

# **Law relating to the Organization and Practice of Medicine**

**Law No. 90-036 of 10<sup>th</sup> August 1990**

*Section 1. This law and the implementation instruments thereof shall govern the organization and practice of medicine*

## **PART I. – PRACTICE OF MEDICINE**

### **CHAPTER I. – CONDITIONS OF PRACTICE OF MEDICINE**

#### **Section 2.**

(1) Persons engaged in the practice of medicine in Cameroon shall be subject to registration with the Medical Association.

(2) However, physicians of foreign nationality who fulfil the following additional conditions may engage in the practice of medicine in Cameroon;

- Nationals of a country with a reciprocity agreement with Cameroon;
- Physicians who have not been struck off the roll in their countries of origin or in any other country where they had practised medicine;
- Physicians recruited on contract or under a co-operation agreement exclusively for the Administration, a religious body or benevolent Non-Governmental Organization (NGO);
- Physicians serving an approved private undertaking.

#### **Section 3.**

The physician himself shall perform professional acts of an administrative and legal nature and draft and issue documents relating thereto either in the normal exercise of his duties or in the carrying out of a special mission assigned to him. He shall be bound in this connection to comply with any instructions given to him.

#### **Section 4.**

A physician in service in the Administration or in the private sector shall be bound by:

- Professional secrecy;
- The Code of Ethics adopted by the Cameroon Medical Association and approved by the supervisory authority;
- The statutory provisions of the Association.

### **CHAPTER II. – PRACTICE OF MEDICINE ON A PRIVATE BASIS**

#### *I. – Conditions of practice of medicine on a private Basis*

#### **Section 5.**

(1) The practice of medicine on a private basis shall be subject to an authorization issued by the Council of the Association under the terms and conditions laid down in this law.

(2) The Council of the Association shall also rule on applications for change of professional domicile or place of activity and resumption of activity after interruption following a disciplinary measure under conditions laid down by regulations.

(3) Authorizations granted by the Council of the Association must comply with the health map established by regulations.

Authorizations granted in violation of the health map shall be null and void.

#### **Section 6.**

Persons engaged in the practice of medicine on a private basis shall be subject to the following conditions:

- be of cameroonian nationality and enjoy their civic rights;
- be registered with the Medical Association;
- have completed five years of effective practice in a public service or a private body within the national territory or abroad;
- produce a letter of discharge in principle where they are gainfully employed or assist a colleague who is practising on a private basis;
- be of good conduct;
- produce an insurance policy covering occupational hazards
- have paid all their contributions to the Association.

#### **Section 7.**

Except in the case of a reciprocity agreement, a foreign physician may not engage in the practice of medicine on a private basis in Cameroon.

#### **Section 8.**

(1) Applications for approval shall be deposited in two copies with the Council of the Association against a receipt.

(2) The Council of the Association shall decide on the application forwarded to it within a period of thirty days with effect from the date of deposit thereof.

(3) The decision of the Council of the Association shall be subject to prior approval by the supervisory authority from the first working day following that decision. The supervisory authority shall rule on the decision within a period of thirty days. After this period, the decision of the Council of the Association shall be enforceable. It shall be notified to the applicant.

(4) In any case, after a period of 90 (ninety) days with effect from the date of deposit of the application, silence by the Council of the Association shall imply acceptance of the application and the applicant may open his surgery.

(5) Every rejection decision shall set out the reasons on which it is based.

#### **Section 9.**

(1) The decisions of the Council of the Association on approval applications may, within thirty days of their notification, be appealed against before the Appeal Board of the Council of the Association by the applicant when it is a rejection decision or by any aggrieved member of the Association if it is an approval decision.

(2) The appeal shall not bar enforcement of the decisions except where it concerns an approval decision.

(3) The Board of Appeal shall give its ruling within a period of two months after the matter has been referred to it. Its decisions shall be notified as provided for by this law and any

appeals against them may only be lodged with the Supreme Court in accordance with ordinary law procedure.

(4) After the period of two months, silence by the Board of Appeal shall be considered as a favourable decision on the application.

#### **Section 10.**

(1) No surgery or clinic shall remain open in the absence of its licence unless he has arranged to be replaced in due and proper form.

(2) In the absence of a physician, he may be replaced at his surgery by a colleague practising on a private basis or by an additional physician. The Council of the Association shall be informed forthwith about the replacement.

#### **Section 11.**

(1) The physician may be assisted by one or more colleagues.

(2) The remuneration of the additional physician shall be determined by mutual agreement. The Council of the Association shall be notified accordingly.

#### **Section 12.**

(1) In the event of the death of a physician operating on a private basis the period during which his heirs may have the surgery managed by a locum tenens may not exceed five years; such period may be renewed once.

(2) Where during the above-mentioned period, one of the children of the deceased is studying medicine, the said surgery may be reserved for him.

(3) The conditions of replacement shall be the same as those for approval to practise medicine on a private basis.

### ***II. Incompatibilities***

#### **Section 13.**

Subject to special enactments, civil servants and government contract employees who are in active service or employed persons in general shall not be authorized to practise medicine on a private basis.

### ***III. Partnerships of physicians***

#### **Section 14.**

Physicians operating on a private basis in the same place may enter into an association and carry out their practice in the form of a partnership whose organization and functioning shall be laid down in separate instruments.

### ***IV. Obligation to take out an insurance policy***

#### **Section 15.**

(1) Every physician or partnership of physicians shall be bound to take out an insurance policy from an approved national insurance company to cover his or its occupational hazards.

The receipt of the insurance policy shall be deposited with the Council of the Association at the beginning of each calendar year.

(2) Failure to take out an insurance policy shall, on the instructions of the Council of the Association or the supervisory authority, lead to the temporary closure of the establishment. Such establishment may be re-opened only on presentation of the receipt showing payment of the insurance policy.

### **CHAPTER III. – UNLAWFUL PRACTICE OF MEDICINE**

#### **Section 16.**

The following shall be guilty of unlawful practice of medicine.

- (1) any physician who practises under an assumed physician name or who grants consultations in business premises where some of the apparatus he prescribes or uses are sold;
- (2) any unauthorized person who, even in the presence of a physician, habitually or under supervision, provides diagnosis or treatment for diseases on a personal basis by consultation or by any other procedure;
- (3) any physician who exercises his profession in violation of the provisions under section al above or who offers his assistance to persons who are not authorized to practise;
- (4) any physician who exercises his profession while on temporary or permanent suspension

#### **Section 17.**

- (1) Without prejudice to the application of more severe administrative, disciplinary or penal sanctions, any person found guilty of unlawful practice of medicine shall be punished with imprisonment of from 6 (six) days to 6 (six) months or with fine of from 200 000 (two hundred thousand) to 2 000 000 (two million) francs or with both such imprisonment and fine.
- (2) The court may, where applicable rule that the equipment used in the commission of the offence be confiscated and the establishment be closed.
- (3) Any person who violates the provisions of this law shall cease his activity with immediate effect. Furthermore, the closure of his surgery or clinic may be ordered by the Council of the Association, irrespective of any court judgment.

#### **Section 18.**

The Council of the Association may refer the matter to the Legal Department or the trial court or, where necessary, be a civil party in any action taken at the instance of the Legal Department against any per-son guilty of unlawful practice of medicine.

## **PART II. — CAMEROON MEDICAL ASSOCIATION**

#### **Section 19.**

The Cameroon Medical Association hereinafter referred to as the Association, established in Section 1 of law No. 80/7 of 14 July 1980, shall comprise all physicians practising their profession in Cameroon.

#### **Section 20.**

- (1) The Association shall ensure compliance with the principles of moral conduct and devotion essential to the practice of medicine as weil as observance of the rules prescribed by the Code of Ethics.

(2) The Association shall equally carry out any duty assigned to it under this law or other separate instruments.

(3) The Association shall have legal personality. Its headquarters shall be in Yaounde. The Association shall be under the supervision of the authority in charge of public health.

## **CHAPTER 1. — THE ORGANIZATION OF THE CAMEROON MEDICAL ASSOCIATION**

### **Section 21.**

The Association shall carry out the duties assigned to it through the following two bodies :

- the General Assembly; and
- the Council.

### **Section 22.**

(1) The General Assembly shall comprise all physicians registered on the Roll of the Association.

(2) It shall meet every year in ordinary session when convened by its President and, where necessary, in extraordinary session at the request of the absolute majority of its members, or of the Council of the Association or of the supervisory authority to:

- elect members of the Council of the Association;
- elect six (6) members for the Appeal Board;
- rule on the progress report of the President of the Council of the Association;
- lay down the guidelines for the smooth running of the profession;
- adopt the Code of Ethics of the profession and the Internal Regulation of the Association.

(3) The General Assembly shall elect the President of the Council of the Association and an Auditor for a term of three (3) years. They shall be eligible for re-election.

### **Section 23.**

(1) The agenda of the General Assembly sessions shall comprise only items relating to the practice of the profession. It shall be drawn up by the President of the Council of the Association to whom questions may be referred one month before the session by members of the Association or by the supervisory authority.

(2) The agenda of every General Assembly session shall be forwarded at least 15 (fifteen) days before the session to the supervisory authority who shall send a representative to the General Assembly deliberations.

(3) The supervisory authority may prohibit the holding of an ordinary or extraordinary session of the General Assembly if the agenda is not in conformity with the provisions of the preceding subsection.

### **Section 24.**

The organization and functioning of the General Assembly shall be defined by internal Regulations.

## **The Council of the Association**

### **Section 25.**

(1) The Council of the Association shall be the executive body of the Association. It shall comprise 12 members elected for a period of three years as follows:

- four substantive Division A members and one alternate member (civil servants) ;

- four substantive division B members and one alternate member (non-religious) .
- four substantive division C members and one alternate member (religious).

(2) All physicians registered on the roll of the Association shall be electors and eligible for election. The members of the Council shall be eligible for re-election.

(3) The procedure for electing members of the Council and the rules relating to their replacement in case of default shall be laid down by the Code of Ethics.

#### **Section 26.**

In addition to the President elected by the General Assembly, the Council of the Association shall elect its Bureau for a period of three (3) years comprising:

- a Vice-President
- a Secretary-General
- a Treasurer.

#### **Section 27.**

(1) After each election, a report thereof shall be forwarded on the working day following the election to the supervisory authority.

(2) Disputes arising from the elections may be referred to the Administrative Bench of the Supreme Court by any physician entitled to vote, within fifteen days following the elections. The supervisory authority shall be notified of such action.

#### **Section 28.**

Membership within the Council of the Association shall cease;

- 1 - When the term of office expires;
- 2 - In case of unjustified absence from three consecutive meetings of the Council of the association;
- 3 - in case of a permanent disablement or death ;
- 4 - in the event of duly established resignation ;
- 5 - when the officer is struck off the roll of the Association.

#### **Section 29.**

The quorum of the Council of the Association shall be three-fifths of its members. Its sessions shall be presided over by its President or, in his absence by the Vice-President or the oldest member of the Council of the Association.

#### **Section 30.**

(1) The Council of the Association shall meet in ordinary session twice a year when convened by its President. It may, where necessary, meet in extraordinary session on the initiative of its President or at the request of not less than half of its members or of the supervisory authority.

(2) The President shall fix the date venue and time of the meetings.

(3) Every member of the Council shall be entitled to vote. The decisions of the Council of the Association shall be taken by a simple majority of the members present.

(4) The deliberations of the Council shall be held in camera. However, the President may invite any person of his choice in view of his competence to attend the meetings of the Council in an advisory capacity.

#### **Section 31.**

(1) Under Section 20 (1) and (2) and Section 21 above, the Council of the Association shall:

- rule on applications for enrolment and re-enrolment with the Association and the election of the members of the Council;
- approve applications to practise medicine on a private basis as well as applications for establishment, locum tenens, change of professional domicile or place of practice and resumption of practice after interruption following a disciplinary measure;
- exercise any powers entrusted to it by this law or special instruments;
- examine any matters referred to it by the supervisory authority;
- take disciplinary measures against defaulting members of the Association under the conditions laid down by this law.

(2) Under no circumstances, shall the Council take into consideration political or religious acts, leanings and beliefs of the members of the Association.

### **Section 32.**

The Council of the Association shall fix the amount of contributions of members of the Association which shall be compulsory under pain of disciplinary measures.

### **Section 33.**

The President of the Council shall represent the Association in all civil matters and before the Courts. He shall manage the property of the Association by delegation of the Council.

## **CHAPTER II. — ENROLMENT IN THE ASSOCIATION**

### **Section 34.**

Persons engaged in the practice of medicine in Cameroon shall be subject to prior enrolment in the Association.

The roll of the Association shall be kept up-to-date by the Council. The supervisory authority, Senior Divisional Officers, Council and the Legal Department shall be notified regularly of such roll.

### **Section 35.**

Applicants for enrolment with the Association shall fulfil the following conditions.

- (a) be of Cameroonian nationality and enjoy their civic rights.
- (b) have attained maturity
- (c) hold a State or University diploma of doctor of medicine or any other equivalent diploma recognized by the competent authority at the time of submission of the application
- (d) have not been convicted for any act contrary to honour or morality (theft, false pretence, misappropriation of public funds, forgery and use of forged documents);
- (e) neither have been declared bankrupt nor liquidated by court order.

### **Section 36.**

(1) The application for enrolment in the Association shall be deposited with the Council of the Association in two copies against a receipt.

(2) The Council shall decide on the application for enrolment within 30 (thirty) days following the submission of the application.

(3) Decisions of the Council on applications for enrolment with the Association shall be submitted for prior approval by the supervisory authority on the first working day following the day the decision was made. The supervisory authority shall rule on the decision within a

period of thirty days. After this time-limit, the decision of the Council shall be enforceable. It shall be notified to the applicant.

(4) In any case, after a period of 90 (ninety) days following the submission of the application, silence by the Council of the Association shall imply acceptance of the application and the applicant's automatic enrolment with the Association.

(5) Every rejection decision shall set out the reasons on which it is based.

#### **Section 37.**

(1) Decisions of the Council of the Association on applications for enrolment or re-enrolment with the Association may, within 15 (fifteen) days of notification thereof, be appealed against before the appeal Board of the Council by the applicant in the case of a rejection decision or by any aggrieved member of Association in the case of enrolment or re-enrolment.

(2) In any case, where the Appeal Board fails to take decision within a period of two months from the date such appeal was brought before it the applicant shall be enrolled with the Association.

(3) The appeal shall not have an interlocutory effect save in the case of an acceptance decision.

#### **Section 38.**

(1) Without prejudice to the provisions of Section 18 and 36 above, decisions, proceedings, resolutions or any act of the General Assembly or of the Council of the Association shall be null and void unless they are submitted for the prior approval of the supervisory authority on the first working day following the day on which they were made.

(2) The supervisory authority shall rule thereon within a period of thirty days. After this period, the decision shall be automatically enforceable.

#### **Section 39.**

In the event of cessation of activity, the person concerned shall, within a period of 15 (fifteen) days, notify the Council thereof. The Council shall strike him off the roll of the Association.

#### **Section 40.**

(1) The Secretary General of the Council shall keep the roll of the Association.

(2) Only professional diplomas and qualifications recognized by the competent authority of the country where they were obtained shall figure on the roll of Association. However, titles and decorations conferred on the physician by the State may be mentioned on the Roll.

### **CHAPTER III. — DISCIPLINE**

#### **Section 41.**

(1) The Council shall exercise disciplinary jurisdiction at the first instance within the Medical Association. In this capacity, it shall appoint amongst its members a Disciplinary Board.

(2) The Disciplinary Board which shall be presided over by the president of the Council shall comprise four other members elected from within the Council. The President may be replaced in case of his exclusion and objection or absence.

#### **Section 42.**

(1) A matter may be referred to the Disciplinary Board by the supervisory authority, the Legal Department or any physician enrolled with the Association who has an interest at stake.

(2) Only the authority responsible for Public Health or the Council of the Association after consultation with the supervisory authority may bring a physician serving the State before the Disciplinary Board for acts committed in the performance of his duties.

The supervisory authority shall take a decision within 30 (thirty) days from the date a matter is referred to it. After this time-limit, if the supervisory authority does not reply it shall be considered as upheld.

(3) The quorum of the Disciplinary Board shall be three-fifths of its members.

#### **Section 43.**

Matters that may be referred to the Disciplinary Board shall include;

- any conviction for any offence of a nature to discredit or jeopardize the reputation of the profession committed within or outside the national territory;
- any conviction for professional misconduct.

#### **Section 44.**

The Disciplinary Board may, at the request of the parties or on its own initiative, order an inquiry into any facts the findings of which it deems useful for its proceedings. The decision to order an inquiry shall indicate the matters to be investigated and shall prescribe, according to the circumstances whether it is to be conducted before the Disciplinary Board or pressed on by a member of the Board who shall visit the place of occurrence of the matter.

#### **Section 45.**

(1) Any physician accused of an offence may be assisted by a defence counsel of his choice.

(2) He may exercise the right of exclusion and objection in accordance with ordinary law procedure.

#### **Section 46.**

(1) The Disciplinary Board shall keep records of its proceedings.

(2) Minutes shall be drawn up after each meeting and signed by all members.

(3) The minutes of cross-examinations or hearings shall likewise be drawn up and signed by the persons concerned.

#### **Section 47.**

(1) No disciplinary sanction may be pronounced unless the physician accused has been heard or summoned to appear before the Board within a period of 30 (thirty) days following receipt of the summons with acknowledgement of receipt.

(2) Where the accused physician fails to appear before the Disciplinary Board after a duly notified summons, the Board may make its rulings.

#### **Section 48.**

(1) The Disciplinary Board may pronounce any of the following disciplinary sanctions;

- warning
- reprimand
- suspension from practice from three months to one year, depending on the seriousness of the offence committed;
- striking off the Roll of the Association.

(2) The first two sanctions shall entail ineligibility for membership of the Council of the Association for 2 (two) years with effect from the date of notification of the sanction. The third sanction shall entail ineligibility for 3 (three) years with effect from the date of notification of the sanction.

**Section 49.**

- (1) The decision of the Disciplinary Board shall set out the reasons on which they are based.
- (2) They shall be notified on the first working day following the date, which they are taken to the supervisory authority, the Public prosecutor and the accused physician who shall acknowledge receipt thereof.

**Section 50.**

- (1) Where the decision is delivered by default, the accused physician may raise objection there to within a period of 10 (ten) days with effect from the date he was personally notified of the decision with acknowledgement of receipt.
- (2) Where he is not personally notified of the decision, the time-limit for objection shall be 30 (thirty) days with effect from the day notice was served at his professional domicile.
- (3) The objection shall be in the form of a simple declaration submitted to the Secretariat of the Council of the Association which shall issue a receipt therefor.

**Section 51.**

- (1) Where the decision is made after full argument on both sides, the accused physician may, within 60 (sixty) days with effect from the date of notification of the decision of the Disciplinary Board lodge an appeal before the Appeal Board referred to in Section 52 below.
- (2) After this time-limit, the decision shall be final and enforceable.

**Section 52.**

The Appeal Board shall comprise the following Chairman.

- a Judicial and Legal Office of the Supreme Court designated by the President of the said Court;
- members:
- a physician designated by the supervisory authority;
  - three members of the Association elected within the General Assembly who did not hear or decide on the matter in the first instance.

**Section 53.**

- (1) Without prejudice to the provisions of Section 9 and 37 above, the Appeal Board shall hear appeals against decisions of the Council concerning discipline.
- (2) The decisions of the Board shall be taken by simple majority of the members present.

**Section 54.**

- (1) Appeals shall be in the form of an explanatory motion lodged at the Secretariat of the Council of the Association against a receipt.
- (2) The appeal may be lodged by the physician concerned, the supervisory authority, the Department of Public prosecutions or any member of the Association with an interest at stake within 30 (thirty) days following notification of the decision of the Disciplinary Board.
- (3) Appeals shall not bar enforcement of the decisions.

**Section 55.**

- (1) The Appeal Board shall give its ruling within 2 (two) months from the date the matter is referred to it. Its decisions shall be taken and notified as provided for in Section 53 above and may be appealed against only before the Supreme Court according to ordinary law procedure.
- (2) After a 2 (two) months period, a decision taken in the first instance shall automatically be suspended.

**Section 56.**

(1) Where a physician is struck off the Roll of the Association, he may, after a period of 5 (five) years apply to the Council of the Association for resumption of practice.

(2) Should the request be rejected, he may re-apply only after another period of 2 (two) years.

**Section 57.**

The exercise of disciplinary action as provided for hereinabove shall not bar;

- any proceedings instituted by the Legal Department, private individuals or by the Association before the courts in accordance with ordinary law procedure, or

- any disciplinary action that the supervisory authority may take against a medical Officer.

**PART III. — TRANSITIONAL AND FINAL PROVISIONS**

**Section 58.**

The following shall be authorized to continue to practise medicine:

(1) physicians approved under former regulations.

(2) physicians recruited to serve exclusively the Administration.

(3) foreign physicians exercising their profession in Cameroon or recruited on a contract basis prior to the publication of this law.

**Section 59.**

All physicians legally practising their profession on behalf of the Administration, private undertakings or on a private basis on the date of enactment of this law shall be automatically enrolled in the Association in accordance with the provisions of this law.

**Section 60.**

Files being studied on the date of enactment of this law shall be subject to the conditions and procedures provided for by this law.

**Section 61.**

The conditions of implementation of this law shall, as and when necessary, be laid down by regulations.

**Section 62.**

All previous provisions repugnant hereto, in particular Laws Nos. 80/7 of 14 July 1980 to set up the National Medical Association and 80/6 of 14 July 1980 to regulate the practice of medicine are hereby repealed.

**Section 63.**

This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaoundé, 10 août 1990

Paul Biya, President of the Republic.