

**The Medical and Health Council Act, 2002 of the
Kingdom of Bhutan**

Preamble:

An act to provide for the constitution of a composite council for regulation of the medical and health profession in all its aspects especially in respect of ethics and matters connected therewith.

Whereas a council needs to be established for regulation of medical and health profession in all its aspects and a common register for all categories of medical and health professionals needs to be maintained;

And whereas, a uniform standard of education and training for all categories of medical and health professionals needs to be ensured;

And whereas local and foreign medical and health institutions, scholars and academicians needs to be recognised;

Be it enacted by the National Assembly on 24th July 2002 corresponding to 15th day, 6th month of the Male Water Horse Year of the Bhutanese calendar during the 28th year of the glorious rule of His Majesty the King, Druk Gyalpo Jigme Singye Wangchuk as follows:-

CHAPTER I: Preliminary

1. Title, Commencement and Extent

- a) This Act shall be cited as the Medical and Health Council Act, 2002.
- b) This Act will come into force on 24th July 2002 corresponding to 15th day of the 6th month of the Male Water Horse Year of the Bhutanese calendar.
- c) This Act shall extend to the Kingdom of Bhutan and aircrafts, vessels and other sovereign entities of Bhutan.
- d) The words importing the masculine gender also include the feminine gender.
- e) The word importing the singular number also includes the plural number and vice versa.
- f) In case of discrepancy between the Dzongkha and English version of the Act, the Dzongkha version shall prevail.

2. Definition - for the interpretation of this Act, unless the context otherwise requires: -

- (a) "**Person**" means an individual, a company, an unincorporated association, government agency or any body of persons recognised as distinct legal entity.
- (b) "**Approved institution**" means a teaching or training institution, health facility or hospital recognised by the Council for the purpose of training before awarding a certificate, a diploma or a degree.
- (c) "**Board**" means an examining body appointed by the RGOB for the award of all certificates, diplomas, or degrees outside the scope and jurisdiction of the Council.

- (d) "**Council**" means - the Council established under this Act.
- (e) "**Medical Institute**" means all institutions which award certificates, diplomas or degrees in the fields of medical science.
- (f) "**Health Institute**" means all institutions which award certificates, diplomas and degrees in the field of health and health related subjects other than those, which come under medical institutions.
- (g) "**Medical Professional**" means practitioner of the art and science of medicine who are duly authorised to do so by the Council. This also includes dentists and practitioners of traditional medicine
- (h) "**Health Professional**" means all those professionals in the field of health and health care who do not come under
- (g) above, such as nursing, pharmacy, physiotherapy, medical and health technology and technicians in various supportive service units commonly known as paramedics.
- (i) "**Recognised qualification**" means all qualifications, which are duly recognised by the Council.
- (j) "**Recognised Institution**" means all institutions in the field of medical and health science both within the Royal Kingdom of Bhutan and outside that are duly recognised by the Council and appear in its schedules.
- (k) "**Regulation**" means all rules and regulations as made by the Council from time to time.
- (l) "**Prescribed**" means prescribed under the regulations.
- (m) "**National Register**" means the register maintained by the Council.

- (n) "**Recognised University**" means any university within or outside the country that is recognised by a competent authority as appointed by the Royal Government.
- (o) "**Traditional Medicine**" means indigenous medicine recognised as a full-fledged branch of medical science.
- (p) "**Inspector/Advisor**" means such qualified person/s or "visitor" who are capable of rendering advice or recommendations to the Council with regards to specific terms of reference, such as recognition of an institution or a certificate, diploma or degree being imported by the institution on the basis of an examination at the conclusion of a course or a set of courses.

CHAPTER II: The Council

1. Constitution of the Medical and Health Council – The Royal Government shall constitute a national council to be called the Medical and Health Council with requisite members as the Royal Government determines to be fit to exercise the powers conferred on and perform the functions assigned to the Council under this Act.
2. The Council shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may by the aforesaid name sue or be sued.
3. Members of the Council - The Council constituted under this Act shall consist of the following members, namely:-

Category A:

1. Medicine and allied medical specialities;
2. Surgery and surgical specialities;
3. Family planning;
4. Paediatrics;
5. Laboratory medicine - Pathology, Microbiology, Biochemistry and their branches;
6. Dentistry;
7. Nursing;
8. Pharmacy;
9. Health care specialist in environmental medicine, which includes water & sanitation and occupational medicine;
10. Paramedical professionals;
11. Health administration;
12. Rehabilitation;
13. Chief Medical Officer, Royal Bhutan Army;
14. Director, Institute of Traditional Medicine Services;
15. Director, Royal Institute of Health Sciences;

Category B

Representation from relevant organisations outside the health sector including the private sector and civil society.

Category C:

Not more than three from a panel of names submitted to the president by the Executive Committee

4. **President** – Minister/Deputy Minister/Secretary, Ministry of Health and Education, shall be the ex-officio president of the Council.
5. **Power of the President** – The President of the Council may exercise such powers and perform such duties as may be prescribed from time to time by the Council.
6. **Vice-President** – the Deputy Minister/Secretary of the Ministry of Health and Education shall be the ex-officio vice-president and member secretary of the Council.
7. **Members of the Council** - Category A and C – shall be nominated by the President of the Council. Category B - by the respective heads of the organisations.
8. **Terms of office** - Terms of office of members other than ex-officio members, under Category C shall be for three years. They may be nominated for a second term, provided that the Council is satisfied with their work.
9. **Meeting of the Council** - The Council shall meet at least twice a year and shall observe such rules of procedure in regard to the transactions of business at its meetings as may be prescribed. The President may convene a meeting of the Council at such time as he deems fit, if in his opinion any business of an urgent nature is to be transacted.
10. **Quorum of the meeting** – A meeting can be conducted if three fourth of the members are present

11. **Administration of the Council** - The Council shall be administered by an Executive Committee appointed by the President of the Council and shall consist of not more than 5 to 7 members.
12. The Vice-President of the Council shall be the chairman of the Executive Committee.
13. The Executive Committee shall be assisted by (i) the Registrar who shall be the treasurer of the Council and shall be responsible to the President through the Vice President (ii) Deputy Registrar and (iii) requisite number of support staff as approved by the Royal Government.
14. The Council shall be composed of the following Sub-committees:
 - i) Medical and Dental
 - ii) Health
 - iii) Nursing
 - iv) Pharmacy
 - v) Traditional medicine
 - vi) Paramedics and
 - vii) Professional ethics
15. The Council shall function through the subcommittees and meet as and when necessary and give their recommendations to the executive committee which at its discretion may get it ratified by the general body of the Council before being finally approved by the President.
16. The Council shall make separate schedules for recognised institutions within and outside the country.
17. The Council shall make its regulations. At the initial stage the regulations will form part and parcel of the Act. Thereafter, the modifications of the regulations would have to be approved by the Royal Government. Once approved, the Council shall be free to frame its own rules of procedure as may be necessary from time to time.

18. The Council may for the purpose of recognition of institutions; certificates, diplomas and degrees appoint inspectors or advisers who shall submit a confidential report to the Council. Provided, the report may be made public for public interest with the permission of the President of the Council.
19. The Council shall after examining the report of institutions, its courses and curricula, and the academic requisites, may recognise medical and health institutions both within and outside the country as well as the certificates, diplomas and degrees imparted by such institutions and enter them in its schedules, which shall be updated from time to time.

CHAPTER III: Establishment of new institutions and introduction of new courses.

- 1a) No institution related to health and medicine shall be established without prior sanction of the Council.
- b) No institution related to health and medicine established under Chapter III (1) shall introduce a training leading to a certificate, diploma or degree course without the prior approval of the Council.
2. The Council shall from time to time frame minimum requirements for the establishment of specific health and medical institutions.
3. The Council may recognise an institution or a course leading to the award of a qualification after it is satisfied that such a course and or institution fully meets minimum standard of training facilities such as staff, equipment, physical facilities, etc.

CHAPTER IV: Recognition of academic qualifications

1. The Council shall upon receipt of an application recognise an institution awarding a qualification that is not included in schedule I and II.
2. The Council shall recognise an academic qualification awarded by a foreign institution provided that they are registered under schedule IV of the Act.
3. The Council shall enter into negotiation with appropriate foreign authorities and institutions for reciprocal schemes, for the recognition of qualifications.
4. The Council shall after obtaining approval of the Royal Government modify any or all Schedules or part thereof.

5. The Council shall institute screening/examination, either oral or written, or both for the purpose of registering a candidate who has obtained such qualification from institutions which are not included in the schedule IV.
6. No medical or health person except those, who are registered under this Act, may practice in the country.
7. The Council shall allow foreign visiting professionals for a specific period and there shall be a register maintained to this effect.
8. A person who is duly registered under this Act, depending on qualification and existing government policies, may: -
 - i. Practice in any part of the country;
 - ii. Prescribe medicine;
 - iii. Issue medical certificate;
 - iv. Be appointed in any government institution in their respective specialities and
 - v. Deposit testimony in the court of law as an expert witness
9. The Council shall have authority to require any medical and health institution to furnish information to the Council or institution and individual duly authorised in carrying out the purposes of this Act.
10. The council may appoint observers/visitors to any examination in any subject pertaining to medical and health sciences in any institution.
11. The examiner/visitor/observer shall submit a report to the Council, which shall be treated as confidential unless otherwise directed by the president of the council.

CHAPTER V: De-recognition of individuals, institutions and academic qualifications.

1. The council shall for the purpose of recognition of an institution/individual or withdrawal of recognition thereof, on the basis of reports submitted to the Council by its sub committee bring to the notice of the applicant/institution/individual of such deficiency and offences with regards to facilities, number of teachers, teaching facilities, examination system and other requirements.
2. Individual/institution committing offences besides being derecognised shall be proceeded with as per laws for damage or injury due to the said offences.

CHAPTER VI: Power to make rules and regulations

The Council may by notification make rules and regulations to carry out the purposes of this Act. Without prejudice to the generality of this power, such rules and regulations may amongst others provide for the following:-

- a) Management and maintenance of the property of the Council and audit of account thereof.
- b) Holding of the meetings of the Council and its subcommittees.
- c) Nomination, appointment, resignations and terminations of the members of the Council.
- d) Power and duties of the office bearers of the Council.

- e) Mechanisms and procedures of appointment of the members of the Executive Committee, Sub-Committees and other committees.
- f) Tenure of office of the members and office bearers of the Council.
- g) Preparation of schemes, strategies and programmes toward achieving the objectives of the Council.
- h) Setting up of minimum criteria for recognition of institutes, teachers, and courses.
- i) Fixation of the amount of fees payable by individuals and institutions for registration.
- j) Fixation of amount of fees payable by institutions for recognition and inspections.
- k) Criteria and procedures for appointments of inspectors, visitors, observers and their terms of references.
- l) Framing of guidelines for the conduct of examinations of
- m) Minimum requirement for induction of teachers of medical and health sciences.
- n) Standards of professional conduct, etiquette and code of ethics to be observed by all professionals.

CHAPTER VII: National medical and health register

1. The Council shall maintain a register of medical and health professionals who are duly recognised by the Council. The register shall consist of the following parts:
 - i) Practitioners of modern medicine
 - ii) Practitioners of traditional medicine
 - iii) Dentists
 - iv) Nurses
 - v) Pharmacists
 - vi) Paramedics and
 - vii) Temporary and ad hoc registration
2. The Council may prescribe reasonable fees for registration of an individual.
3. The duration of the period for initial registration of an individual shall be five years where after they will be required to re-register for continued practice.
4. The individual may register with the Council additional qualifications acquired with the payment of registration fee.

CHAPTER VIII: Offences and penalties

Who ever fails to comply with the provisions of this Act shall be proceeded with under the relevant provisions of the laws of the land.

CHAPTER IX: Repeal and saving

1. Upon coming into force of this Act, any law or by-law pertaining to the subject matter addressed by this Act shall be dealt with under this Act.
2. Notwithstanding the repeal in (1), anything done or action taken before coming into force of this Act shall be deemed to have been done or taken under such laws or by-laws.

CHAPTER X: Amendment

The Council shall review the Act from time to time to ensure that such provisions of the Act are in keeping with the changing situations and propose amendments and modifications thereto as and when necessary. The Act shall be amended by way of addition, variation or repeal of any provision, by the National Assembly of the Kingdom of Bhutan

CHAPTER XI: The Schedules

Schedule I

1. Modern medicine
2. Traditional medicine
3. Dentistry

Schedule II – Recognised qualifications:

1. Nursing
2. Pharmacy
3. Laboratory science
4. Environmental health
5. Medical technology
6. Occupational health
7. Health administration
8. Health economics

Schedule III - Recognised Institutions in the Kingdom of Bhutan.

Schedule IV – International qualification recognised by the Council.