



**Kingdom of Cambodia
Nation Religion King**



Royal Government of Cambodia
No: 127 ANK.BK

Sub Decree

on

**The Establishment of University of Health Sciences
as Public Administrative Institution**



- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal decree NS/RKT/1198/72 dated November 30, 1998 on the formation of the Royal Government of the Kingdom of Cambodia
- Having seen the Royal Kram No. 02/NS/94 dated July 20, 1994, promulgated Law on Organization and Functioning of the Council of Ministers
- Having seen the Law on Establishment of the Ministry of Health, promulgated by Kram NS/RKM 0196/06 dated January 24, 1996
- Having seen the Law on Establishment of the Ministry of Economics and Finance promulgated by Kram NS/RKM/0196/13 dated January 24, 1996
- Having seen Royal decree NS/RKM/1297/91 dated December 31, 1997 on the judicial statute of Public administrative Institution
- Having seen Sub-decree No. 67 ANK.BK dated October 22, 1997 on the organization and functioning of the Ministry of Health
- Having seen Sub-decree 04 ANK.BK dated January 20, 2000 on the organization and functioning of the Ministry of Economics and Finance
- Having seen the approval of council of minister at its plenary session on November 30, 2001

HEREBY DECIDES:

Chapter I

General Provisions

Article 1:

University of Health Sciences in its abbreviation “UHS” is to be transferred as Public Administrative Institution under technical governance of Minister of the Ministry of Health and financial governance under the Minister of the Ministry of Economy and Finance.

Article 2:

UHS is a legal entity with automated finance. UHS is located at #73, Preah Monivong Blvd, Sangkath Sras Chork, Khan Daun Penh, Phnom Penh capital. Relocation of UHS in the future is under the authority of UHS.

Article 3:

UHS bears the following responsibilities:

Provide training of all higher educational level in medicine, pharmacy, dentistry and medical aid as well as train technologist both in quantity and quality to the needs in the Kingdom of Cambodia according to the university system through teaching, learning and training in medical professional, pharmaceutical, dentistry, nursing sciences and other in-service training with quality, certification and diploma as well as the organization of relevant workshops, conferences requested by the society.

- Capacity building for teachers and professor on the subject matters of the 3 (three) colleges of University of Health Sciences and Technical School for Medical Care,
- Develop training curricular recognized by the Ministry of Education Youth and Sports and the Ministry of Health,
- USH shall provide and jointly provide with other educational institution of level of national diploma,
- Conduct research on health science, pharmacy, dental and nursing science
- Research on curriculum, contents and teaching methodology, compile technical documents in both Khmer and foreign languages to the needs and for public in general,
- Manage and process on intake and exit examination for students, conduct self-evaluation appropriate to principles and transparency
- Establish equipment-based for UHS
- Working as government headquarter in developing human resources in health sector

- Manage civil servants, staffs, laborers, students, teachers, and properties of UHS
- Maintain good collaboration/relations with national and international organization, non-governmental organizations to keep improving in technical/science research works.

Chapter II

Administration and Management

Part 1

Board of Directors

Article 4:

UHS shall be led by board of directors with comprehensive rights in managing all activities as stated in the provisions of this sub-degree and the internal regulation of UHS.

Article 5:

5.1 Board of directors shall compose of 07 (seven) members with the following compositions:

- | | |
|---|-------------|
| - Representative of the Ministry of Health | Chairperson |
| - Representative of Council of Ministers | member |
| - Representative of the Ministry of Education Youth & Sports | member |
| - Representative of the Ministry of Economics and Finance | member |
| - Director of UHS | auto member |
| - A Dignitary with knowledge and experiences in health sciences | member |
| - Representative of UHS staffs | auto member |

5.2 Representative of UHS staffs shall be elected among all members of UHS for each term.

5.3 Chairperson and members of board of directors which are not the auto members shall be nominated by sub-decree for three years term following with the request of the line ministries or institutions that s/he represented.

This term can be terminated at anytime with the request of the line ministries or institutions that s/he represented.

Article 6:

Members of board of directors shall be selected from among active officers who has served in the service of at least five (5) years or a dignity whose ages of not over 65 (sixty) years old with sufficient experiences in health science, economy, education or law. S/he shall have to be Khmer citizen who has never been convicted of guilty by the court.

Article 7:

7.1 Chairperson of the board of directors is responsible for calling in and defining agenda of meeting of the board of directors.

7.2 Board of directors may invited external dignitary with experienced of health science and representative of development partners to participate in the meeting of the board of directors. Those dignitaries can provide suggestion/recommendation but has no rights to vote for approval.

Article 8:

The mission of the Board of directors is responsible in guiding and monitoring the process of UHS. Having accounted for this mission, the board of directors shall:

- Monitor and approve on the development plan of UHS in line with the direction determined by the government,
- Check and approved the annual income and expenditure and annual budget of UHS,
- Check and approved the annual financial statement,
- Define structure and determine roles and responsibilities to subordinated unit/offices,
- Define selection process, promotion and incentives for UHS's staff which is not affected to any regulations or internal regulations which apply to public functions,
- Determine and approve on the numbers of personnel/staffs for UHS,
- Approve on public procurement,
- Define internal regulations of UHS ,

- Periodically evaluate the level of outcomes versus the NIPH's Goal and set measure for correction action,

Article 9:

Allowance for members of the board of directors shall be determined by Minister of Health and Minister of Economy and Finance following the request of the Board of directors.

Article 10:

10.1 The meeting of the UHS's board of directors shall be organized of at least once in a quarter following the invitation of the chairperson of the board or 2/3 of members of the Board or with the request of UHS's Rector. In case that the chairperson is busy, an oldest member of board of directors who are present shall be elected to lead the meeting. Chairperson of the meeting shall select a secretary of the meeting that person must not be member of board of directors. The secretary does not have rights to vote. Financial officer stated in this sub-decree shall participate in the meeting of board of directors but s/he has no rights to vote. The meeting's agenda and related documents shall be submitted to every member of the board of directors and relevant ministries as mentioned in this Sub-degree of at least ten (10) days in advance.

10.2 The meeting of the board of directors shall be valid unless the meeting is attended by more than fifty (50) percent of the total members. The absent member cannot send his/her representative to participate in the meeting on his/her owned behalf. Whenever there are not enough quorum, no later than fifteen (15) days after the immediate previous meeting, the board of directors shall call for the next meeting. This meeting shall not be restricted with numbers of quorum and the meeting shall discuss the same topic agendas that had already been proposed for the previous meeting. Participated members shall have to sign on the attendance sheet. All decisions of the board of directors shall be valid when the approval made by absolute majority, in case of equal voices the vote of the Chairperson shall be prominent.

10.3 Decision of the board of directors shall be documented and signed by the chairperson and the secretary, then keep it at the UHS. The minutes shall be clearly noted all content of the discussions then make copy and submitted to all members of the board and concerned ministries no later than ten (10) days after the meeting.

10.4 UHS shall submit to the Council of Ministers, Minister of the Ministry of Health, Minister of the Ministry of Economy and Finance, and Financial auditing officers of the following documents:

- Minutes of the meeting of the board of directors
- Development plan of UHS
- Annual budget plan
- Annual financial statement

10.5 These documents shall be sent to the person in charge no later than fifteen (15) days.

Part 2

Executive body of UHS

Article 11:

UHS shall be managed by one rector appointed by the Royal Decree following the request of the Prime Minister proposed by Minister of the Ministry of Health. UHS's rector is the Executive Director.

Article 12:

12.1 UHS's rector is fully authorized to manage and implement the works as stipulated in the law and this sub-degree excluding tasks which are under the authorization of the board of directors. UHS's rector has duties as the followings:

- Conduct the meeting of the board of directors,
- Implement all decision made by the board of directors and to put in action of other policies determined by the board of director,
- Prepare annual budget of UHS and submit to board of directors for approval
- Make annual financial statements and other UHS's activities and submit to the board of directors for approval,
- Certifying on duties of subordinated units under its supervision as necessary
- Employ all vacant positions of the UHS that approved by the board of directors and comply with regulation on staff management,
- Perform duty in accordance with hierarchy of UHS's for staff, board of directors including sharing of authority as stipulated in the internal rule and other relevant

- Comply with all administrative procedures and manage all affairs assigned to by the decision of the board and in accordance with the UHS's internal rule.

12.2 The UHS's rector shall perform as a representative of the UHS in relations with third parties.

12.3 When necessary, the UHS's rector may propose nomination of one or two vice-rector(s) as his/her assistant(s) whose rank equal to Departmental Director to the board of directors for approval,

Part 3 Staffs of UHS

Article 13:

13.1 Permanent staffs of UHS are staff of public functions who were transferred from Ministry of Health or those recruited by the request of UHS's rector. The same amount of salary and other remunerations of those public servants that approved by Ministry of Public Functions shall be maintained.

13.2 The UHS may recruit contractual agent, assistant and casual workers. Those staffs and agent shall abide by the internal regulations and the decision of board of directors and the labor law.

13.3 Staffs of UHS shall be governed by the staff's regulations determined by the board of directors.

Board of Directors shall determine bonuses for staff and the modality of payment as stated in the internal regulations.

Part 4 Properties of UHS

Article 14:

14.1 The Royal Government has granted non-moveable assets to UHS as the followings:

- Lot of land where the University of Health Science is located with four (4) other faculties, namely:
 - Faculty of Medicine
 - Faculty of Pharmacy

- Faculty of Dentistry
- Faculty of Medical Care

The total area of land is sixteen thousand seven hundred and forty-five square meters (16,745 sqm²) located at Sangkath Sras Chork, Khan Daun Penh and other area of land is eleven thousand six hundred and sixty-seven square meters (11,667 sqm²) located at Sangkath Tomnob Teuk, Khan Chamcar Morn, Phnom Penh Capital.

14.2 Besides above immovable assets, UHS has also been granted other movable and immovable assets which are currently used by UHS.

14.3 Movable and immovable assets of UHS are listed in the inventory as stipulated in the annex attached.

14.4 UHS may purchase or sell movable and immovable assets, and buy other immovable assets as necessary for the operation of the University

Part 5

Financial and Accounting Management of UHS

Article 15:

Financial and accounting management of UHS shall implement in accordance with the public financial policy as stipulated in article 122 of Sub-decree No. 82 ANK, dated November 16, 1995 on General Regulations of Public Accounting.

Article 16:

16.1 Rector of UHS is the front-line manger and shall be responsible for:

- Control budget and consolidate incomes,
- Manage payment and issue expense order,

16.2 Front-line manager may authorize to line-manager or establish revenue agent or advance agent (petty cash) within approval of UHS accountant.

Article 17:

17.1 Financial management and account control shall be conformed to the internal regulations of UHS under the responsibilities of the accountant. This accountant shall be nominated by Proclamation (Prakas) of Minister of the Ministry of Economy and

Finance and shall take an oath before resuming the office. The accountant shall participate in the meeting of the board of directors as consulting agent but has no right to vote.

17.2 The accountant is responsible for the following tasks:

- collect incomes,
- release money for all expenses,
- secure and manage the implementation of UHS's funds and resources,
- maintain legal documents and manage accounting documents,

17.3 Accountant may delegate certain authority to his/her subordinate,

Article 18:

18.1 UHS's resources shall include:

- resources provided by the Government at the start-up
- subsidy for the functioning of the UHS and another subsidy as capital as stipulated in the National Budget,
- aids, donations, and other assistance in which UHS received,
- direct borrowing and state lending money to UHS,
- earning and other fees from service charged by UHS,
- other benefits and earning generated from the services of UHS,
- profits earning from UHS's properties and revenue generate from selling of properties under permission of the Government,
- interest of the property given to UHS,

18.2 Income, expenditure and capital of UHS is budgeting in the annual budget of UHS. UHS's board of directors shall define modality of management and implementation of its budget. All decisions made by the board of directors relating to the modality of financial management and implementation shall be approved by Minister of the Ministry of Economy and Finance.

18.3 UHS's Front-line manager shall prepare budget plan and submit to the board of directors for approval no later than September 30 of each year. The budget shall be maintained the balance between income and expenditure.

Article 19:

19.1 Accounting tasks of UHS are included as the followings:

- general accounting shall be made into two parts, one of which is an operational budget, treasury and another transaction with the third party,
- Accounting, non-furniture, materials and cost-accounting,
- accounting analysis if necessary,

Accounting of UHS shall:

- 1- Consistent with the rules issued by the Prakas of Minister of the Ministry of Economy and Finance.
- 2- strictly followed accounting plan of UHS approved by the board of directors.

The accounting plan shall be approved by Minister of the Ministry of Economy and Finance,

19.2 Annual financial statement of UHS shall be prepared by an accountant and front-line manager and attached with management report then submit to the board of directors for reviewing and approve no later than three (3) months from the closing date.

Article 20:

UHS's fund is a public fund which is required to deposit in an account at the national treasury unless otherwise stated by the Prakas (proclamation) of Minister of the Ministry of Economy and Finance.

Part 6

UHS Fiscal term

Article 21:

Unless there is contradictory provisions of the laws otherwise UHS shall be put under the general jurisdiction of fiscal regime like other State entities.

Part 7

UHS's Procurement

Article 22:

Decision, implementation and monitoring over UHS's procurement shall be

governed in accordance with the Sub-degree No. 60 ANK.BK dated July 31, 1995 on public procurement and other related regulations concerning to the matter.

Chapter III

Part 1

Technical Governing Body

Article 23:

23.1 Fifteen (15) days after the meeting of board of directors, UHS's rector shall submit the annual budget plan and development program to Minister of the Ministry of Health and Minister of the Ministry of Economics and Finance for approval. One month after receiving the papers, the Minister of Ministry of Economy and Finance shall provide his/her suggestions to Minister of the Ministry of Health. Minister in charge of Technical Governing Body shall have a period of two (2) months starting from the date of acknowledgement the receipt of documents submitted by UHS to approve all the requests,

23.2 Letter of approval shall be signed by Minister of the Ministry of Health or the Ministry's representative and send back to UHS's rector and circulates one copy to Minister of the Ministry of Economy and Finance. UHS's rector shall notify immediately this information to the board of directors.

In case that the Minister of the Ministry of Health does not response within the said duration, the development program or annual budget plan shall be considered as acknowledgement and approve. If there is an objection from the Minister of the Ministry of Health on such development program or annual budget plan, Chairperson of the board of directors shall call for a meeting immediately to discuss and find out solutions to such objection.

UHS's development program and budget expenditure shall not be applicable if the objection made by Minister of the Ministry of Health or specialized technical line ministry's leader.

When there is objection from Minister or specialized technical line ministry's leader the regular expenditure shall be segregated into twelve (12) parts for transaction.

Article 24:

24.1 Minister of the Ministry of Health can oppose to the consigned documents as stated in article 23 above. Those documents shall be included: minutes of the Board's meeting and annual financial statement. Minister of the Ministry of Health has a period of one (1) month to voice objections.

24.2 UHS's rector shall notify board of directors the contents of the objection of Minister of Health. Board of directors shall conduct the meeting immediately and find out solutions to such objection. If board of directors may not endorse the said objection, then a written response with explaining the reason shall be made immediately to the Minister of Health.

Article 25:

25.1 Minister of Health may cancel or suspend the decision made by the board of directors or UHS's rector if such decision composes of the following matters:

- contrary to the objectives of the university,
- contrary to the law and regulations,
- contrary to the modality of board of directors' meeting as stated in article 10,

25.2 The cancellation or suspension shall be made by the Prakas of the Minister of Health indicating of personal idea or due to the complaints of the concerned parties. The cancellation or suspension of the decision shall be made in writing and send to UHS's rector; and the rector immediately notify to the board of directors.

Article 26:

In accordance with the existing procedure, regulations and law, Minister of the Ministry of Health may conduct an inspection or reviewing the performance of the UHS's tasks wherever necessary.

Part 2

Financial Governing Body

Article 27:

27.1 Fifteen (15) days after the meeting of the board of directors, UHS's rector shall submit annual financial statement to Minister of the Ministry of Economy and Finance and Minister of the Ministry of Health. Within one month period after receiving the documents, Minister of the Ministry of Health shall provide suggestions to Minister

of the Ministry of Economy and Finance. Minister of the Ministry of Economy and Finance has a period of two (2) months from the date of submission of documents by UHS's rector to approve on the documents.

27.2 Letter of approval signed by Minister of the Ministry of Economy and Finance or Ministry's representative shall be sent to UHS's rector and copy to Minister of Health. UHS's rector shall immediately notify about the approval to the board of directors.

In case that there is no response from Minister of the Ministry of Economy and Finance within the said periods as mentioned above, the annual financial statement is considered approved. If there is objection from the Minister of the Ministry of Economy and Finance on the report, Chairperson of the board of directors shall call for meeting immediately to discuss and find out solutions to such objection.

In case that there is no solution to the objection raised by Minister of Economy and Finance, the annual financial statement shall not be considered approved.

Article 28:

The decisions as mentioned below made by the board of directors or UHS's rector shall be requested for prior approval from Minister of Economy and Finance and Minister of Health after consultation with financial controlling officers:

- Decision on the selling and transferring of titles of immovable assets,
- Decision on the exceptional of loan which exceed limitation as set in the Prakas of Minister of Economy and Finance,
- Decision on agreement for borrowing money, agreement for guaranteeing or any type of similarity,

Article 29:

Minister of the Ministry of Economy and Finance shall nominate one financial controlling officer to post at UHS. The said officer shall be responsible for conducting the pre and post-audit over the financial transaction of UHS in accordance with Sub-decree No. 81 ANK.BK dated November 16, 1995 on the establishment of financial monitoring scheme on the expenditure of line ministries, provincial- municipal entities, and public institutions that are functioning as administrative public body.

Article 30:

30.1 The management of front-line manager of UHS is under the monitoring of General Financial Inspectorate of the Ministry of Economy and Finance.

30.2 The management of accountant is under the monitoring of Central Accounting Department of the National Treasury and General Financial Inspectorate of the Ministry of Economy and Finance.

30.3 When necessary and in accordance with the provisions of the existing laws and other related regulations, Minister of the Ministry of Economy and Finance may conduct verification, inspection and monitoring over UHS.

Chapter IV **Final Provisions**

Article 31:

Any provisions contrary to the contents of this Sub-decree shall be deemed abrogated.

Article 32:

Minister in charge of Council of Ministers, Minister of the Ministry of Economy and Finance, Minister of the Ministry of Health, Ministers, Secretaries of State of concerned ministries and institutions shall comply with this Sub-decree from date of the signature.

Phnom Penh, 19 December 2001

Prime Minister

HUN SEN

Receivers:

- *Ministry of Royal Palace*
- *Secretariat General of Senate*
- *Secretariat General of National Assembly*
- *Secretary General of the Royal Government*
- *Cabinet of Samdach Prime Minister*
- *As mentioned in article 32*
- *Documents-archives*