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***English version of Final Draft (Khmer Version) presented to Inter-ministerial Committee on 25 March 2016***

**Law  
On  
Regulation of Health  
Practitioners**

## Chapter 1 General Provision

### Article 1.\_

The purpose of this law is to protect the health and safety of members of the public by providing the mechanisms for ensuring that all health practitioners are qualified, competent and fit to safely practice their profession.

### Article 2.\_

The objective of this Law is to determine rules and procedures for regulating health practitioners and the practice of their profession.

### Article 3.\_

This Law covers all health practitioners in the Kingdom of Cambodia.

### Article 4.\_

The key terminologies used in this Law consist of following definitions:

- **Health Professional** refers to a physician, dentist, midwife, nurse, pharmacist, laboratory specialist, physical therapist, dental specialist, radiologist and other health professional who is registered with relevant Health Professional Council.
- **Health Practitioner** refers to a health professional who holds a health practitioner license.
- **Health Professional Practice** refers to the performance of health services that fall within the description of the scope of practice of each health profession.

**Register of Health Profession Council** means the register of Medical Council of Cambodia, the register of Dental Council of Cambodia, the register of Cambodian Midwives Council, the register of Cambodian Council of Nurses, the register of Pharmacy Council of Cambodia, and other health profession Councils that each Council records the names and details of the health professionals and health practitioners under the provisions of this Law. The register shall be supervised by each of the relevant Health Professional Council.

- **Registration** means the process of registering a person as a health professional.

- **Health Practitioner License** refers to the authorization granted by each Health Profession Council to practice the profession after registration and fulfillment of requirements for licensing in accordance with provisions of this Law.
- **Professional misconduct** refers to all misconducts violating professional codes, professional standards and norms, and the scope of practice by health practitioners.

## **Chapter 2**

### **Regulatory Body**

#### **Article 5.\_**

Each Health Professional Council is responsible for registration, issuing health practitioner license and regulating the health professional practice.

The provisions on standards and norms shall be prescribed by the relevant Health Professional Council.

## **Chapter 3**

### **Health Professional Practice**

#### **Article 6.\_**

Any person who wishes to practice a health profession shall:

- Hold registration with a health profession Council;
- Hold a health practitioner license.

#### **Article 7.\_**

For health professional practice, every health practitioner shall:

- Hold a valid health practitioner license;
- Maintain professional codes and standards and norms;
- Work within the scope of practice of health profession.

#### **Article 8.\_**

A person who applies for registration shall meet the following minimum requirements:

- Hold the relevant qualification for that profession as recognized by the Ministry of Health;
- Never been convicted of any crimes.
- Has no mental or physical condition that may impact on their ability to practice

The application for registration must be done at the relevant Health Professional Council.

Procedures and other requirements for registration shall be prescribed by each Health Professional Council.

#### **Article 9.\_**

Health Professionals who apply for health practitioner license shall meet the following minimum requirements:

- Has registered with the relevant Health Professional Council;
- Maintained the required norm of competence for health professional practice;
- Demonstrate that they have either recently qualified or have recent experience of lawfully practicing the profession;
- Never been convicted of a crime in Cambodia or any other countries.
- Has no mental or physical condition that may impact on their ability to practice
- Any application for license to run health profession must be done at each respective Council

Procedures and other requirements for issuing health practitioner license shall be prescribed by each Health Professional Council.

#### **Article 10.\_**

Procedures and other requirements for license renewal shall be prescribed by each Health Professional Council.

#### **Article 11.\_**

Foreigners who wish to practice their health profession in the Kingdom of Cambodia shall apply for registration and health practitioner license to the relevant Health Professional Council according to the individual profession.

#### **Article 12.\_**

Scopes of practice for each health profession shall be prescribed by each Health Professional Council and to be approved by the Minister of Health.

## **Chapter 4**

### **Fitness to Practice**

#### **Article 13.\_**

A health practitioner may be considered not fit to practice if he/she:

- Fails to meet the licensing requirements set by the relevant Health Professional Council;
- Is guilty of professional misconduct leading to the suspension and revocation of health practitioner license;
- Is proven to have a health condition (mental or physical) that impairs the person's ability to practice;
- Has been convicted of a crime in Cambodia or any other countries.

#### **Article 14.\_**

Each Health Professional Council may inquire into a health practitioner's fitness to practice at anytime.

Each Health Professional Council must inquire into any complaint or notifications made to it about a health practitioner's fitness to practice.

The procedures and requirements relating to the inquiry into a health practitioner's fitness to practice and complaint or notifications mentioned above shall be prescribed by each Health Professional Council.

## **Chapter 5**

### **Disciplinary Sanction and Complaint**

#### **Article 15.\_**

Where the Health Professional Council has found that a health practitioner is guilty of professional misconduct or considered unfit to practice, it may impose the following sanctions:

- Warning
- Recording in personal file;
- Imposing conditions on their practice for a specific time period or permanently;
- Suspending the health practitioner license temporarily;
- Revoking the health practitioner license;
- Removing the name from the register of the relevant Health Professional Council.



Criteria for implementing the disciplinary sanctions shall be prescribed by relevant Health Professional Council.

#### **Article 16.\_**

All complaints related to professional misconduct shall first be made to the relevant Health Professional Council.

Procedures relating to complaints on professional misconduct shall be prescribed in a Sub Decree.

#### **Article 17.\_**

Any judgment and proceedings of the court or decision of a competent authority in respect to the professional conduct of a health practitioner shall involve the participation of the relevant Health Professional Council.

#### **Article 18.\_**

Where a Health Professional Council has reasonable grounds for the suspecting that a health practitioner is guilty of professional misconduct that endangers human lives and may repeatedly endanger others, the Health Professional Council may suspend the health practitioner license immediately.

#### **Article 19.\_**

Each Health Professional Council may decide to temporarily suspend the health practitioner license in the following cases:

- Having mental or physical condition that impairs their ability to practice;
- Having repeatedly practiced beyond the scope of practice of the profession or violated the conditions imposed on their practice;
- In other cases where the Health Professional Council has found the person to be unfit to practice.

A health practitioner whose license has been suspended may apply for re-licensing in accordance with procedures and requirements as prescribed by the relevant Health Professional Council.

#### **Article 20.\_**

Each Health Professional Council shall remove the names from its register and revoke the health practitioner licenses of those health practitioners who have been punished by a final decision for felony or prohibited permanently from professional practice by the court.

**Article 21.\_**

Any person who is aggrieved by the disciplinary decision of the Health Professional Council may, within 30 (thirty) days, appeal to the competent court after receiving a written notification of such decision.

**Article 22.\_**

Disciplinary sanctions shall not exonerate health practitioners from their civil and/or criminal responsibility as regulated by laws and regulations in force.

**Chapter 6**  
**Exceptional Provision**

**Article 23.\_**

Regulation of health practitioners in traditional medicine shall be prescribed by a Sub Decree.

**Article 24.\_**

Health Practitioners which are not yet established their Health Professional Council shall be prescribed by a Sub Decree.

**Chapter 7**  
**Penalty**

**Article 25.\_**

Any person who falsifies a health practitioner license shall be convicted in accordance with penal law in force.

**Article 26.\_**

Shall be punishable by imprisonment from 06 (six) months to 02 (two) years and by a fine from 5,000,000 (five million) riels to 10,000,000 (ten million) riels to any persons who is not a health professional and practices the profession.

**Article 27.\_**

Shall be punishable by imprisonment from 06 (six) months to 02 (two) years and by a fine from 5,000,000 (five million) riels to 10,000,000 (ten million) riels to health practitioners who practice their profession while their license has been suspended.

**Article 28.\_**

Shall be punishable by imprisonment from 01 (one) month to 01 (one) year and by a fine from 2,000,000 (two million) riels to 5,000,000 (five million) riels to health professionals who practice without a health practitioner license.

**Article 29.\_**

Shall be fined from 2,000,000 (two million) riels to 5,000,000 (five million) riels to health practitioners who practice without a valid health practitioner license.

**Article 30**

Shall be fined from 2,000,000 (two million) riels to 5,000,000 (five million) riels to health practitioners who practice beyond the scope of practice or the conditions imposed on their practice.

Any cases of recidivism shall be subject to fine in double.

## **Chapter 8**

### **Transitional Provisions**

**Article 31.\_**

After this Law comes into force, and not more than 06 (six) months, the Minister of Health shall establish a Coordinating Committee which comprises representatives from each Health Professional Council and relevant departments from the Ministry of Health. The Chair of the Coordinating Committee will be the Secretary of State for Health.

The organization and terms of reference for this Coordinating Committee shall be prescribed by a Prakas of the Minister of Health.

This Coordinating Committee has the duty to provide guidance and direction to facilitate the building of capacity and capability of each Health Professional Council to fulfill the roles and responsibilities outlined in this Law.

During the initial 5 (five) year period of implementation of this Law, the Health Professional Councils may receive the Annual Operational Plan (AoP) budget from the Royal Government of Cambodia to build their capacity, to fulfill the roles and responsibilities outlined in this Law.



**Article 32.\_**

All health professionals who have a valid registration before this Law comes into force continue to be registered under the provisions of this Law.

**Article 33.\_**

After this Law comes into force, all health professionals have 12 (twelve) months to apply for health practitioner license in accordance with provisions of this Law.

**Article 34.**

All legal documents relating to the regulation of health professional practice shall continue to be implemented until new legal documents being replaced in accordance with the provisions of this Law.

**Chapter 9  
Final Provisions**

**Article 35.**

Those provisions that are contrary to the provisions of this Law shall be annulled.

This law is enacted by the Parliament of the Royal  
Kingdom of Cambodia on...../.....2016 in the 5<sup>th</sup>  
Plenary Session.

Phnom Penh, Date...../.....2016

**Head of Parliament**

**Samdach Akakmoha Ponheachakrey Heng Samrin**