

Decision No. (10) of 2015 to issue NHRA disciplinary committees for health professionals

After considering Decree-Law No. (2) of 1987 on the practice of associate medical professions by those who are neither doctors nor pharmacist ,
Decree-Law No. (7) of 1989 on the practice of medicine and dentistry,
Decree-Law No. (18) of 1997 on the organization of the pharmacy
profession and pharmaceutical centers, modified in the decree-law No. (20) of 2015,
Law No. (38) of 2009 to establish the NHRA, modified by decree-law (32) of 2015,
Decree-law No. (21) of 2015 on special health facilities,
Decree No. (5) of 2013 to establish the Supreme Health Council, and its modifications,
And after the approval of the Supreme Health Council at its meeting No. (1) held on
Thursday 22\10\2015 , and according to that has been viewed by the Executive
chairman

The Chairman of the Supreme Council of Health of the (NHRA) **has decided the following:**

Article I

Disciplinary committee regulation provisions of health professionals, annexed to this Decision, shall be set into motion.

Article II

ALL the Decisions of constituting licensing and disciplinary committees in the Authority shall be cancelled, and each text conflicts the provisions of this Decision.

Article III

This Decision and the annexed regulation shall be published in the official gazette.

Chairman of the Supreme Health Council

Let.Gen Dr\ Mohammed Ibn Abdullah AL- khalifa

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Disciplinary committees regulation

for health professionals of NHRA.
chapter

Article (1)
Definitions

Upon applying the provisions of this regulation, the following words and expressions shall have the meanings assigned to each of them:

Council: the Supreme Council for Health.

Chairman of the Council: chairman of the Supreme Council for Health.

Authority: NHRA.

Executive Chairman: the Executive Chairman of NHRA.

Health Professions: a profession of medicine, dentistry, pharmacy, or a profession of associate medical profession.

License: license issued by the Authority to practice the profession.

Licensee: the person who has a scientific certificate in any health professions and attains a license from the Authority to practice the profession.

Committee: a disciplinary committee to practice health professions.

Chapter II

Disciplinary Committees

Article (2)

Permanent committees of disciplinary accountability shall be established for those who are licensed to practice the following health professions:

- Disciplinary committee for those who are allowed to practice medicine and dentistry.
- Disciplinary committee for those who are allowed to practice a profession of pharmacy.
Disciplinary committee for those who are allowed to practice the professions of nursery and obstetric.
- Disciplinary committee for those who are allowed to practice an associate medical profession.

Committees and their meetings shall practice their competences in accordance with the provisions mentioned in this regulation and according to the executive Decisions issued by the concerned bodies in the Authority.

Section I

**Disciplinary Committee for the licensees to practice
the professions of human medicine and dentistry
Article (3)**

The disciplinary committee for the authorized persons to practice the professions of human medicine and dentistry shall be committed to the authorized competences under decree-law No. (7) of 19899 on practicing the profession of human medicine and dentistry, especially:

- 1) A report of professional mistakes of the authorized persons to practice the professions of human medicine and dentistry.
- 2) Disciplinary accountability of the authorized persons to practice the professions of human medicine and dentistry, if they violate the referred law provisions, or the essentials, requirements and ethics of the profession.

Article (4)

- Disciplinary penalty that may be imposed upon the violator are:

- 1) Warning.
- 2) Suspension from work for one-year maximum.
- 3) Cancellation of license to practice the profession, and crossing out the violator's name from the record of NHRA.

The infliction of any of the last two penalties shall lead to closing the authorized private clinic of the violator, if any.

Section II

**Disciplinary committee for those who are
authorized to practice a health profession**

Article (5)

The disciplinary committee for those who are authorized to practice any pharmacy profession shall be competent to disciplinary accountability of those who are authorized to practice any of the professions stipulated in decree-law No. (18) of 19977 on organizing pharmacy profession and the pharmaceutical centers, for violating the law provisions, rules, requirements, or ethics of the profession.

Article (6)

Disciplinary penalties that the committee may impose are:

- 1) Warning.
- 2) Suspension from work for one year maximum.

- 3) Cancellation of license to practice the profession, and crossing out the violator's name from the record of the Authority.

Article (7)

The committee shall impose the penalties on the pharmaceutical centers, proven to violate the provisions of decree-law No. (18) of 1997 on organizing pharmacy profession and pharmaceutical centers:

- 1) Warning.
- 2) Closing the pharmacy for one year maximum.
- 3) Cancelling the license of the pharmacy permanently.
- 4) Depriving the owner of the pharmacy or any of the partner of attaining new license to open pharmacies for five years maximum from the date of issuing deprivation Decision.

Section III

Disciplinary committee for those who are authorized to practice the profession of nursery, midwifery and obstetrics

Article (8)

The disciplinary committee of those who are authorized to practice the profession of nursery, midwifery and obstetrics shall be competent to disciplinary accountability for those who are authorized to practice the two professions of nursery, midwifery and obstetric, for violating the provisions of decree-law No. (22) of 1987 concerning practicing the associate medical professions, or the rules, requirements, and ethics of the profession by those who are neither doctors nor pharmacists.

Article (9)

Disciplinary penalties that may be imposed upon the violator are:

- a) Warning, it is permissible to impose such penalty without arraigning the violator before the committee.
- b) Suspension from work for one year maximum.
- c) Cancelling the license of practicing the profession.

Section IV

Disciplinary Committee for those who are authorized to practice an associate medical profession

Article (10)

Disciplinary Committee of those who are authorized to practice any associate medical profession shall be competent to the following:

- 1) Disciplinary accountability for those who are authorized to practice any of the profession stipulated in decree-law No. (2) of 1987 on practicing the associate medical professions by those who are neither doctors nor pharmacists, except the two professions of nursery and midwifery.
- 2) Disciplinary accountability for those who are authorized to open centers or stores to practice the associate medical profession by those who are not doctors, for violating the provisions of this law or the rules, requirements and the ethics of the profession.

Article (11)

Disciplinary penalties that may be imposed upon the violator are:

First, concerning the person authorized to practice the profession:

- a) Warning, it is permissible to impose such penalty without arraigning the violator before the committee.
- b) Suspension from work for one year maximum.
- c) Cancelling the license of practicing the profession.

Second, concerning the owners of the centers or stores who are authorized to practice the profession:

- a) Warning, it is permissible to impose such penalty without arraigning the violator before the committee.
- b) Suspension from work for one year maximum.
- c) Closing the center or the store permanently and cancelling its license.

Part III
General Provisions
Section I

Committees Forming

Article (12)

The committees shall practice their business under the supervision of Executive chairman of the Authority, and each committee shall be formed under the chairmanship and the membership of a number of experienced and competent health professionals, and three competent members of the Authority minimum. Chairman Deputy shall replace the committee's chairman in case of his absence or objection.

Article (13)

The Executive Chairman shall be authorized to issue the Decision of nominating the committees' members and of determining the term of its work after the approval of the Chairman of the Council, the Decision of nominating each committee shall include the appointment of a rapporteur of the Authority's staff.

Section II

Committee Meeting System

Article (14)

- The meetings of the committees shall be held at the headquarters of the Authority upon an invitation of the Executive Chairman or the Chairman of the committee, whenever necessary, and a schedule of work to be discussed shall be annexed to the invitation.
- The meeting of the Committee shall not be valid otherwise the majority of its members, including the Chairman or his deputy are present. The committee's meetings and deliberations shall be secret. Its decisions shall be taken by a majority of the present members.
- The Chairman of the Committee may, if necessary, view some matters to the Committee through scrolling them, unless more than one member request not to consider the matter through scrolling, it shall be suspended for the first meeting of the Committee.

- Decisions or recommendations on matters submitted through scrolling shall be issued by a two-thirds majority of the members of the Committee and shall be submitted to the Committee at the first meeting following the briefing.

Article (15)

- The violator shall be referred to the Committee by a decision of the Chairman Executive, based on the results of the reports prepared by the competent inspectors of the Authority, or the referral of the incident from the violator's workplace, or from the concerned authorities or on the results of the examination of individuals complaints by the medical complaints unit in the Authority.
- The referral decision shall contain a statement of the facts and acts that constitute the alleged offenses and the evidence supporting the impeachment.
- The violator shall be notified by a copy of the decision of the referral a week at least before the first meeting of the investigation and shall have the right to be informed with the procedures and papers related thereto and obtain a copy thereof.
- In all cases, the violator may not be investigated until he has been notified of the decision of referral to the Committee.
- The notification of the referred person by registered mail shall be at his place of residence specified in his license file at the Authority, the notification may be sent to him personally or at his workplace, taking into consideration his signature that he has received a copy of the referral decision.

Section III

The committee's procedures

Article (16)

At least one week before the time of referral, the referred person shall be notified of the time of referral by registered mail that shall be sent to his place of residence. Such notice shall view the violations that he's accused of, the date and place of holding the committee. As an exception, in some special cases that can't be postponed, immediate summon before the committee and investigating the referred person may be made. If the referred person abstains from attending, or if he doesn't show up at the time specified in the notice, despite knowing of such time and without giving any excuse, then the committee may impose disciplinary penalty on him in absentia.

The referred person shall have the right to examine investigation procedures, and all papers thereof, and shall have a copy of such papers, unless the committee sees the otherwise for the common good.

Article (17)

- The investigation shall commence by recording the referred person's name, job and age, the summary of the violation(s) that he's accused of, and the date of the decision to refer him\ her to investigation committee.
- The investigation with the referred person shall be written, and shall face him with the offenses that he's accused of. In order to complete this, the committee may, on its own initiative or at the request of the referred person or his agent, summon the witnesses to appear before it to hear their statements. The committee may also instruct the referred person to submit a written defense brief.
- In the minutes of the commission, the referred person may present arguments in his defense before the committee verbally with proof of the contents of his defenses in writing. In such case, the committee's rapporteur shall inform the referred person of what has been proven; and shall take the referred person's signature to prove that all of this has happened in the presence of the chairman of the committee or his deputy.
- The Committee or its representative shall hear all witnesses of the acts attributed to the referred person; and shall summon experts and others whom it thinks that their statements should be heard. The referred person shall be enabled to discuss them when necessary.
- After hearing prosecution witnesses, the Committee or its representative shall hear the referred person if he wishes to defend himself orally or in writing. The committee shall study any documents he submits and then listen to the testimony of the defense witnesses of the referred person, if any.
- In order to achieve his defense, the referred person may seek the assistance of the appropriate person.
- The committee's rapporteur shall record the investigation in a numerical report. The date, place, opening time, name of the rapporteur, and jobs of the chairman and members of the or the names of those appointed by the committee to investigate, shall be recorded at the very beginning of the investigation report.
- The report shall be appended in its closing time. At the end of each sheet of the investigation report, the head of the committee or its representative shall give their signature; and the referred person shall also give his signature, if he attended.

- The prosecution and defense documents must be numbered and signed by the Chairman of the Commission, or the assigned to investigation, and the Rapporteur, and shall be included in the report.

Article (18)

Upon ending investigations, the committee shall submit a report of its Decisions and recommendations to the Chief Executive Officer within a period no later than ten days as of the date of ending of the investigation. This shall be carried out by:

- A. Saving the investigation for lack of suspicion of violation.
- B. (B) Imposing appropriate disciplinary penalty on the offender.
- C. Any other recommendations deemed necessary by the Committee.

Article (19)

The penalties imposed by the committee shall only be effective after they have been approved by the Council or after 30 days of the date of notifying the council of such penalties, without getting any objection. If the offense before the committee is found to be a criminal offense, the committee shall submit the matter to the Executive Chairman for submission to the Council, so that it would be referred to the competent judicial authorities.

Article (20)

Prior to the meeting, every member shall inform, in writing, the Chairman of the committee if there is any existence to any personal interest, directly or indirectly, that may conflict with the requirements of his membership on a subject before the Committee or whether there is any degree of kinship, marriage or marital relationship with a referred person up to the fourth degree. Such relationship may be disclosed orally in the meeting, and shall be recorded in the report before considering such subject matter.

As a result of the disclosure of the conflict of interests, the member shall abstain from attending the meetings or deliberations of the commission, or participate in the work of any technical committee formed on the same subject.

Section IV

The Committee's use of experts

Article (21)

The committee may form temporary committees from its members, providing that such committees are deemed necessary to conduct investigations or achieve specific missions.

The Committee may also, after securing the approval of the Executive Chairman of the authority, seek the assistance of outsourced experts and invite them to attend its meetings to seek their views while taking no part in voting.

Section V

Tasks and assignments of the Chairman and Rapporteur of the Commission

Article (22)

The Chairman of the Committee shall take charge of the following tasks:

1. Calling for the committee's meetings.
2. Approving the agendas of the committee's meetings.
3. Ensuring that the work of the Committee is conducted in a manner consistent with the rules established by the Commission.
4. Preparing reports on the work and Decisions of the Commission, with the assistance of the Committee Rapporteur.
5. Reporting the work of the Committee to the Executive Chairman of the authority.
6. Any other tasks assigned to him by the Council.

Article (23)

The Committee's Rapporteur shall undertake the following tasks:

1. Providing necessary administrative assistance for the Committee to carry out its functions
2. Preparing the draft agendas of the committee's meetings and submitting them to the meetings' chairman for approval
3. Notifying violators and sending invitations to attend the committee's meetings, upon the instructions of the committee's chairman.
4. Preparing, recording, arranging, numbering and preserving meetings minutes.

5. Preparing a special record confirming the attendance and signatures of the members of the Committee at each meeting. Such record shall contain a summary of the topics reviewed at the previous meeting and the Decisions taken by the Committee thereon.
6. Contributing to the drafting, numbering, ranking and archiving the draft Decisions, recommendations and reports prepared by the Commission.
7. Receiving referral Decisions and preparing them for submission to the Committee and recording them in the committee's records.
8. Notifying those referred to the Committee of the results of its acts and decisions
9. Any other tasks assigned to him by the Chairman of the Commission.

Section VI

Reasons for the terminating committee's membership

Article (24)

1. Membership of the Committee shall be terminated for one of the following reasons:
 - a) The member fails to attend the meetings of the Committee for three consecutive times without giving any excuse or in case the committee rejects the excuse, despite being notified in writing within two weeks after his absence for the third time
 - b) If a member submits a written request to the Chairman of the Committee to terminate his / her membership.
 - c) A reasoned recommendation is issued by the Committee to terminate the membership.
2. When any of the previous reasons for terminating membership is provided, the Chairman of the Committee shall submit the matter to the Executive Chairman of the authority, in order to issue the Decision of terminating membership, and to nominate a new member to complete the term of his predecessor.
3. The Committee shall not exercise its powers if the number of outgoing members of the Committee exceeds half of the members. The Committee shall resume its work after the completion of its quorum by appointing new members.

Article (25)
Grievance against the Committee's Decisions

Under the previous provisions, a person against whom a Decision of disciplinary penalty was issued may present a grievance against such Decision within a period no later than two weeks as of the date of notifying him. Such grievance shall be presented before another committee formed by the Council. The Committee may support or amend the Decision. The one whose grievance was rejected may challenge such Decision before The Civil Supreme Court during the legally scheduled dates, as of the date of notifying him of the rejection Decision by registered letter.

Article (26)

Periodic reports

The Committee shall prepare a periodic report every month on the results of its acts, its Decisions and the reasons upon which it has taken such decisions, on the cases referred to it. Such report shall be submitted by its Chairman to the Executive Chairman of the authority, who in turn shall submit it to the Council to take appropriate action and executive procedures.