

## **ARTICLE 1**

### **Purpose of National Health Professionals Council**

The National Health Professional Council (NHPC) is an autonomous professional regulatory body whose crucial mandate is to protect society from abuse of medical practice and promote ethical standards amongst health professionals in Somalia.

Specific Objectives are:

- a. Register and license all health practitioners and regulate their professional conduct
- b. Provide license to health facilities eligible to run health care services
- c. Accredite health training institutes that produce health personnel.
- d. Approve or otherwise reject training programs of health practitioners
- e. Ensure the quality of health services delivered to Somali community.

## **ARTICLE 2**

### **Council Membership Eligibility**

The minimum required criteria for eligibility to full membership in NHPC are:

- a) A Somali citizen, resident and have physical address in Somalia.
- b) Maintain superior character, high-quality reputation in the Somali societal culture, religion aspects as well as belief of high integrity.
- c) Obtain the minimum required health qualifications for health professionals. Also, acceptable qualifications of essential fields for sectors other than health. Demonstration of wide experience is crucial for both sectors respectively.
- d) Neither found guilty nor faced indictment of crime by a court of law in the country or abroad.
- e) Publicly announce aspect that might transpire in terms of commercial and other relations of any form most likely to influence adversely or create Conflict of interest in Council work .
- f) Accept membership on voluntarily basis with no paid salary as being a council member.

## **ARTICLE 3**

### **Nominations of Council Membership**

1. The stakeholders either public or private potential to NHPC will nominate their candidates to the Council and final approval will be made by committee given to finalise the council members. Once full membership is accepted, the member will pledge commitment and represent the interests of the Council
2. The selection criteria to be taken into consideration are:
  - a. professional credentials (qualifications)
  - b. competencies and capabilities
  - c. experience and skills
  - d. compassionate and caring
  - e. adherence to professional ethics and moral issues
  - f. Good character and proper personal behaviour.

## **ARTICLE 4**

### **CLASSES OF MEMBERSHIP AND MEMBERSHIP RIGHTS**

National Health Professional Council (NHPC) has three membership categories with each has specific roles and rights.

#### **A. MEMBERS**

Council membership is open to medical, allied health professional, non medical professionals and national associations. Eligible members will be accepted upon approval of their application by the NHPC.

#### **A.1. RIGHTS OF MEMBERS**

- I. The right to vote is restricted to members.
- II. Members may propose resolutions to NHPC provided the procedure for submission of such resolution is in accordance with council policy.
- III. Subject to any privacy laws or any legal prohibitions, Members will be entitled to any information necessary to enable them to participate fully at any Council activities.

- IV. Any other information held by the council, whether relating to the council, any Member, Partner, or Associate, or otherwise, may be released to Members upon request and as the Council considers appropriate at its sole discretion.

## **B. PARTNERS**

An organization, which is national, multi-national and/or international in scope, and has a nexus to the council as indicated by its involvement in medical regulation, including credentialing, evaluation and assessment, education or other matters related to quality and integrity of the practice of medicine and can reasonably be expected to add a unique perspective or bring expertise to the deliberations of the council is eligible as partner and will be admitted upon approval of its application by the NHPC.

### **B.1. RIGHTS OF PARTNERS**

- I. Partners are not permitted to vote at the council meeting.
- II. Partners may propose resolutions to NHPC provided the procedure for submission of such resolution is in accordance with council policy.
- III. Partners may serve on any standing committee or working groups of the council other than the executive Committee.
- IV. Subject to any privacy laws or any legal prohibitions, Partners will be entitled to any information necessary to enable them to participate fully except voting at any Members General meeting.
- V. Any other information held by the council, whether relating to the council, any Member, Partner, or Associate, or otherwise, may be released to Partners upon request and as the Council considers appropriate at its sole discretion.

## C. ASSOCIATES

Associate membership is open to any organization which has a nexus to the council by virtue of its regulation of health care professionals other than the medical profession. An eligible organization will be admitted as an Associate upon approval of its application by the NHPC.

### C.1. RIGHTS OF ASSOCIATES

- I. Associates may serve on any standing committee or working group of the council other than the executive Committee.
- II. Associates may attend the Members General meeting.
- III. Associates are not permitted to vote at the Members General meeting and Not allowed to propose resolutions.
- IV. Subject to any privacy laws or any legal prohibitions, Associates will be entitled to any information necessary to enable them to participate fully except voting or proposing resolutions at any Members General Meeting.
- V. Any other information held by the council, whether relating to the council, any Member, Partner, or Associate, or otherwise, may be released to Associates upon request and as the Council considers appropriate at its sole discretion.

## ARTICLE 5

### Composition of the Council

1. The Council constitutes eighteen (15) members divided across health professional Associations, line ministries, and other stakeholders.

| S/N | Bodies (Ministries, Associations, Universities etc) | Allocated number |
|-----|---|------------------|
| 1)  | Ministry of Health                                  | 2                |
| 2)  | Ministry of Higher Education                        | 1                |
| 3)  | Ministry of Justice and Constitution.               | 1                |

|     |  |           |
|-----|--|-----------|
|     |  |           |
| 4)  | Somali Medical and Dental Association        | 1         |
| 5)  | Somali Nursing Association                   | 1         |
| 6)  | Somali Midwifery Association                 | 1         |
| 7)  | Health training Institutions                 | 2         |
| 8)  | Somali Laboratory Technologists Association. | 1         |
| 9)  | Somali Pharmacists Association               | 1         |
| 10) | Somali Public Health Association             | 1         |
| 11) | Private Health Facility                      | 1         |
| 12) | Somali Lawyers Association.                  | 1         |
| 13) | Somali Civil society                         | 1         |
|     | <b>Total</b>                                 | <b>15</b> |

2. The Council Chairperson and Vice-Chairperson shall be appointed from the Council members.
3. Where there is a vacancy in the membership of the Council, Replacement person shall be appointed within four weeks for the remainder of the term.
4. Written notice of thirty (30) days is obligatory to be submitted in advance to chairperson if Council member covets to resign.
5. Misconducts and related misbehaviors in which judgment of 2/3<sup>rd</sup> of the Council considers prejudicial or detrimental to the name, dignity and integrity of the Council, the member person involves will be disqualified from the Council and replaced.
6. The Council will use its unique logo and Stamp exclusively for the purpose of the council.
7. The Council will determine the daily allowance rates for Council members those are on duty, travel or meeting attendance.
8. Council member shall hold the office for a term of three years and may be re-appointed for further term of three years.
9. At the end of the term, the member shall continue to hold office until another member is appointed, but in no case shall any extension of the period exceed three months.

10. The Council members will remain their private activities distant from council business except the time members are engaged in Council duty.
11. No member may at the same time serve in more than one capacity.

## **ARTICLE 6**

### **Council Mandates and Functions**

1. Register and license members of the health professions and regulate the professional conduct of health practitioners.
2. Maintain appropriate practice standards among health practitioners that are consistent with the principle of self regulation and the promotion of high standards of public health;
3. Improve appropriate standards of qualification in the health profession;
4. Promote the integrity and status of the health profession including the declaration of any particular health practice to be undesirable for all, or a particular category of health practitioners;
5. License and accredit public and private health facilities, health services and monitor quality assurance of health facilities, services and medical education.
6. Represent development of health professions and promote its interest;
7. Investigate allegations of professional misconduct and impose such sanctions as may be necessary;
8. Protect and assist the public in all matters relating to the malpractice of the health profession;
9. Advise the MoH, other line ministers and stakeholders on matters relating to the health profession
10. Exercise all such things as necessary or incidental to the performance of its functions under this Act.

## **ARTICLE 7**

### **Member Disqualifications**

Any person subject to following criteria shall not be eligible and not allowed to hold an obligation at to NHPC:

- (1) Who is non-Somali citizen

- (2) Whose their names has been previously deleted from the register
- (3) Who convicted criminal offenses involving moral turpitude and served punishment
- (4) Who is not mentally fit.

## **ARTICLE 8**

### **Membership Cessation**

The membership of the Council shall cease to exist in the following grounds:

- 1. A member becomes disqualified under Section 8
- 2. When a member deceased
- 3. If a member did not attend three consecutive council meetings with no authorization, medical certificate or otherwise acceptable conditions as a result of emergencies or situation beyond the human control.

## **ARTICLE 9**

### **Executive Committee**

I) The Executive Committee consists of the following members:

- (a) Chairman of the Council
- (b) Vice Chairman of the Council
- (c) Registration, License and Accreditation
- (d) Education and Training Subcommittee
- (e) Quality Assurance
- (f) Legal and professional ethics
- (g) Secretary
- (h) Treasurer

## **ARTICLE 10**

### **Powers and Duties of Executive Committee**

The Executive Committee shall have the following powers and duties:

- 1) establish sub-committees, coordinate and supervise their work: .
- 2) ensure whether the decisions passed as per these regulations are implemented;
- 3) execute the decisions of the council;
- 4) represent and run the duties of the council at the time when the council is not in-session; it cannot, however, suspend or reverse the decisions of the council.
- 5) carry out the day to day activities of the council.
- 6) perform such other matters as are directed to it by the council.
- 7) Preparation and submission of reports of the Council.

## **ARTICLE 11**

### **Executive Committee Meetings**

- 1) The Executive Committee shall adopt its own rules and procedure of their meetings.
- 2) The Executive Committee shall be convened as may be necessary;
- 3) The quorum required for meetings is the presence of more than half (50% Plus 1) of total of Executive Committee members
- 4) Each decision shall be endorsed by a majority vote, in case of a tie, however, the chairman shall have a casting vote
- 5) The term of office of the Executive Committee shall be three years.



## **ARTICLE 12**

### **Council Meetings and Decisions**

1. Basically, the Council shall hold its official meetings FOUR times a year. The chairperson may call more meetings if deemed necessary.
2. The Council meetings shall be presided over by the chairperson and on chairperson's absence, the deputy shall preside the meetings.
3. The presence of fifty percent plus one (50% +1) of the total number of members of the Council shall be deemed to constitute a quorum for a meeting of the Council.
4. A majority opinion shall prevail at the meeting of the Council. In the Event of a tie, the person presiding over the meeting may exercise the casting vote.
5. The decisions of the Council shall be authenticated by the registrar.
6. Meeting minutes will be served and distributed to all members for comments and eventually approving.
7. The allowances and other facilities receivable by the members for attending meetings shall be as agreed by Council members.
8. Other procedures relating to the meeting of the Council shall be as determined by the Council itself.

## **ARTICLE 13**

### **Other Special Groups**

- 1- Three special groups will be set up by the Council and will be selected on basis of their knowledge, skills and wide-ranging experiences in the fields
  - a. **Medical Research group**

This group is to study thoroughly and review medical research protocols submitted to the Council to consent.
  - b. **Professional Disciplinary Group** which will deal with allegations of professional misconduct and other relevant complaints brought to the attention of the Council.
  - c. **Professional assessment group:** specialist committee assigned to conduct examination and other procedures intended applicants to undergo for classification and registration.

A Group Leader will be designated by the Council from each group
2. The Groups will report and make recommendations to the Chairperson. Eventually, the Council

will discuss the recommendations and develop policies and strategic plan accordingly.

3. The Council may seek advice from an independent experts conversant in the topic of concern. The experts should not have any conflicting interests in these sense of duties. The individual experts will be rewarded for his/her services by paying, per day or per hour, a sum not exceeding the daily allowance a member on duty gets or a fraction thereof, depending on the duration of the individual's services.

## **ARTICLE 14**

### **Medical Research**

In the medical research process, The Council will plan and formulate

- a. Guidelines for medical research appropriate for Somali health practitioners
- b. The research outcome will be shared to researchers and interesting individuals with free of charge.

## **ARTICLE 15**

### **Establishment of Basic Council library**

1. A reasonable library which has significant quantity of material will be established by the Council within its main office. This basic library is intended to facilitate the literature and scientific review and to use as reference. Further, the library will support the followings:
  - a. Provision of relevant literature on regulatory health professions bodies.
  - b. Assessments and investigation of health burden as a result of lack of health legislation and regulatory system.
  - c. Studies on medical ethics and health professional behaviour and conducts.
  - d. Studies on adherence to respect health regulation system
2. The Council will provide education and awareness exclusively to its members and generally to health professional and other stakeholders on medico-legal applications and its impact towards the health and wellbeing of the community.

## **ARTICLE 16**

### **Council Fund and its Sources**

The Council will generate a separate fund of its own through:

- A. Registration fee of health Professional
- B. Penalty or fine paid to Council as a result of impeachment
- C. Somalia Government budget allocation to the Council
- D. Funds received from any other sources.

### **ARTICLE 17**

#### **Council Fund Utilization**

(1) The Council will utilise its funds for the purpose of defraying expenses incurred in connection with the exercise of its powers and performance of its duties and functions.

(2) The Council must show (cause) -

- (a) full and correct accounts to be kept of all funds received or expended by it.
- (b) an annual statement of its income and expenditure to be prepared in respect of every financial year, including a balance sheet reflecting its financial position as at the end of the financial year concerned;
- (c) the annual statement and balance sheet to be audited annually by a authorized Auditor

(3) The Chairperson will submit either quarterly or every after 4 months to the Ministry of Finance a detailed financial statement clearly showing the expenditure and the balance, as well as a detailed plan of action for the work to be done before the next financial statement and this practice will continue until the Council dispenses with the government's donations

### **ARTICLE 18**

#### **NHPC Collaboration**

(1) The Council will establish close relationship of mutual understanding with the MoH, other line ministries and stakeholders.

(2) Areas of mutual benefits include.

- 1. Provision and exchange of technical assistance for health professional practitioners development
- 2. Collaboration for moderation health services/facilities development.

3. Conduction of workshops, seminars etc collectively
4. Coordination and Information exchange and expertise transformation
5. skills transfer and capacity building

## **ARTICLE 19**

### **Charges**

The council will charge fees for registering, licensing and accrediting and research protocols. These include:

- (a) public and private health training institutions
- (b) Public and private health facilities
- (c) National and foreign Health professionals (Registering, licensing and re-licensing)
- (d) Annual retention
- (e) Review of health research protocols

## **ARTICLE 20**

### **Registration, License and Accreditation**

For Registration, Licensing and Accreditation purpose, the following principles should be taken into consideration:

1. All health educational institutions in Somalia, either Public or Private should be accredited at the Council office for the purpose of credentialing.
2. Immediately after graduation, students are legally required to apply for registration and license. During registration, the nature of the program, extent it runs and qualifications awarded should also be stated in the registration.
3. Legally, it is prohibited for all health professional foreigners to exercise as health practitioners before being registered or licensed.
4. Every facility that provides health services to clients must be registered, licensed and accredit hospital services.
5. All vital information about public and private health educational institutions and those of health facilities must be submitted by high-ranking officials authorized to represent the Institute.

## ARTICLE 21

### Registration of Health Practitioners

#### A- Application for registration

1. A person who wishes to be registered as a health practitioner, shall apply to the Council by completing the application form and paying prescribed fee prior to exercising this role.
2. The application shall be accompanied by proof of applicant's qualifications, physical and mental health fitness and criminal history, if any.
3. The Council may determine different fees for different categories or classes of health practitioners.
4. The Council, within thirty days of application receipt shall under subsection (1), grant or reject the application.
5. The council, if satisfied the applicant eligibility will proceed and finalise the registration process.
6. The Council, where it rejects an application under subsection (4), shall inform the applicant accordingly providing rejection justifications
7. The Council shall not register applicants those their names have been removed from similar register of other country on grounds of misconduct even if all eligible criteria are fulfilled.

#### B- Prohibition of practice without registration

1. No person is allowed to practice as a health practitioner, unless that person is registered in that purpose
2. A person who is qualified but not registered, and contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding two thousand dollars (\$2000) penalty or to imprisonment for a period not exceeding one year, or to both depending the crime severity .
3. A person who is not qualified and contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding four thousand dollars (\$4,000) penalty or to imprisonment for a period not exceeding two years, or to both if detrimental consequences found as a result of these practices.

## **ARTICLE 22**

### **Conditions of Registration Health Practitioners**

1. A person does not qualify for registration as a health practitioner unless that person:
  - (a) holds a primary qualification from an institution recognized by the council, and
  - (b) Passes the prescribed interview and examination conducted by the council
  - (c) A person fully fulfils the requirements determined by the council.
2. The Council, where an application meets the requirements of this Act shall register the applicant as a health practitioner and issue registration certificate.

## **ARTICLE 23**

### **Classes of Registration**

#### **A. Provisional Registration**

1. A person who holds a qualification from a training institution recognized by the Council, is eligible for provisional registration. It is however required to complete a period of supervised practice to be eligible for general registration.
2. the Council shall where a person makes an application under subsection (1), issue the provisional certificate of registration if—
  - a. The applicants meet the requirements for provisional registration; and
  - b. The council determines that the training previously received by the applicant is equivalent to that required for provisional registration.
3. The Council shall, where it rejects an application for provisional registration, inform the applicant accordingly and furnish the reasons thereafter.
4. A person holding a provisional certificate of registration may engage in employment as a health practitioner in Somalia on temporary basis (fix time).
5. A person on provisional register shall practice only in a health facility or an institution approved by the Council.
6. The Council shall not issue a person with a provisional certificate of registration for a period exceeding two years.

## **B. General Registration**

1. A health practitioner is eligible for general registration in a health profession to which his/her qualifications relate to if:
  - a. The person has an approved qualification of Diploma, Bachelor of particular health profession granted by training institution established in Somalia by law; or recognized foreign institution.
  - b. She/he has been previously registered provisionally.
2. A provisionally registered person shall undergo examination to assess the ability to competently and securely delivers practice of the profession
3. Alongside with the qualifications under subsection (1), a person shall satisfy the council to the acquired experience for serving a full-time internship of twenty four months in a hospital approved by the council.
4. A person must provide original testimony documents.
5. A general registration is valid for three calendar year starting from date of issuance.
6. The Council shall revoke the general registration if a person:
  - a. has an impairment to practice health professions that may impact the safety of the public or
  - b. has criminal history to the extent that impacts negative individual's practice of the profession
  - c. the nature, extent, and period of any previous practice of the profession is not sufficient to meet the fundamental requirements.

## **C. Specialist Registration**

1. An individual is eligible for specialist registration in a recognized health profession specialty if:
  - a. The individual holds an approved post graduate qualification in determined specialty
  - b. The individual is qualified for registration in recognized specialty in health profession
2. The background of health profession is taken to be a reference to the recognition specialty in health profession
3. general registration in the health profession is taken to be a reference to specialist registration in a recognized specialty;

4. The period of registration that is to apply to a health practitioner granted to specialist registration in a recognized specialty in a health profession is the period not more than 24 months.

## **ARTICLE 24**

### **Changes in Detail**

A person registered under this Act, shall notify the Registrar of any change of that person's particulars relating to the registration, within seven days of the change.

## **ARTICLE 25**

### **Cancellation of Registration**

1. The Council shall cancel the registration of a health practitioner where—
  - a. The Council has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of any material fact;
  - b. The health practitioner is found guilty of professional misconduct or activities against professional ethics and morals.
  - c. The health practitioner has ceased to be employed by, or to practice at a health facility which is not registered;
  - d. The period for which the registration of the health practitioner was issued has lapsed
  - e. The health practitioner is convicted of an offence under any law or
  - f. Registration circumstances have arisen disqualifying the health practitioner from registration process.
2. The Council shall, before cancelling the registration of a health practitioner under subsection 1, give the practitioner an opportunity to be heard.
3. The Council may, before cancelling the registration of a health practitioner, suspend the health practitioner for such period and on such terms and conditions as the Council may determine.
4. Where the Council cancels the registration of a person under this section, the person's name shall be removed from the Register and shall not be restored except on such conditions as may be prescribed by the Council.



## **ARTICLE 26**

### **Revocation of certificate**

Where the Council gets information that the name of any person has been entered in the register by fraud or mistake and this matter is held to be true following inquiry, the Council may seize and later revoke the registration certificate of such person.

## **ARTICLE 27**

### **Re-registration**

1. A holder of a certificate of registration, may apply to the Council for a certificate of re-registration in the prescribed manner and form upon payment of the prescribed fee.
2. The Council shall, within fifteen days of receipt of an application under subsection (1), grant or reject the application.
3. The Council shall, where it rejects an application under subsection (2), inform the applicant accordingly and give the reasons thereafter .
4. Where the registration of a health practitioner has been cancelled or suspended, the health practitioner affected may, subject to such terms and conditions as the Council may determine, apply for re-registration.
5. Subject to the provisions of this Act, the Council shall issue a certificate of re-registration
  - (a) to a holder of a provisional certificate of registration, if the holder —
    - (i) has practiced in a health facility approved by the Council for a period of not less than twenty four months;
    - (ii) passes the prescribed examination.
    - (iii) subjects with good character and good professional standing
    - (iv) meets such other requirements as may be prescribed and
  - (b) to a holder of a general certificate of registration, if the holder fulfills—
    - I. Requirements for continuing professional development for registered health practitioner registered in the profession;

- II. Requirements in relation to the nature, extent, and period of the previous practice of the profession by applicants for registration in the profession.
- III. Practitioner`s ability in communicating with English.

## **ARTICLE 28**

### **Duplicate Certificate of Registration**

1. A person whose certificate of registration is destroyed or lost may apply to the Registrar for a duplicate certificate.
2. The Registrar may, upon receipt of an application under subsection (1), issue a duplicate certificate of registration to the applicant.

## **ARTICLE 29**

### **Registration of Foreign Health Practitioners**

1. A foreign health practitioner who wishes to register must:
  - a. has legal residence in Somalia
  - b. obtain a primary qualification from a recognized institution
  - c. pass the prescribed examination
  - d. Fulfill other requirements prescribed in the registration form.
2. a foreign health practitioner who satisfies the requirements of subsection 1 (a), (b), (c), & (d), shall undergo training or supervised practice as a physician assistant in an approved hospital or institution in Somalia before being registered.

#### **A. Temporary registration**

1. A person who is foreign practitioner may apply for temporary registration.
2. The Council shall, upon receipt of an application made under subsection (1), issue the foreign applicant with a temporary certificate of registration if the applicant—
  - (a) has legal residence in Somali Republic.
  - (b) possesses such knowledge and training as may be prescribed;
  - (c) has passed the prescribed assessment examination arranged by the Council

- (d) provides a certificate of good standing from the professional registration body in the country where the person is currently registered;
- (e) proves that the person is sufficiently knowledgeable in the English language; and
- (f) shall serve in Somalia at the request of the Somalia Government or a health facility licensed under this Act.

3. The Council shall not issue a foreign person with a temporary certificate of registration for a period exceeding Six months
4. The Council shall, where it rejects an application for temporary registration, inform the foreign applicant accordingly and give the reasons thereafter.

#### **B. Limited Registration**

1. the foreign health practitioner is eligible to register limited registration if:
  - (a) has legal residence in Somalia
  - (b) has been previously registered temporarily
  - (c) passed the prescribed examination
  - (d) licensed health facility submit an application.
2. The Council shall register a foreign health practitioner for limited registration if the foreign holds equivalent registration in the health practitioner's country of origin if:
  - a. he has legal Residence in Somalia
  - b. he is in good standing with the relevant professional body in the health practitioner's country.
  - c. he passed the prescribed examination conducted by the council.
3. A foreign practitioner may not hold limited registration in the same health profession for more than one purpose under this Act, and more than one health facility, at the same time.
4. The Council may specify the terms and conditions to which the registration under this section is subject, including the acts to be performed, or the nature of supervision required, by the health practitioner.
5. The Council shall register a health practitioner under this section in limited registration for a specified period of time not exceeding twelve months.
6. The Council may, on the application of a health facility, renew the limited registration of a foreign health practitioner under this section on such terms and conditions as the Council may determine.

7. to a holder of a temporary certificate of registration, if the foreign qualification holder—
- (i) has completed at least three months of continuous employment in a health facility that holds a class A or class B license under section *thirty-eight* and
  - (ii) submits a letter from the person's supervisor at the health facility referred to under subparagraph (i), stating that the person has performed satisfactorily and displayed skills and knowledge equivalent to those of health practitioners trained in Somalia

## **ARTICLE 30**

### **Offences Regarding Registered Health Practitioners**

1. It is not permitted :
  - a) To Make or cause unauthorized entry, alteration or erasure in the Register or a certified copy of an entry in the Register or a certificate of registration or other certificate issued under this Act
  - b) To impersonate or use the title of a registered health practitioner while not registered under this Act;
  - c) To operate health educational institution HEI **or** health services facility HSF not accredited by the Council.
  - d) to procure, or attempt to procure by fraud, false representation or the concealment of a material fact;
  - e) To issue health professional qualification certificate to a person who did not pass successfully the requisite professional examination(s) set and conducted by accredited health educational institution.
  - f) To forge a certificate of registration or other certificate issued by the Council.
  - g) To practice in the national health professions without valid license issued by the Council.
  - h) undertake to provide health care services in excess of the scope of practice permitted for the registered health profession
2. A person who contravenes subsection (1), commits an offence and is liable, upon conviction, to a fine not exceeding Five hundred Dollar penalty or to imprisonment for a period not

exceeding one years, or to both.

## **ARTICLE 31**

### **Registration of Health Facility**

1. Application for registration is to be made to Council for the health facilities prior to health services commencements.
2. The council may authorize the registration of the specific health facility and upon registration, the health facility shall be called to license under this Act.
3. At the discretion of the council and subject to conditions that the council may determine, the registrar may register a private dispensary or maternity home operated by a medical assistant, nurse or midwife, as the case may be, exclusively for the use of a body corporate of an institution but under the supervision of a registered medical practitioner.
4. The registration validity for a health facilities under subsection (2) is two calendar years from date of registration followed by renewal for every two years.

## **ARTICLE 32**

### **Licensing Health Professionals**

#### **A. Prohibition of Private Practice without a License**

1. It is unlawful for a person to engage private practice without holding a practicing license
2. Any person who breaches this section commits an offence and is liable to a fine of not less than \$2-3000 (two- three thousand USD), or to a term of imprisonment of 6-12 months or to both.

#### **B. Application of Private Practice License .**

1. It is legally required for a registered medical or dental practitioners to apply to the council for a license to engage private practice either as a general medical or dental practitioner or as a specialist in their specialisation areas.
2. The original copy of the registration certificate should accompany with the license application.

3. The council may, if satisfied that the applicant possesses the necessary qualifications, authorise the grant of a license for private practice subject to such conditions as the council may consider fit.
4. No license for private practice shall be granted under this section for a person to practice independently as a full-time medical or dental practitioner in a private practice, unless the council is satisfied that he or she has for a period of not less than three years subsequent to registration as a medical or dental practitioner.
5. The license for private practice granted under subsection (3) shall be valid for the calendar year from date issued and subject to renewal for one calendar year at a time.
6. A license renewed under subsection (5) shall not be issued subject to a condition which is less advantageous than that already attached unless the person concerned has been given an opportunity of being heard by the council.
7. If a person is aggrieved by a decision of the council under this section may, within thirty days from the date of notification of the decision, appeal to supreme court.

### **ARTICLE 33**

#### **Renewal of License**

- (1) License shall be renewed annually at the end of the one-year probation. A practitioner will be licensed for a renewable in 5-years period after that and will pay for the prescribed fees.
- (2) A foreign health professional, not graduated in the Somalia, to engage health practice in Somalia, it is required to:
  - a. Apply for a renewable one-year license
  - b. Produce evidence of professional competence and good professional conduct attested by a health educational institution recognized by the Council.
  - c. fulfill the requirements for licensing
  - d. pay to the Council the relevant fee for licensing
  - e. Subsequent yearly renewal license will depend on maintaining satisfactory professional competence and good professional conduct, as judged by his/her employer or supervisor.

(3) A practicing certificate that is not renewed in accordance with subsection (1) is void.

(4) A health practitioner who practices whilst practicing certificate is void commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred Dollar penalty or to imprisonment for a period not exceeding seven Months, or to both.

#### **ARTICLE 34**

##### **Display of License**

A holder of a practicing certificate shall display the practicing certificate in a conspicuous place at the place of practice.

#### **ARTICLE 35**

##### **Cancellation of License**

1. The Council shall cancel a practicing certificate if the holder is—
  - (a) found guilty of any professional misconduct
  - (b) declared to be of unsound mind
  - (c) obtained the practicing certificate through fraud, misrepresentation or concealment of a material fact.
  - (d) commits an offence under this Act or contravenes the Code of Ethics.
2. Where the registration of a health practitioner is cancelled under this Act, the practicing certificate held by the health practitioner shall be void and shall be surrendered to the Council.
3. The Council shall, before cancelling the practicing certificate of a health practitioner under this section, give the health practitioner an opportunity to be heard.
4. The Council may, before cancelling the practicing certificate of a health practitioner, suspend the health practitioner for such period and on such terms and conditions as the Council may Determine.

## **ARTICLE 36**

### **License of Health Facility**

#### **A- Prohibition of Operating Health Facility without License**

1. A person shall not operate a health facility without a license issued to that health premises.
2. A person who breaches subsection ( 1) commits an offence and is liable, upon conviction, to a fine not exceeding five thousands Dollar (\$5000) penalty units or to imprisonment for a term not exceeding one year, or to both.

#### **B- Application for Approval to operate health facility**

A person who is willing to establish health facility shall apply to the Council for a license prior premises is being operated as health facilities.

## **ARTICLE 37**

### **Renewal of Health Facility License**

Any license level issued for health facility under subsection (2) of article 38, shall be renewed after every one year from the date of issuance.

## **ARTICLE 38**

### **Refusal to Issue Health Facility License**

1. The Council shall reject an application for a license to operate as health facility if:
  - a. The proprietor or person in charge of the health facility is in violation of a provision of this Act;
  - b. The health practitioner in charge of the facility is not registered and not in possession of a valid practicing certificate;
  - c. The health facility does not meet the physical, staffing, equipment or organisational requirements for the license; or
  - d. The health practitioner in charge in health facility has not held a certificate of registration for a period of at least three years before the date of the application.



- e. The Council do not determine that the health practitioner is properly registered and has the relevant experience in another country equivalent to that required in Somalia.
2. The Council shall, where it rejects an application under subsection (1), inform the applicant accordingly and give the reasons thereafter.
3. A licensed health facility shall display a copy of the license in a prominent place at the health facility.
4. Where a holder of a license decides not to continue facility to which the license was issued, the holder shall surrender the license to the Council.
5. The Council may amend a license where:
  - a. Other person has succeeded to the health facility belonging to the holder of the license, by substituting the name of the holder with the name of the successor; or
  - b. The name of the health facility has changed, by substituting the new name to previous one
6. The Council shall renew a license issued under this Act, if:
  - a. The health facility remains in full compliance with the rules for health facilities pertaining to the health facility's license class.
  - b. The facility provides full information as Council may require as a condition of license renewal;
  - c. The proprietor or person in charge of the health facility pays the prescribed renewal fee.

## **ARTICLE 39**

### **Inspection of Health Facility**

1. The health facilities shall be inspected by professional inspectors nominated by council
2. Inspectors will display their Identity cards (IDs) for identification during inspection.
3. A health facility shall be inspected prior to license issuance and at least every six months thereafter.
4. An inspector may reasonably enter and inspect premises which are being used, **or the** inspector has reasonable cause to believe are being used as a health facility.
5. An inspector may inspect the practicing license of health practitioner working **at the** health facility and other records required to be kept under this Act.

6. An inspector may inspect a health facility and equipments in the facility for compliance with license regulations.
7. An inspector shall not inspect a **medical record** of a patient.
8. A responsible person, or who takes care of a health facility if such person:
  - a. Delays or obstructs an inspector's who is exercising their obligation during inspection process;
  - b. Refuses to give an inspector such reasonable assistance as the inspector may require for the purpose of exercising **an** inspectors powers; or
  - c. Gives an inspector false or misleading information in answer to an inquiry made by the inspector;
  - d. **A person who committed offences on subsection to (a), (b) & (c)** commits an offence and is liable, upon conviction, to a fine not exceeding one thousand Dollar (\$1000), or imprisonment for a period not exceeding **one year**, or both.
9. An inspector shall submit to the Council a written report for the outcomes of the inspection.

## **ARTICLE 40**

### **Closure of Health Facility**

1. The Council may order the closure of a health facility where
  - a. A health facility violates the conditions for which license is granted.
  - b. A health facility is not licensed under this Act; or
  - c. The health facility provides services in a manner that cause danger of imminent harm to patients due to poor quality, less knowledge competence, and negligence.
  - d. The health facility breaches the provisions of this Act or any other law.
2. The Council shall, where it receives an inspection report signifying a health facility is not in compliance with the requirements in which license is granted, or is offering services in excess of those permitted to a license of the facility's class, give the health facility written notice of the violation.

3. The health facility shall, where it receives a notice under subsection (2), within fourteen days of receipt of the notice, provide to Registrar a written plan of correction of the violation, indicating scheduled dates by which corrective actions shall be put in place.
4. The health facility shall, where the plan of correction is submitted under subsection (3) and accepted by the Registrar, implement the scheduled activities contained by the plan.
5. The Council shall, where the plan of correction is rejected by the Registrar, revoke the health facility's license and order the closure of the health facility.

## **ARTICLE 41**

### **Accreditation of Health Training Institutions**

1. No training institution may provide any education in Somalia with the purpose to qualify any person to practice any health profession or to carry out any other activity directed at the physical examination of any person, or the diagnosis, treatment, **pharmaceutical care, or the prevention of any physical defect, illness, disease or deficiency, unless** such education institute has been approved by the Council as being appropriate for such purposes.
2. Any educational institution willing to offer education or training on health related fields as referred in subsection (1) must apply **in written manner** to the Council prior to programme instigation.
3. An application in terms of subsection (2) must be accompanied by -
  - a. Such particulars and documents regarding such education, or training programmes
  - b. payment of such fees or proof of the payment as the Council determined in respect of such applications
4. After considering an application, **other** relevant documents and particulars referred **to** subsection (3), the Council, at its discretion, may -
  - a. grant the approval; or
  - b. refuse the approval.
5. At this stage, the registrar must -
  - a. Inform an applicant in writing of any decision made in terms of subsection (4);
  - b. Issue if approval had been granted to the applicant a certificate of approval; and
  - c. Record particulars of the approval referred in paragraph (b) in the register concerned, or

- d. Notify the applicant in writing, if the approval had been refused and reasons for refusal.
6. An approval granted in terms of subsection (4)(a), in addition to any prescribed condition, may be made subjected to such conditions and requirements, and be granted for such period of time, **as the Council may determine at the time of such approval, and specify in the certificate of approval.**
7. The Council may appoint investigators from time to time to -
  - a. Investigate whether or not the prescribed conditions and other requirements determined by the Council in terms of subsection (6) in respect of an educational institution, are being complied
  - b. Report to the Council the outcome of investigation and conclusions made.
8. (a) The Council may withdraw in writing an approval granted in terms of subsection (4)(a), if it is satisfied, after having given **the concerned** educational institution an opportunity to be heard, that such educational institution has failed to comply with any applicable prescribed condition, or requirements determined in terms of subsection (6) and specified in the certificate of approval.  
(b) The registrar must by notice in writing inform the educational institution concerned of any decision of the Council in terms of paragraph (a).
9. An educational institution referred to in subsection (8) must within a period of thirty days after the date of the notice referred to in paragraph (a) of that subsection return the certificate of approval to the Council.
10. The registrar must -
  - a. cancel the certificate of approval referred to in subsection (9); and
  - b. enter such cancellation in the register.
11. Any person who contravenes or fails to comply with subsection (1) or (9) is **committed** guilty of an offence and on conviction liable fine not exceeding **three** thousand Dollars (\$1000) or imprisonment for a period not exceeding two years or both.

## **ARTICLE 42**

### **Accreditation of Health Training Program**

1. Training institutions that runs training of health profession shall apply to the Council for approval of the training programme prior to course commencement. All previously existing training programmes **are required to** apply to the Council for approval
2. The Council may, after review of a proposed training programme, approve if it fulfills the set standards and meets basic requirements of this Act. Otherwise, the programme will be disapproved.
3. The Council shall not, where a training institution uses a training which is not approved under this section, accept the training as authentic and qualified for registration in that health profession.
4. A training institution shall not provide any training , or hold out as providing training to prepare students for a health profession, unless such training programme is approved by the Council.
5. A training institution that contravenes subsection (5) commits an offence and is liable to a fine not exceeding 2000 Dollar penalties or imprisonment of one year or both

## **ARTICLE 43**

### **Assessment of Training Program**

The council reviews and assess the training programme to be undertaken by health practitioners the regulation will emphasis the following:

- a. The duration of a particular training programme to be undertaken by health practitioners
- b. the criteria for recognition by the Council of particular training program
- c. The minimum standards for admitting pre-health practitioner, professional and technical training to be provided by a training institution to a health practitioner being registered as health profession
- d. The requisite infrastructure for particular training programe, appropriate educational and training curricula, qualifications of faculty personnel, suitable training equipment and staffing levels of medical and other personnel.

## **ARTICLE 44**

### **Review of Approved Training Program**

1. The Council shall review all training programmes every three years since first approval was made. This will take into consideration the performance of graduates of those programmes.
2. The Council may withdraw the approval of a training programme, where it is determined the training programme is no longer meets the requirements of this Act, or the graduates of the training programme consistently fail to meet the standards required by health profession.

## **ARTICLE 45**

### **Accreditation of Health Care Services**

1. A health facility shall apply for accreditation of a health care service to the Council in the prescribed manner and form upon payment of the prescribed fee.
2. The Council shall, upon receipt of an application under subsection (1), direct an inspector to inspect the health facility in order to determine whether the health facility meets the requirements for accreditation as may be prescribed.
3. The Council shall, where a health facility meets the requirements for accreditation, grant full accreditation to the health facility for a period of one year.
4. The Council may, grant provisional accreditation for a period not exceeding six months, where it determines that a health facility demonstrates reasonable progress towards full accreditation, but is not in conformity with accreditation requirements, and the health facility is able to safely provide the accredited service in its current condition.
5. The Council shall, where the Council grants a health facility full or provisional accreditation, endorse on the licence of the health facility the type of accreditation granted.
6. The Council in its discretion make regulations for the accreditation of health care services which may include requirements for staffing, facilities, equipment, procedures, record keeping, data collection, staff training, and compliance with certain protocols or treatment guidelines.

## **ARTICLE 46**

### **Re-accreditation**

1. An accreditation granted for health training institutions/programs and facility will be made routinely after every twelve months from the date of previous accreditation.
2. The Council may require reporting of data, including quality assurance information, as a condition for the renewal of accreditation.
3. The Council may cause inspections of health facility to be carried out to confirm continuing compliance with accreditation requirements to be conducted at the same time as health facility licence inspecting, or more frequently if required.

## **ARTICLE 47**

### **Revocation of Accreditation**

1. The Council shall, where a health facility is in violation of accreditation requirements, inform the health facility, in writing, of the Council's intention to revoke the accreditation.
2. Where the Council intends to revoke an accreditation, the procedures for notification and correction of violations shall apply.

## **ARTICLE 48**

### **Foreign Health Educational Institutions/Qualifications**

Foreign health professional qualifications can be considered by the Council if issued:

1. In English or Arabic language
2. Authenticated and stamped by both ministries of higher education and foreign ministry of the country that awarded the qualification.
3. Authenticated and stamped by Somalia Embassy of country of award
4. Verification of Ministry of Culture and higher of Somalia the eligibility of this qualification
5. In the event the qualification is issued in languages other than English and Arabic, translation is to be made accordingly alongside with the above mentioned requirements.

## **ARTICLE 49**

### **Recognition of Health Professional Associations**

1. This act recognizes professional associations formed by licensed health professionals provided the fulfillment of the following criteria
  - (a) The association members should not less than eleven (11) members
  - (b) Existence of an active constitution stating the rights, duties of members and also indicating its objectives, organizational structure and rules for regulating the professional conduct of the association members
  - (c) Submission copy of the constitution of the association to the Council
  - (d) Evidences of qualifications restrictedly relate to field of association

## **ARTICLE 50**

### **Advertisement**

1. A person must not advertise a health service, in a way that is:
  - a. False or likely to be misleading or deceptive
  - b. Offers a gift, discount or other inducement to attract a person to use the service, unless the advertisement also states the terms and conditions of such offer
  - c. Uses testimonials or purported testimonials about the service or business.
  - d. Creates an unreasonable expectation of beneficial treatment
  - e. Directly or indirectly encourages the non-specific or unnecessary use of regulated health services.
2. If a person breaches the advertisement procedures and found guilty, there will be a maximum penalty categorized as follows:
  - a. In the case of an individual—\$1,000; or
  - b. In the case of a body corporate—\$2,000.
3. A person does not commit an offence against subsection (1) merely because the person, as part of the person's business, prints or publishes an advertisement for another body/person.



## **ARTICLE 51**

### **Title Protections**

1. According to this Act, no person shall use the title “doctor”, a variation or abbreviation or an equivalent in another language, or any other term of like description in the course of providing, health care to individuals in Somalia,
2. A person who is not medical or dental practitioner, shall not, under this Act—
  - (a)- Practice as “medical or dental practitioner, be employed of health care services provider , or engaged as an agent, or hold out to be a health practitioner;
  - (b) do anything likely to lead persons to infer that the person is a medical or dental practitioner.
3. A person who is not a registered health practitioner and knowingly or recklessly—
  - (a) take or use the title of “registered health practitioner”,
  - (b) take or use a title, name, initial symbol, word, logo, or description that indicate—  
to practice legally in a health profession;
4. A person who contravenes subsection (1) or (2) commits an offence and is liable, upon conviction, to a fine not exceeding one thousand Dollar (\$1000) or to imprisonment for a period not exceeding two years, or to both
5. A person or health facility shall not employ a person who is not registered under this Act as a health practitioner will face a penalties of maximum of —
  - a. in the case of an individual—\$ 1,000; or
  - b.** in the case of a body corporate—\$2,000.
6. A health practitioner who permits that health practitioner's name to be used by a person who is not a registered health practitioner commits an offence and is liable, upon conviction, to a fine not exceeding one thousand Dollar (\$1000) or to imprisonment for a period not exceeding two years, or to both.
7. Nothing in this section shall prevent a trainee for the purpose of qualification for registration as a health practitioner, from employment or performance of health care services under the direct supervision of a registered health practitioner in accordance with such guidelines for training programmes as the Council may determine.

## **ARTICLE 52**

### **Restriction on Use of Specialist Titles**

- (1) A person who is not a specialist health practitioner must not knowingly or recklessly—
- a. take or use the title of “specialist health practitioner”,
  - b. take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken, used, or reasonably understood to indicate—
    - i. The person is a specialist health practitioner; or
    - ii. The person is authorized or qualified to practice in a recognized specialty;
- (2) A person who breaches these rules is liable for the following penalties:
- a. In the case of an individual—\$1500; or
  - b. In the case of a body corporate—\$3,000.

## **ARTICLE 53**

### **Rules and Regulations**

Under this Act, the Council may issue rules or regulations affecting the following different health dimensions such as institutions, facilities, professionals and associations, these rules will apply the followings

- (a) The registered and licensed health professionals.
- (b) The health services facilities.
- (c) The health educational institutions.
- (d) Medical research in the country.
- (e) The recognized health professional associations.

## **ARTICLE 54**

### **Dissolution of Council**

- 1) The government may dissolve the Council if it fails to exercise the powers conferred to it pursuant to this Act or the Rules framed under this Act or has abused powers or used excessive powers and the Rules framed under this Act,

- 2) After the dissolution of the Council pursuant to Sub-section (1), the Government shall take custody of the fund and other assets of the Council, and pending the formation of another council, it may itself perform all such powers as required to be performed by the Council pursuant to this Act and the Rules or cause to be exercised such functions by a committee formed by it.
- 3) The Government shall form a new council pursuant to Section 2 generally within three months after the dissolution of the Council pursuant to Sub-section (1).
- 4) The Government shall hand over the fund and assets held by it in its custody pursuant to subsection (2) to a new council after the formation of such council.

## **ARTICLE 55**

### **Council Heard Quarter, Regional and District Offices**

1. The heard quarter of the Council is Mogadishu, the capital of Somalia.
2. The council may establish regional and district offices of the council in each regional capital and in the districts determined by the Council.
3. A regional or district office of the council shall be recruited with the public officers that the **president** shall appoint in accordance with the Act.
4. A regional or district office of the council shall perform the functions of the council in the region or district that the council may direct.

## **ARTICLE 56**

### **AMENDMENT**

This Act may be amended or altered by a majority of the Council members who are present at council meeting. Written notice of such proposed amendment must be given to Members, Partners and Associates at least two weeks prior to the meeting.

## **ARTICLE 57**

### **Appeals**

A person who is not satisfied with a decision or order made by the Council under this Act may make an appeal to the Court within thirty days after the date of such decision or order.

## **ARTICLE 58**

### **Annual Report**

At the end of each year, especially in the last 3 months of the year (October, November, or December) the Chairperson of the council will submit an annual report for the work of the Council during the ending year to the Ministry of Health (MoH) and parliamentary committee of social affairs.

## **ARTICLE 59**

### **Prohibition on Carrying out Health Profession**

After one year of the commencement of this Act, no person other than a registered or licensed as health professional or body/institution shall be entitled to carry out on the health profession, directly or indirectly.

## **ARTICLE 60**

### **Abrogation**

This Act abrogates any existing act, bye-laws, rules, regulations and procedures which contradict or are not compatible with the Act

## **ARTICLE 61**

### **Act in Force**

This Act shall take effect when enacted by the legislative congress and signed by the President of the Federal Republic of Somalia.

## **ARTICLE 62**

### Operational Definitions

| <b>Word/Phrase</b>                             | <b>Operational Definitions</b>  |
|--|---|
| <b>The Council</b>                             | Means in this Act, National Health Professional Council   |
| <b>To Regulate</b>                             | To control activities or processes by means of rules and procedures established by the Council.   |
| <b>Accreditation</b>                           | A process in which certification of competency, authority, or credibility to health training institution or health facility is approved.  |
| <b>Competence</b>                              | The ability of health practitioner to integrate the professional attributes of knowledge, skill, judgment, values and beliefs, required to perform as a professional in a particular field in all situations and practice settings. |
| <b>Health Educational Institution</b>          | Universities, institutes, Colleges, Schools and Academics that conduct training courses in particular health related disciplines or any other field allied to medicine.   |
| <b>Profession</b>                              | An occupation that involves prolonged special training and a formal qualification over a time of period.  |
| <b>Health Professional</b>                     | A person that obtains qualifications from an accredited health educational institution in health related fields.  |
| <b>Health Professional Qualification</b>       | An official and authentic testimony attesting that a health professional has successfully completed a study programme from an accredited health educational institution.  |
| <b>Foreign Health Professional</b>             | A non-Somalis health professional obtained his/her qualifications from a recognized health educational institution  |
| <b>Foreign Health Profession Qualification</b> | Qualifications awarded by a recognized foreign health educational institution   |
| <b>Health Professional Practitioner</b>        | A health professional who is registered and licensed to hold a specific skill in the healthcare sector.   |
| <b>Health Professional Misconduct:</b>         | An illegal action, unethical behaviours or abuse of health professional standards against the right health services guidelines  |

|  |  |
|--|--|
| <b>Clinical Negligence</b>             | A breach of medical care duty to a patient, which causes harm to the patient.  |
| <b>Health Professional Ethics</b>      | Moral principles which control or influence health professional's behavior in attending a patient or in admission or in operation activity.  |
| <b>Mentally fitness</b>                | A mentally fit patient who is able to retain and evaluate information given in the course of investigation and treatment, to make a rational choice and have decision-making capacity and is considered to be competent. |
| <b>Competent</b>                       | Means that the patient has a decision-making capacity.   |
| <b>Informed Consent</b>                | A voluntary agreement (without coercion) given by a competent patient who has been given full information about the medical procedure concerned.   |
| <b>Proxy Informed Consent</b>          | An informed consent obtained from a person(s) acting on behalf of an incompetent adult or a child or severely ill  |
| <b>Professional classification</b>     | Verification and authentication of qualifications and experiences and their relevance to ensure that the minimum standards of health related field for safe practice are met   |
| <b>Professional assessment</b>         | A procedure performed by the Council to determine the competence and skill as well as the academic and professional level of the applicant   |
| <b>Health Services Facility</b>        | Public or private premises in which diagnostic, curative, preventive, rehabilitative health services are provided or in which medical supplies, equipment appliances and devices are dispensed.                          |
| <b>Public Health Services Facility</b> | means a functioning facility that is open to the public throughout the year which provides health care appropriate for the category of the facility  |
| <b>Registration</b>                    | The process of registering a health professional who has fulfilled the predetermined requirements of the Council to provide specified services to an official register maintained by the Council.                        |
| <b>Re-registration</b>                 | Updating the health professional's data and his/her commitment to continue practicing, training and education programs after the registration period expires.  |
| <b>License</b>                         | A permission issued by the Council, allowing the licensee to practice legally in the particular health field for which he/she is licensed to.  |
| <b>Re-license</b>                      | Renewal of practicing license after expiry   |
| <b>Allied Health</b>                   | Health care professions distinct from medicine   |