

CAMEROON MEDICAL COUNCIL

(CMC)

INTERNAL RULES AND REGULATIONS

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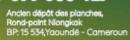




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CAMEROON MEDICAL COUNCIL C.M.C

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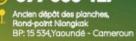






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INTERNAL RULES AND REGULATIONS OF THE CMC

COMMON PROVISIONS

PREAMBULE

Established by Article 1 of Law No. 80-07 of 14 July 1980, the CMC shall include all physicians registered with the Medical Council (Articles 19 and 22 of Law 90/36)

In accordance with Article 5 Chapter II of Decree No. 92-265 by the PM of 22 July 1992, to lay down the modalities of implementation of Law No. 90-36 of 10 August 1990 on the practice and organisation of the medical profession, the Code of Ethics of the profession and the Internal Rules and Regulations of the Medical Council shall be adopted by the General Assembly of the said Medical Council and made enforceable by Order of the Minister of Public Health.

In accordance with Decree No. 83/166 of 12 April 1983 on the Code of Ethics for Physicians, the mission of the CMC is to:

Ensure that the principles of morality, probity, competence and dedication essential to the practice of medicine are upheld and that all its members fulfil their professional obligations and abide by the rules laid down in this Code.

Safeguard the honour and independence of the medical profession

Organise all works of mutual assistance for the benefit of its members and their rightful claimants

Accomplish its mission through the Council and the Disciplinary Council

The Medical Council is a legal entity governed by private law and is responsible for providing a public service. (Article 20, Paragraph 2 of Law 90/36)









A - OBLIGATIONS AND RIGHTS OF MEMBERS

A.1. Duties and rights of an ordinal advisor

Every elected ordinal advisor, shall, by virtue of his or her position, be vested with some duties and rights

A.1.1. Obligations and Duties

A.1.1.1. General Obligations

- Attendance requirements:

The Councillor shall be present at the meetings of the Council (Article 28 of Law 90/36) Any Councillor who, without just cause, has not sat for three consecutive meetings may, on the proposal of the Council, be deemed to have resigned.

- Obligations of conduct:

By virtue of their public service mission, the elected ordinal members shall be bound by the principles of public service, in particular those of impartiality, neutrality and secularity, and "to exercise their duties with dignity, probity and integrity" (Article 31 Paragraph 2 of Law 90/36)

Elected members of the Council shall be bound by strict obligations of discretion regarding the disclosure of facts, information or documents of which they become aware in the exercise of their duties. Utmost confidentiality is required, especially with regard to the content of the debates and the outcome of the elections during the deliberations. This requirement even rises to the level of an obligation of professional secrecy when the secrecy of the persons for whom the Council is responsible is at stake.

They are also subject to reinforced obligations of probity, pursuant to the penal code, which specifically sanctions various breaches of the duty of probity on their part, in addition to persons holding public office, "persons entrusted with a public service mission". This is particularly the case with regard to:

- Corruption consisting of soliciting promises or gifts in return for certain behaviour in connection with the office;
- Misappropriation of funds;
- Illegal taking of interests, which consists of an elected member of an ordinal body having any
 interest whatsoever, regardless of whether it is material or moral, in an operation carried out
 while he or she is involved in the decision-making process relating to this operation.













Generally speaking, like any person exercising functions of general interest, a fortiori missions of public service, the elected ordinal official shall not use his or her position for purposes other than that mission.

A.1.1.2. Specific obligations to prevent conflicts of interest

It is based on the prevention of conflicts of interest, defined as "any situation of interference between a public interest and public or private interests which is likely to influence the independent, impartial and objective exercise of the function of a member of the Council".

A.1.2. Declaration of interests

All elected Councillors shall submit a declaration of interests and sign an undertaking to avoid putting themselves in a position of conflict of interest at the time of their election and complete it in the event of a change in their situation during their term of office.

A.2. Honorary Membership

This title is strictly honorary and does not confer any rights.

On the proposal of the President of the Council, the title of Honorary President is granted to former Presidents of the Council, meeting in plenary session, by an absolute majority of its members, in the absence of the person concerned.

Under the same conditions, honorary membership may be granted to former members of the Bureau.

Such titles do not entitle the holder to attend the plenary sessions of the Council.

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B - GOVERNANCE OF THE COUNCIL

B.1. Organs, constitutions, missions and composition

B.1.1. Organs of the CMC

The Council shall carry out its mission and exercise its powers through two organs:

- 1 The General Assembly
- 2 The Council

B.1.2. Constitution of the Organs of the CMC

- 1 The General Assembly shall include all physicians registered with the Medical Council.
- 2 The Council shall consist of the Bureau of the Council and Councillors.

B.1.3. the Missions of the Organs of the CMC

1 - The General Assembly:

Shall be the supreme authority of the CMC and shall be responsible for validating all major decisions taken on behalf of the Medical Council It shall be chaired by the President of the Council and shall meet every year in ordinary session at the request of its President, and, if necessary, in extraordinary session at the request of either the Medical Council or the supervisory authority.

- 2 The Medical Council shall be the executive organ of the latter
- B.1.4. Composition of the Bureau of the Organs of the CMC
- 1 The General Assembly shall be made up of:
 - The Council
 - Physicians on the roll of the Medical Council













2 - The Council

- The Council shall be made up of the following members:
- 1 (One) Chairperson of the Council, 12 (twelve) Councillors and 3 (three) Alternate members distributed as follows:
- 4 (four) members from the College of Civil Servants (Division A) and 1 Alternate member
- 4 (four) members from the College of Lay Private practitioners (Division B) and 1 Alternate member
- 4 (four) members from the Denominational College (Division C) and 1 Alternate member

3 - Bureau of the Council

The Bureau of the Council shall be made up of:

1 (one)

President elected by the General Assembly

- 1 (one) Vice-President elected by the members of the Council
- 1 (one) Secretary General elected from within the Council by its members
- 1 (one) Treasurer elected from within the Council by its members
- 4 Subsidiary organs

Subsidiary organs shall be constituted as follows:

- 1 (one) Auditor, elected by the General Assembly, not a member of the Council
- 3 (three) Members of the Appeals Chamber belonging to different Colleges and 3 Alternate members
- 5 (five) Members of the Disciplinary Council















B.1.5. Responsibilities of the Organs of the CMC

B.1.5.1. The General Assembly: (Chapter I. Section I Article 22-2 Law 90-36)

1- The Ordinary General Assembly

- Shall review the agenda drawn up by the President of the Council
- Shall elect the members of the Medical Council
- Shall elect the six members of the Appeals Chamber;
- Shall elect the auditor
- Shall rule on the activity report of the President of the Medical Council;
- Shall vote the budget of the Medical Council, the draft of which shall be drawn up by the **Medical Council;**
- Shall establish guidelines for the proper functioning of the profession;
- Shall adopt the Code of Ethics of the profession and the Internal Rules and Regulations of the Council.

2- The Extraordinary General Assembly

- Shall review all urgent matters relating to the profession under the conditions laid down by law
- Shall rule on the activity report of the President of the Medical Council

B.1.5.2. The Council:

- The Medical Council shall be the Executive Organ of the latter (Chapter I, Section II, Article 25-1 of Law 90-36).
- The Medical Council shall exercise, within the medical profession, the disciplinary competence in the first instance; (Chapter III Article 41 of Law 90-36)
- Among other things: (Chapter I. Section II. Article 31-1), it shall decide on applications for inclusion or reinstatement on the roll and on the election of the Bureau of the Council
- Shall approve applications for private practice as well as applications for the establishment, temporary replacement, change of professional residence or geographical location, and resumption of activity after interruption following a disciplinary sanction
- Shall exercise all powers conferred on it by Law No. 90-36 of 10 August 1990 or by specific instruments
- Shall examine all matters referred to it by the supervisory authority
- Shall impose disciplinary sanctions on members of the Council under the conditions provided
- for by this law.
- Shall elect the 4 (four) members who, together with the President of the Council, shall constitute the Disciplinary Council from among its members













V.3. Responsibilities of the Members of the Council

(Chapter II. Article 10 -2, Decree 92-265)

1 – The President:

- The President shall be the executive of the Medical Council and shall represent the Medical Council in all matters and in court. He shall manage the assets of the Medical Council by delegation. (Chapter I. Section II Article 33 of Law 90-36)
- He shall be responsible for its functioning and shall manage and organise its activities.
- He shall accept donations and bequests to the Council, settle or compromise, and consent to all disposals
- He shall set the agenda for the meetings of the Council and the Bureau, sign the minutes of the proceedings and all communications made on behalf of the Council
- Where necessary, he shall take precautionary measures. He shall submit them to the Council for endorsement at the next Plenary Session.
- If empowered by the Council, he may, in the event of urgent need, authorise exceptional expenditure not provided for in the budget or leading to an overrun of the budget appropriations up to an amount determined each year by the Council at its budgetary session. If this amount is exceeded, he shall convene an extraordinary meeting of the
- He shall preside over the sessions of the Council or, if he is unable to do so, he shall be replaced by the Vice-President of the Medical Council.
- He may temporarily delegate some or all of his powers to a member of the Council to the extent permitted by law.
- He shall chair the Disciplinary Council
- He may, if necessary, appoint a member of the Council to assist a member of the Bureau in his duties

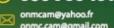
2 – The Vice-President:

By order of precedence, shall represent the President by delegation in the event of inability to attend, default or resignation duly noted by the Council, in accordance with the rules of propriety, in certain cases until the next elective Assembly.













3 – The Secretary General:

Under the authority of the President of the Council, the Secretary General:

- Shall lead the administrative team in the day-to-day management of the Headquarters
- He shall be responsible for maintaining the register of the Medical Council (Chapter II. Article 40- 1 Law 90-36), updated by the Council (Article 34)
- He shall prepare the Council's draft budget with the assistance of the Treasurer in accordance with the conditions laid down by law.
- He shall prepare, under the supervision of the President of the Council, the sessions and in accordance with the law

(Chapter I. Article 22, Article 23 and 30 of Law 90-36)

 He shall ensure that the decisions of the Council and the opinions of the Bureau are implemented. Reports and correspondence shall be prepared under his supervision.

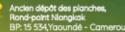
4 – The Treasurer:

Under the authority of the President,

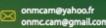
- Shall be responsible for any financial project of the Medical Council, in accordance with the decisions of the National Council and by delegation of the latter
- He shall be responsible for the collection of the various funds and their remittance. He shall also collect donations and bequests and any amounts due to the Medical Council
- He shall co-sign the financial documents for bank disbursements with the President of the Council,
- He shall, together with the Accountant, be responsible for keeping the accounting and financial books and statements and shall report quarterly on his statements during the Council sessions.
- Shall have the closed accounts for the past financial year approved and approved in full
- Shall be responsible for the payment of expenditure as decided by the liquidator and shall ensure that budgetary rules and procedures are respected.
- Shall manage the treasury and investments in accordance with regulatory requirements.
- Shall submit annually, together with the Secretary General, the draft budget for the following calendar year to the plenary session
- The President may appoint a member of the Council to assist him in his task.















VI. Responsibilities of the Members of the Subsidiary Organs

1 - Auditor:

- The role of the auditor is to check the regularity of accounting entries and the veracity of their findings against the supporting documents submitted to him.
- He shall present his report at every General Assembly and give his reasoned opinion.

2 -The Disciplinary Council and Appeal Chamber

- The provisions governing the functioning of the Disciplinary Council and Appeals Chamber, from accusation to judgement, conviction or sanctions and appeals are contained in:
- Law 90-36 of 10 August 1990 in Chapter III, Articles 41 to 57
- Decree No. 92-265 PM of 22 July 1992 in Chapter III, Articles 11 to 18

3 - Conciliation Organs

- The President of the Medical Council, upon receipt of a complaint against a physician, may attempt conciliation
- He may give a member of the Medical Council or any other physician of his choice the power to attempt conciliation between the parties involved.
- The conciliation shall be formalised in a report signed by the parties involved, the President and the member of the Medical Council, duly mandated to do so.

B.2. Delegation of powers and signatures

B.2.1. Delegation of powers

- The purpose and effect of these delegations is to entrust their beneficiaries with the responsibility of monitoring, on behalf and under the supervision of the President, a sector of activity, and to prepare, or even make the corresponding decisions themselves.
- Such delegation of powers may include a delegation of signature to the beneficiary.
- Delegation of responsibility is not the same as delegation of powers, as it does not relieve the President of the responsibility he has delegated and of the power to discuss the matters concerned and to sign the corresponding instruments himself, if he has delegated his signature.
- In the event of criminal liability, the beneficiary of the delegation is more specifically liable under the conditions of common law of criminal liability.
- They are of a personal nature and shall be renewed as necessary by the President of the Council.













- In order to facilitate the Council's actions in remote areas and abroad, the President of the Medical Council may designate teams of colleagues to bring the Medical Council's administration closer to its users.
- They may be withdrawn by the President at any time.

B.2.2. Delegation of signature

- The President may also grant delegations of signature, in particular to the Vice-President responsible for replacing the President in the event of the latter's unavailability, for any reason whatsoever.
- They give the beneficiary the possibility to decide in place of the President within the scope of the delegation granted. They can be withdrawn at any time. However, the President, without withdrawing the delegation granted, shall retain the possibility of signing all instruments.
- The signature of the delegatee shall be binding on the Council.
- The delegatee shall be liable under the same conditions as a person delegating responsibility.

B.3. The internal organisation of the Council

B.3.1. – The Bureau:

It is an advisory organ whose mission is to assist the President in management and decision making. The President shall consult the Bureau between plenary sessions.

- In addition to the President,

the Bureau of the Council shall comprise

- One Vice-President,
- One Secretary General
- One Treasurer

B.3.2. - Commissions:

The President and the Secretary General shall be ex officio members of all committees.

B.4. Representation of the Council

Where a legislative or regulatory instrument provides that the Medical Council shall appoint a representative of the Medical Council to participate in any commission or body, the Council may choose a representative who is not an elected member of the Medical Council, unless the instrument expressly provides for appointment from within the Council or from among its members.

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These duties shall give rise to compensation and reimbursement of travel and accommodation expenses under the conditions applicable to ordinal advisers.

This representative shall be appointed by the Council on the proposal of the President

These missions shall be the subject of a written report

C. ELECTION OF THE PRESIDENT AND THE BODIES OF THE CMC

The practical arrangements for the organisation of the elections of the members of the Council, and the rules relating to their replacement in case of inability to perform are laid down in the Code of Ethics. (Article 25 Paragraph 3 of Law 90-36 of 10 August 1990) and Decree 92-265/PM of 22 July 1992 to lay down the modalities of the above-mentioned law.

D. PLENARY SESSIONS

D.1. Frequency and Notice of Meeting

- 1 The Ordinary General Assembly shall be convened annually by the President of the Council and, if necessary, in extraordinary session at the request of an absolute majority of either the Council or the supervisory authority.
- 2 The Council shall meet ordinarily twice a year when convened by its President or extraordinarily either on its own initiative or at the request of at least half of its members or of the supervisory authority. (Article 30 of Law 90-36)
- 3 Meetings of subsidiary organs (standing committees) shall be convened by their Chairpersons, in accordance with the resolutions of the Council, or in agreement with the President of the Council.

D.2. Agenda and secretariat of the meeting

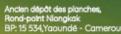
(Chapter I. Section I. Article 23 Law 90-36)

- 1- The Secretary General shall publish the agenda of each session of the CMC drawn up by the President of the Council, which may be referred to the Council one month before the session by the members of the Council or the supervisory authority.
- 2- The agenda of the sessions of the General Assembly shall deal exclusively with matters relating to the practice of the profession.
- 3- The agenda of any General Assembly shall be communicated at least fifteen days before the date of the session to the supervisory authority, which shall be represented at the proceedings of the GA

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- 4- If the agenda does not comply with the provisions of the preceding paragraph, the supervisory authority may not authorise it
- 5- The Secretary General shall circulate the agenda and related documents to members, partners and observers as early as possible and at least fifteen days before the date of the session in both official languages.

D.3. Meetings

- 1- The Secretary General shall inform the members of the Council of the date, place and time of the meetings of a Council in accordance with the decision of the Council President.
- 2- The meetings of the organs of the Council shall hold at the headquarters in Yaounde. However, in exceptional cases, the President of the Council may choose a place other than the headquarters after consulting the Council
- 3 Meetings of the standing committees may hold at the headquarters or elsewhere by derogation in agreement with the President of the Council.

D.4. Quorum and deliberations

- 1 The CMC may only legitimately deliberate if 3/5 of its members are present (Article 27 of Law 90/36)
- 2- All decisions or recommendations to be adopted shall be made by simple majority. In the event of a tie, the President shall have the casting vote.

D.5. Voting procedures

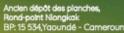
- 1 Be up to date with its membership dues, shall have completed its punishment if sanctioned by the Disciplinary Council
- 2 The deliberations of the General Assembly shall be adopted by a simple majority of votes.
- 3 In the event of a tie, the President shall have the casting vote

D.6. The principle of confidentiality of deliberations

- Unless the Council decides otherwise, the meetings of the organs of the Medical Council shall be held behind closed doors, except for the General Assembly which shall be open to all physicians in Cameroon and to special guests.













E. THE SYSTEM OF DELIBERATIONS AND DECISIONS

E.1. Written character and motivation of decisions

All decisions of the Council shall be the subject of a written and reasoned resolution; this reasoning, which is expressly imposed on the Medical Council, presupposes that the decisions show in sufficient detail the legal and factual grounds on which they are based. A standard formula may not be enough.

E.2. Publication and notification of decisions

- In principle, the administrative instruments of the Medical Council shall be published, with the exception of those individual instruments whose publication is likely to infringe privacy or business secrecy.
- The publication may be made in any form as long as it can be easily consulted by the persons concerned.
- Individual decisions shall be notified. Such a notification is in order if it is made to the address indicated by the addressee and if the channels and time limits for appeal are indicated therein.

F. Proceedings of the CMC

-The decisions of the CMC, made by the Council in accordance with the law governing the medical profession and subsequent instruments, may be binding decisions or decisions on internal matters concerning the work of the CMC, which shall be known as Resolutions or Recommendations and submitted, if necessary, to the General Assembly for its opinion and transmission to the supervisory authority for validation, if it deems this appropriate, in order to ensure their implementation.

G. REGULATIONS OF THE TREASURY

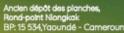
G.1. Budgetary Rules

G.1.1. Budget forecast

The draft annual budget shall be prepared by the Secretary General with the assistance of the Treasurer and adopted by the Plenary Assembly in a budgetary session













G.1.2. Financial statements

Annual financial statements relating to the execution of the budget for the past year and the
financial situation: balance sheet and profit and loss account, together with the relevant
appendices, shall be prepared by the Treasurer, if necessary with the assistance of a
chartered accountant who must intervene in compliance with the accounting methods and
procedures.

G.1.3. Exceptional expenditure

In case of urgent need, the President may authorise the commitment of exceptional expenditure not provided for in the budget or leading to an overrun in the budget.

G.2. Ordinary membership fees

G.2.1. Membership fees are made compulsory by law

- (Article 32 Chapter 1 of Law 90-36) subject to disciplinary sanction

G.2.2. Setting the amount of membership fees

- The Council shall determine the amount of the membership fee paid by any physician registered with the Medical Council (Article 32 Chapter 1 of Law 90-36)

G.2.3. Special regimes

 Physicians registered with the Medical Council and practising abroad shall pay the full membership fee

G.2.4. Exemptions

- Under certain circumstances, exemptions for the current year may be granted.
- Each case of exemption shall be recorded in the accounts and in the professional file of each physician concerned.
- These exemptions fall into several categories:

1 - Total exemption due to conditions of practice:

 Physicians practising continuously, exclusively and on a quasi-voluntary basis in a humanitarian setting.















2 - Partial exemption due to the status of the member:

- Physicians starting their career for the first year. This exemption is total if the registration is made during the last term.
- Physicians whose registration on the Roll is not compulsory or physicians not practising but wishing to be registered on the Roll.
- In the event of proven insufficient resources, a partial or total exemption may be granted. This decision shall be taken in plenary session and shall be recorded in the minutes of the deliberations.

G.2.5. Amnesty

- An amnesty may be issued by the Medical Council under special circumstances
- Such amnesty shall not exceed three years of membership dues.

G.2.6. Rules for the collection of the membership dues

1. Methods of payment

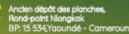
- As soon as the membership fees are due, they shall be payable, at the latest, on the due date of the first quarter of the current calendar year, i.e., 31 March
- Payment may be made by any means validated by the Council, the information on which can be found on the website of the Cameroon Medical Council.
- A receipt and update payment slip shall be issued almost instantly to the physician once proof of payment has been identified.

2. Non-payment of membership dues

- Failure to pay membership dues on time shall attract a 15% fine.
- Failure to pay the membership dues may result in a disciplinary sanction. (Article 32 Chapter 1 of Law 90-36) Disciplinary proceedings may therefore be instituted on this basis when failure to pay membership dues is accompanied by breaches of professional ethics, such as defiance or lack of interest in the Medical Council or professional advisers.
- Failure to pay the membership dues shall disqualify the physician from all possible assistance from the Medical Council and from the right of eligibility (Article 66 paragraph 4 chapter VII of the Code of Ethics) and therefore from voting in the General Assembly















G.3. Allowances and travel expenses

G.3.1. Allowances

The principle of voluntary work for the functions of the members of the ordinal council shall be the norm, but an indemnity shall be allowed according to applicable rules, which shall be decided annually by the council concerned at its plenary session devoted to the budget in compliance with the relevant regulatory provisions.

1. Responsibility allowance (function)

The President, Vice-President, Secretary General and Treasurers shall receive a functional allowance exclusively on account of their responsibilities and the activities inherent in their mandate.

2. Participation allowance (attendance)

- Elected members of the Council who are not entitled to the allowance provided for members of the Bureau shall be entitled to the allowances when they attend plenary sessions, participate in the various committees or carry out specific tasks at the request of their councils.
- These provisions shall apply to the members of the Disciplinary Councils

G.3.2. Travel expenses

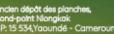
- Travel expenses (transportation, meals and hotel accommodation) shall be reimbursed on presentation of supporting documents for expenses actually incurred within the limits determined annually by the Council at its budgetary session or within a lump sum decided by the Bureau of the Council
- The Council shall decide on a case-by-case basis whether to cover the costs of participation in meetings organised by the Council.

G.4. Other provisions

Specific financial management arrangements inherent in the day-to-day administrative management are contained in an internal procedure document.















APPENDICES

- I. SAMPLE CALL FOR MEMBERSHIP DUES
- II. SCALE FOR DETERMINING ALLOWANCES AND REIMBURSEMENT OF EXPENSES
- II.1. Reimbursement of expenses
- II.1.1. Hotel accommodation (night)
- II.1.2. Meals
- II.1.3. Transportation (distance, vehicle, plane)
- II.2. Reimbursement of allowances
- II.2.1. Attendance at plenary meetings
- II.2.2. Part-time work
- II.2.3. The President, the Secretary General and the Treasurer shall be compensated according to their positions
- II.2.4. Compensation of Disciplinary Council assessors
- **III. LEGISLATIVE AND REGULATORY REFERENCES**

CMC created by Article 1 of Law 80-07 of 14 July 1980

Decree No. 83-166 of 12 April 1983 on the Code of Ethics for Physicians

Law 90-36 of 10 August 1990 on the practice and organisation of the medical profession

Decree No. 92-265 PM of 22 July 1992 to lay down the provisions of Law No. 90-36 of 10 August 1990

IV. LANGUAGES

- 1- English and French are the official languages
- 2- Speeches made in one of the official languages shall be interpreted into the other official language.
- 3- At their discretion, the Organs of the CMC may provide interpretation in one or both official languages.















V. FILES AND DOCUMENTS

- 1- All proceedings, agendas, summary records, reports and other documents of the organs of the CMC shall be disseminated in the two official languages.
- 2- A summary of the Council's decisions and conclusions shall be approved at one of its subsequent sessions.
- 3- When adopting a decision or recommendation, the Council or the President shall decide whether it shall be made public.

VI. FINAL PROVISIONS

- 1 Unless otherwise stipulated, these Rules of Procedure shall apply to the proceedings of all organs of the CMC. These Internal Rules and Regulations are not exhaustive, and breaches shall be governed by Law 90-36 of 10 August 1990 and subsequent instruments.
- 2 These Internal Rules and Regulations may not, at the risk of being declared null and void, institute organs of reorientation within the Medical Council other than those provided for in Articles 21, 22, 25, 41 and 52 of Law 90-36 of 10 August 1990, nor may they include provisions repugnant to the said law.



