

The Supreme Council of Health

Decision No. (1) for the year 2018

The regulation of technical committees to report professional and medical errors at the National Health Regulatory Authority

President of the Supreme Council of Health

The National Health Regulatory Authority

Having considered the Decree-Law No. (2) for the year 1987 regarding the practice of non-doctors and pharmacists for Allied Health professions,

And Decree-Law No. (7) for the year 1989 concerning the practice of the profession of medicine and dentistry,

And Decree-Law No. (18) for the year 1997 concerning regulating the profession of pharmacy and pharmaceutical centres, as amended by Legislative Decree No. (20) for the year 2015,

Law No (38) for the year 2009 establishing the National Health Regulatory Authority , as amended by Legislative Decree No. (32) for the year 2015,

And Decree-Law No. (21) for the year 2015 on private health facilities,

Decree No. 5 of 2013 establishing the Supreme Council of Health and its amendments,

And on the regulation of disciplinary committees for health professionals in the National Health Regulatory Authority issued by Decree No. (10) for the year 2015,

And Decree No. (15) of 2017 on the classification of health facilities, and technical and safety requirements to be met in their facilities and its amenities,

After the approval of the Supreme Council of Health,

Based on the presentation of the Chief Executive Officer of the National Health Regulatory Authority,

Decided the following:

Article 1

The provisions of the regulations governing the organization of technical committees to report professional and ethical errors in the National Health Regulatory Authority , which accompany this decision shall be applied.

Article 2

Article (1) of Article (3) of the Regulation of Organizing Disciplinary Committees for Practitioners of Health Professions in the National Health Regulatory Authority issued by Decree No. (10) for the year 2015 shall be repealed. Any text contradicting with the provisions of this Decree shall be repealed.

Article 3

This Resolution and its accompanying Regulations shall be published in the Official Gazette and shall be effective from the day following the date of publication.

President of the Supreme Council of Health

Lt. Gen. (Dr. Mohammed bin Abdullah Al Khalifa

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Corresponding to: 9 January 2017

**Regulation of technical committees
To report professional and ethical errors
National Health Regulatory Authority**

Chapter I

Definitions

Article (1)

In the application of the provisions of these Regulations, the following words and expressions shall have the following meanings:

The Authority: The National Health Regulatory Authority

Chief Executive Officer: Chief Executive Officer of the National Health Regulatory Authority.

Health professions: One of the professions of medicine, dentistry, pharmacy or allied health professions.

Health professionals: Practitioners of medicine, dentistry, pharmacy or an allied medical profession.

Committee: one of the technical committees established under these regulations.

Chapter II

Technical Committees

Article (2)

The following technical committees shall be established in the Authority:

1- Technical committee to report the professional and ethical errors of the medical practitioners.

2 - Technical committee to report the professional and ethical errors of the practitioners of the Dentists.

The Authority may establish temporary technical committees to determine professional and ethical errors in one of the other health professions whenever the need arises.

The committees shall exercise their powers, meetings and working procedures in accordance with the provisions of these Regulations and in accordance with the executive decisions issued by the Authority.

Terms of Reference of Committees

Article (3)

Each committee shall be responsible for determining the professional and ethical errors of health professionals, while committing violations of the provisions of the laws and decisions governing the practice of the profession or the principles, requirements and ethics of the profession, in relation to :

1. Patient complaints or inspection reports of the Authority referred by the CEO or the concerned bodies of the Authority.
- 2-Professionals' employers reports (incidents reports), referred to the committee upon the decision of the concerned department of the authority
3. Cases, Judicial decisions and decisions referred by the judicial authorities to the authority to assign the related committee as an expert.

Article (4)

In order to carry out its duties, each committee shall carry out investigations, hear statements, request documents and medical records of patients from health facilities, pharmaceutical centres and all concerned bodies.

The Committee shall request through the Chief Executive Officer in cases assigned to them as an expert to request case files from the relevant judicial authorities, and shall have the request of the Authority inspectors to perform certain inspection tasks. And has the authority to form subcommittees of three of its specialised members to study the cases presented.

Chapter III

General Provisions

First branch

Formation of committees

Article (5)

The committees shall operate under the supervision of the Chief Executive Officer of the Authority. Each committee shall be composed from a chair and at least three members of specialists from the Authority and from practicing health professionals with expertise and specialization in their field of work. The Vice-Chairman of the Committee shall replace its Chairman in his absence or objection.

Article (6)

The Authority CEO shall be authorized to issue decisions to nominate the members of each committee and determine the duration of its work. The decision to appoint members of the committee shall include appointing a rapporteur of the committee.

Section II

Committee Meeting System

Article (7)

The meetings of each committee shall be held at the headquarters of the Authority at the invitation of the Chief Executive Officer or its Chairman whenever the need arises.

The meeting of the Committee shall be valid only with the presence of the majority of its members, including the chairman or his Deputy. Its meetings and deliberations shall be confidential. Decisions shall be taken by a majority of the members present.

The Chairman of the Committee may, if necessary, present some matters to the Committee by circulation, unless more than one member requests that the topic not be considered by circulation, the decision shall then be considered for the next coming meeting of the Committee.

Decisions or recommendations on matters submitted by way of circulation shall be made 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 (8)

(A) The cases shall be referred by the Chief Executive Officer to each committee according to the committees term of reference, after taking the opinion of the Authority's legal affairs advisor, and based on the letters raised by the concerned bodies in the authority, the judicial authorities, the results of the Authority inspectors reports, or based on the results of the investigation of individual complaints by the Medical Complaints Unit.

B) The professional to be called for investigation, shall be notified before the first meeting of the investigation at least one week after the referral decision. The notification shall include the summary of the subject matter under investigation and the date and place of the committee. The applicant shall have the right to have access to all the procedures and documents relating to the referral to the Committee and to obtain a copy thereof.

C) The notification of the professional requested to be summoned shall be informed by registered mail to his place of residence specified in the license file of the Authority or his place of work. The notice may be delivered personally to the person requested to be summoned.

(D) In exceptional cases where the delay is not possible, the immediate summons of the person requested to appear before the Committee may be investigated and the reasons for the urgency set forth in the minutes of the Committee.

Section III
Committee procedures

Article (9)

(A) The investigation shall begin by proving the name, occupation, age, and summary of the subject under investigation.

B) The investigation shall be in writing with the summoned and must be confronted by the complaint or the incident reported by his employer, the letters of the judicial authorities or the report of the Authority's inspectors.

C) The summoned shall have the right to have access to the investigation procedures and all documents related thereto, and to obtain a copy of these documents, unless the Committee considers otherwise for the public interest.

(D) The Authority may, in order to complete this on its own initiative or at the request of the summoned or his / her attorney, instruct the witnesses to appear before them to hear their statements, and may also summon the plaintiff to submit written memoranda and request all medical documents and files from the concerned parties.

E) The summoned may make his statements before the Committee orally, with the contents of his statements written in the minutes of the Committee. In this case, the Rapporteur of the Committee shall read what has been proved to the summons and take his signature thereon to the Chairman or Vice-Chairman of the Committee.

(F) The Committee or its representative shall be required to hear the testimony of all the witnesses to the facts attributed to the summonses, to call experts and others who believe that their statements should be heard, and to enable the summoned to discuss them as necessary and to hear his arguments about witness testimony.

(G) The summoned may seek the assistance of a person deemed appropriate in the investigation without direct intervention in the investigation proceedings, and without prejudice to the defence guarantees.

(H) The Rapporteur of the Commission shall record the investigation in a serial number. The date, place and opening hours shall be recorded in the record, the

name of the rapporteur and the names and occupation of the Chairperson and members of the committee or names of the persons appointed for investigation.

l) The minutes shall be filled with an hour of closure. At the end of each paper of the investigation shall be signed by the chairman of the meeting or by the committee and summoned in case of attendance.

The papers and documents of the subject shall be numbered and signed by the chairman of the meeting, or the assigned for the investigation and the decision, and shall be included in the record.

Article (10)

Each member shall disclose in writing to the Chairman of the meeting prior to the meeting the existence of any personal interest, directly or indirectly, that may conflict with the requirements of his membership on a subject before the Committee, the presence of a degree of kinship, marriage or marital relationship with a plaintiff up to the fourth degree, Orally and in the minutes before the consideration of the matter.

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

Article (11)

The deliberations of the Committee shall be confidential. The Chairman of the Committee and its members shall be prohibited from disclosing any data or information relating to the affairs of the Committee or to third parties that have reached their knowledge due to or in the performance of their work, except in accordance with the provisions of the Law.

This shall apply to any person invited to attend the meetings of the Committee or its temporary committees of specialists, experts and stakeholders.

Article (12)

Upon completion of the investigations, the Technical Committees shall submit a report of their decisions and recommendations to the CEO within a period not exceeding ten days from the date of completion of their work, by the following:

- 1) Report NO professional or ethical error.
- 2) Report on the occurrence of the professional or ethical error and its description and identification of responsibilities.
- 3) Any other recommendations that the Committee deems necessary.

Article (13)

Each committee shall prepare a periodic, quarterly report on the results of its work, its decisions and the reasons it has built on the matters referred to it. The committee shall submit its report to the Executive Chairman of the Authority for any action he deems appropriate.

Section IV

The Committee's use of experts

Article (14)

The Committee may draw upon experts and specialists with expertise and competence from outside, and invite them to attend its meetings to seek their views without having a vote in the voting.

They may form temporary committees according to their medical or health specialties, which they deem necessary for conducting investigations or carrying out specific tasks. Such committees shall submit their reports to the Committee to decide what they deem appropriate.

Section V

Functions and work of the Chairman and Rapporteur of the Committee

Article (15)

The Chairman of the Committee shall undertake the following tasks:

- 1) Call for meetings of the Committee.
2. Adoption of the agendas of the meetings of the Committee.
- (3) To ensure that the work of the Committee is conducted in a manner consistent with the rules established by the Authority.
- 4) Preparation of reports on the work and decisions of the Committee, with the assistance of the Rapporteur of the Committee.
- 5) To report on the work of the Committee to the Executive Officer of the Authority.
- 6) Any other tasks assigned to him by the Chief Executive Officer.

Article (16)

The Rapporteur of the Committee

- 1)To provide the necessary administrative assistance for the functioning of the Committee.
- 2) Prepare the draft agendas of the meetings of the committee and submit them to the chairman for approval.
- 3) To direct notifications and invitations to attend the meetings of the Committee, on the instructions of the Chairman of the Committee.
- 4) Preparing, recording, arranging, numbering and keeping records of meetings.
- 5) Prepare a special record confirming the attendance and signatures of the members of the Committee at each meeting, and containing a summary of the topics presented at the previous meeting and the decisions taken by the Committee thereon.

- 6) Contribute to the drafting, numbering, ranking and archiving of draft resolutions, recommendations and reports adopted by the Committee.
- 7) Receipt of the letters of referral from the concerned authorities and prepare them for presentation to the Committee and record them in the records of the Committee.
- 8) Inform the concerned of the results of the Committee's work and decisions.
- 9) Any other tasks assigned to him by the Chairman of the Committee.

Section VI

Reasons for termination of membership of the Committee

Article (17)

A) Membership in the Committee shall end for one of the following reasons:

- 1) The member fails to attend the meetings of the Committee three times in a row without giving an excuse, or the Committee's rejection of the excuse, despite being notified in writing within two weeks after the third time.
- 2) The member shall submit a written request to the Chairman of the Committee that he wishes to terminate his / her membership.
- 3) A recommendation issued by the Committee to terminate membership.

B) When any of the reasons for the termination of the previous membership, the Chairman of the Committee shall submit the matter to the Executive Officer of the Authority, to issue the decision to terminate the membership, and to appoint a new member to complete the term of his predecessor.

C) The Committee may not exercise its terms of reference if the number of members of the Committee with expired membership exceeds half of the members. The Committee shall resume its work after the quorum of its membership by appointing new members.