodia

Nation Religious King

Royal decree

on

Midwifery Council of Cambodia

Norodom Sihamoni, King of Cambodia.

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- Seen the constitution of Royal Cambodia
- Seen the royal decree No. Nor Sor/Ro Kor Tor/0704/124, dated 15/July/2004 on nomination the Royal government of Cambodia.
- Seen the Royal Kram No. 02/Nor Sor/94, dated 20/July/1994, declaring the promulgation of the law on establishment and functioning of the Council of Minister.
- Seen the Royal Kram No. Nor So/Ror Kor Mor/0196.06, dated 24/Jan/1996, declaring the promulgation of the Law on establishment of the Ministry of Health.
- Seen the Royal Kram No. Nor Sor/Ror Kor Mor/1100/10, dated 30/Nov/2000, declaring the promulgation of the Law on management on private profession of medical field, co-medical and paramedical services.
- Seen the Royal Kram No. Chor sor/Ror Kor Mor/1179/05, dated 06/Nov/1997, declaring the promulgating of the Law on common status for soldieries of the RAF.
- Seen the informing of Hun Sen, Prime Minister of Royal government of Cambodia by accepted the document from the Ministerial Council in plenary session on 18/Aug/2006.

Order

Chapter I

General provision

Article 1-

- Establishing the MC (Midwifery Council) so as to mobilize all midwives being full rehabilitation can practice medical profession and paramedical service in Cambodia.
- The word (Midwife) in this Royal decree is person, who got the midwifery certificate accredited by the MoH of Cambodia or it was issued by other medical education facility accrediting by the Accreditation committee of Cambodia.

- All midwives practicing the medical profession and paramedical service must register in midwifery list.
- Regarding TBAs, the MoH exist the separable policy.

Chapter II

Mission of MC (Midwifery Council)

Article 2-

- The MC has to monitor on functioning of ethic principle, honest, justice and fidelity for medical and paramedical service practice to be sustainable and effective.

- It has to inspect the implementation for professional obligation as well as, all the provisions stipulated in midwifery ethic.
It has to fulfill its obligation through provincial/municipals Midwifery Council named in acronym: PMC, RMC and NMC.

Section 1

Moral role

Article 3-

- The MC has obligation to develop the midwifery ethic based on the professional necessity in adhere evolution of economic technique and sociality needs to make it well evolves for patient's benefit.
- The MC has to inspect the practice of respectability. The MC is an autonomous component. Expend and budget support is autonomy to insure dependence to protect the benefit of code of profession.

Section 2

Role of administration management

Article 4-

- Entitlement s to base on the MC.
The MC must keep midwifery name list fulfilled the legal procedure and moral, necessarily.
- Obligation of registration in midwifery list is to fulfill nursing care organization.
- The MC is the only one professional component that has obligation to inspect the procedure of medical profession and paramedical practice.

Section 3

Role of decision with court procedure

Article 5-

- Any complain, about mistreatment of profession of any midwife, was took place to the MC, it is not the Barrier to take lawsuit to court.

Section 4

Role of consultation

Article 6-

- The MC may be summoned to comment in law draft or letters of juristic procedure related with midwifery profession.

Section 5

Role of mutual support

Article 7-

- The mutual back up is advantage for MWs and their families. It was prepared as follow:
 - The MC must have its budget envelop that is the reserved capital for mutual backing up and it is allowed to relieve for emergency in proper case for MW family suffered. The MC is to form Committee for mutual back up, in which one member of The Midwife Association is representative.
 - This Committee is to manage annual resource that derives from contribution budget of one MW registered in MC.

Chapter III

Structure

Section 1

Provincial Midwifery Council (PMC)

Article 8-

- PMC must be formed in provincials/ municipals in Cambodia.
Regarding the province, where there are MWs less than twenty, is to include into neighboring province to form the PMC.

Article 9-

- PMC should have nine formal members and nine substitutive members in case that number of MWs registered less than 100 ps. These numbers will be increased to 11ps, 15ps, 19ps or 21ps if the number of MWs registered is more than 100ps, 500ps, and 1000ps or from 2000ps.

Article 10-

- PMC is elected in conference by MWs registered in the list of PMC for six years mandate.

- Member completed its mandate, can be candidate in next election. The chief of the PMC will be elected by PMC member within two years after having change one a third of PMC members. Internal regulations must be identified in case that number of member is undividable irregularity.

- The component of PMC office is chief 1, vice chief 1, secretary 1, accountant 1 and five members.

Article 11-

- PMC completes its work within its province/city and under inspection of NMC regarding general competencies stipulated in the Article 2 of this Royal decree. PMC is to decide in registration for MW, completed requirements in Article 3, chapter 1 and Article 6, chapter 2 of the Law on management of private profession practice in medical field, co-medical and paramedical in PMC list. PMC is not to discriminated Sex, believe, policy tendency, social status, recourse or further status of its membership.

Article 12-

- If any complain was took place against MW who is under its authority, PMC was not entitled to put discipline on its member; PMC has to refer it to RMC with expressing the specific reason.

Article 13-

Chief, PMC, will be representative in civil activities.

Article 14-

- Meeting of PMC will not be conducted in publicly. As voice of meeting is balanced, chief's voice has preponderancy for decision. PHD and Municipal was invited to joint the meeting as voice of consultation and law advisor may also be invited to joint.

Article 15-

- Provincial/municipal MW has to apply to register in list managed by PMC/municipal relating. For MW with diplomat issued by MoH/health education facility recognized by Accreditation Committee of Cambodia for medical profession, paramedical and complete law requirement and code of ethic determined can register in list of MC.

- MWs can be registered in list of province/municipal whence they work only.

Article 16-

- PMC has to make decision on registration within three months from date applied having adequate document.

No longer than two weeks after decision, PMC is to inform by recommendatory letter to MW concerned. Were denegation for registration, PMC has to express specific reason as written.

- Permission for registration in PMC list of each provincial/ municipal is to no longer than two weeks inform to provincial/ municipal authority, provincial/ municipal prosecutor relating and NMC.

Article 17-

- After having permission to register in PMC list in province/ municipal whence they are working, MW can perform medical profession or paramedical in where they have registered only. In case that having change professional location to another province/ municipal, MW has to inform to the former PMC and will reapply for registration to PMC/MMC whence you live.

Article 18-

- PMC/MMC has to accept complain from National Council, Midwife Association, Minister of MoH, provincial/ municipal director, prosecutor or any MW registered in CM and make report submit to NMC.

Section 2

Regional Midwifery Council (RMC)

Article 19-

Division of region for MCC was developed as follow:

Re-1 PP, Kandal, Kampong Speu and Kampong Chhnang locate in PP.

Re-2 Pursat, BB, Bantheay Meanchey, Siem Reab, Ouddor Meanchey and Paillin located in BB.

Re-3 Takoe, Kampot, KohKong, Sihanouk vill, and Kep located in Kampot.

Re-4 StungTraeng, Ratanakiri, Mondolkiri, Krachech, and Prash Vihear located in Stung Traeng.

Re-5 Kampong Cham, Kg-thom, Prey Veng and Svay Rieng located in Kg-Cham.

Article 20-

- RMC, which there has nine formal members and nine substitutive members were elected in PMC in RMC, has role to be professional disciplinary committee for primary level. Each PMC has to select its representative at least one is formal and one is substitutive, number left is to divide to province/ municipal base on the number of MWs registered as member of RMC.

Member of RMC was elected for six years mandate.

- Member finishing its mandate can be candidate for next election. After having change one a third (1/3) of member of RMC, chief of RMC and office component will be elected within every two years. The formal will be replaced by the substitutive as it absent with whatever reason is.

- The office component should have: Chief 1, vice chief 1, Secretary 1, Accountant 1 and five members.

Article 21-

Chief of PMC, chief of RMC and secretary can't take duplicated position.

Article 22-

Meeting, PMC is to participate in the capacity of vice chief and of consular:

- Minister of MoH representative assigned by minister of MoH
- PHD/Municipal director whence is the location of RMC.
- One Law advisor assigned by chief of provincial court of that provincial/ municipal.
- One MW if assigned by Minister of Ministry of work and professional training.
- RTC director.

Article 23-

- Within framework, RMC has role to implement on competency of discipline only.
- RMC can accept complain for NMC, PMC, MA (Midwife Association), minister of MoH, PHD director, provincial authority, provincial/ municipal prosecutor or MW concerned registered in list of MC.
- After having accepted, RMC is to review to decide that complain with no longer than six months. If not so, NMC can refer this complain to another selected RMC.

Article 24-

- MW being works in public service and applied for registration in list of MC will be able to motivate its activity of public functioning to RMC through Minister of MoH, PHD/Municipal director or prosecutor only.

Article 25-

- Putting the discipline was took place before MW concerned. The MW concerned can protector or lawyer of Kingdom of Cambodia. If the MW concerned did not appear base on convene of RMC for three times without specific reason, RMC will take action base on bullet 4 of Article 27 of this Royal decree.

Article 26-

- RMC is to make record all meeting of putting discipline. RMC is to make fair report with specification and signature of all members of RMC as well as, person concerned to be questioned.

Article 27-

- RMC, with present of discipline unit of NMC, can put the discipline on its member as follow:

- 1- To be warning.
- 2- To be reproaching with recording in personal document.
- 3- No longer three years or permanently stop having professional practice of some part or in general of medical functioning and paramedical recognized by state.
- 4- Defalcation in list of MC.

- The MW, who was defalcated in list of MC, will not be accepted for registration in other place.

- Final decision raised must inform to all PMCs and NMC. RMC is to have specific reason for making decision.

Article 28-

- After validity of put discipline for three year at least, The MW can be exempted by MC put. Exemption was took place by MW concerned. While discipline exemption request was denied after deeply reviewed, there is one year period for the next request is able to take.

- With respect to permanent discipline of some part or in general medical functioning and paramedical recognized by state, the request will not be accepted.

Article 29-

- Implementation of midwifery discipline is not barrier for taking administrative or court measure.

Section 3

National Midwifery Council (NMC)

Article 30-

NMC is to elect by voting for six years mandate, organized as follow:

- One representative of each provincial/municipal is elected in member of PMC/MMC through voting and the person, who won, is nominated by PHD/municipal director of that PHD/municipal.

- Two representatives are elected among PP MC member and those, who won, will be nominated by PP HD director.

- Five representatives of central level unit are elected by voting among MC member of central level and nominated by Minister of MoH for this level.

- One TSMC representative is elected and nominated by TSMC rector.

Article 31-

- One a third (1/3) member is changed by NMC for every two years. After having change one a third of the member, NMC is to select its director and office component for every two years.

- Bureau component of NMC namely: 1 NMC director, 2 vice directors, 1 secretary general, 1 vice secretary general, 1 accountant, and 1 vice accountant. Director or member of NMC that finished its mandate can be a candidate for reselection.

Article 32-

- NMC has two assistances, MW, one is minister of MoH representative and other is Minister of Work and Professional Training, and has consultation voice.

Article 33-

- There are seven NMC members, of those one person is selected to be chief. The member of discipline unit is voted amount the NMC bureau member, it has obligate as set in Article 23 and 27 of this Royal decree.

Article 34-

- After having change one a third of its members, NMC is to reselect the discipline unit.

Article 35-

- As having mission, NMC has obligation to complete its national duty as stipulated in Article 2 of this Royal decree.

- NMC is to have surveillance such as the respect of professional obligation and principles as identified in MW code of profession.

- NMC is to collaborate with PMC to deal complication issues related to processing of MW profession.

- NMC is to complete these works through its units and committees, review-study on issues, outlines raised by Minister of MoH or other institution related.

Article 36-

- NMC is to determine a united amount of budget that every member is to pay as registering and annual.

- Giving contribution is the obligation of every member; NMC is also to determine the contribution that PMC has to pay to NMC, RMC and store in PMC so as to insure the disbursement for general task.
- NMC is to manage all MC property and create or back up any activities supporting benefit of midwifery profession as well as other saving activities.
- NMC is to inspect the management of PMC and RMC. With respect to organization establishment and its management, PMC is to report to NMC in advance and copy to RMC.

Article 37-

- NMC is to form Financial Management Committee and International audition. The member of this Committee is to be selected by NMC among of the members who are not in the bureau of council and discipline unit. Every year end, this Committee must make annual report on its management to NMC.

Chapter IV

Transitional Provision

Article 38-

- In this first mandate, NMC was to be nominated and approved by Minister of MoH to have effective functioning.
- During first six years of the first mandate, bureau component of PMC.
- RMC is to be nominated by its co-fraternity and recognize by NMC.

Article 39-

- Minister of MoH is to nominate a temporary Team Work to organize functioning of the MCC formation.

Chapter V

Final Provisions

Article 40-

- Provisions that contradict to this Royal decree shall be considered null.

Article 41-

- Hun Sen, Prime Minister of Cambodia must responsible for implementation of this Royal decree from date signed onward.

PP date 18/Sep/2006

In behalf of and follow the order

Interim head of state

Signature and seal

Chea Sim