

FEDERAL GOVERNMENT OF SOMALIA

ESTABLISHMENT OF THE NATIONAL HEALTH PROFESSIONAL COUNCIL
ACT Lr.31.

Article 1: The National Council of Health Professionals

1. THE National Health Professional Council (NHPC) is an independent council with a legal status in the execution of its mandate related to its duties and responsibilities.
2. Objectives of the council
 - a. To protect the community from any harm that may arise from possible medical malpractice committed by health professionals while they are performing their duties.
 - b. To develop ethics and code of conducts that regulates how they behave amongst Somali health professionals.
 - c. To Register and License all health professionals and regulate their professional conduct.
 - d. To License all Health facility providers that meet the requirements.
 - e. To recognize health education institutions that produce health cadres.
 - f. Approving or otherwise rejecting health training curriculums and programs.
 - g. Ensuring the safety and quality of health services provided to the Somali people.
 - h. Responding to the need to create individualized regulations for the different health professionals, which are built on a general umbrella that includes all health professionals and associations.

Article 2: Definitions

Council: it refers to the National Health Professional Council (NHPC)

Article 3: Composition of the National Health Professional Council (NHPC)

1. The NHPC council consists of 15 members of which at least 30% are female. Council members come from the following institutions.

#	Bodies (Ministries, Health Associations, Universities, and private health facilities.)	Number of Members
1	Ministry of Health	2
2	Ministry of Higher Education	1
3	Ministry of Justice and Constitutions	1
4	Somali Medical Association	3
5	Somali Nursing Association	1
6	Somali Midwifery Association	1
7	Health Training Institutions	1
8	Somali Laboratory Technologists Association	1

9	Somali Pharmacists Association	1
10	Somali Public Health Association	1
11	Private Health Facility	1
12	Somali Civil Society	1

2. The chairperson and the deputy will be elected by the council members.
3. If a vacancy arises in the council members, the position shall be filled within 4 weeks by a replacement who will serve the remainder of the term of the replaced member.
4. If a council member intends to resign, they are obligated to submit thirty (30) days written notice to the chairperson.
5. The council members can take by a 2/3 vote disciplinary action against any member of the council if that member commits an offence, or harms the integrity, name, honor, or existence of the council. The concerned council member can be dismissed and replaced.
6. The council will use its office, logo, and stamps exclusively for the purpose of the council.
7. The council will determine the daily allowance rates for those on duty, travel, or in attendance at council events.
8. Council members shall hold the position for a term of three years and may be reappointed for 1 more term only.
9. The council members are allowed to continue with their private business which is unrelated to the council with the exception of when they are conducting the council's duties.
10. No member may at the same time serve in more than one capacity (Responsibility) within the council.

Article 4: Nominations of Council Members

1. The associations, line ministers of the government and private entities nominate their own candidates to be a council member. The final decision lies with the members of the committee who themselves are selected by the Minister of Health after consultation with the Ministers of health of Federal Member States. The committee will verify that candidates are eligible for membership and conclude the selection within 3 months. After council members have been selected and approved, they can work independently, and they will be guardians for the interests and objectives of the council.
2. After they have fulfilled the general requirements, members of the council will be selected based on the following criteria.
 - a. Professional credentials (qualifications)
 - b. Proof of competencies and capabilities
 - c. Proof of experience and skills
 - d. Demonstrate compassion and care.
 - e. Adherence to professional ethics and moral issues
 - f. Good character and proper personal behavior

Article 5: General Requirements

1. Be a Somali citizen and be a resident in Somalia.
2. Have a good character, be highly respected in the Somali society, and have good moral integrity.
3. Obtain the minimum required health qualifications for health professionals. Also, acceptable are qualifications of essential fields for sectors allied to health professionals. Demonstration of wide experience is crucial for both sectors respectively.
4. Have a clean criminal record, nor be facing indictment of crime by a court of law in the country or abroad.
5. 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.
6. Independently accept that the position of council members is unpaid salary.

Article 6: Classes of Membership and Rights of Membership

NHPC has three categories of membership with each having specific roles and responsibilities.

1. Council Members
2. Partner Members
3. Associate Members

Article 7: Council Members

1. Council membership is open to Health Professional Associations, Line Ministries, health training institutions, and civil society organizations mentioned in Article 3 of this act.
2. Council Members have the following rights:
 - a. The right to vote at council meetings.
 - b. The right to propose resolutions based on regulations set out in the bylaws.
 - c. To receive any information necessary to enable them to participate fully at council activities (subject to confidentiality laws and legal prohibitions)
 - d. To obtain on request and at the council's sole discretion any other information held by the council, whether relating to the council, their Members, Partners, or Associates.

Article 8: Rights of Partner Members

1. The NHPC can approve/deny upon application as a partner member any national, Multinational, or international organization that is involved in medical regulation, including accreditation, evaluation and assessment, education and 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.
2. Partner Members have the following Rights.
 - a. Partners can participate in NHPC meetings but are not permitted to vote at the council meeting.
 - b. Partners may propose resolutions to NHPC provided the procedure for submission of such resolution is in accordance with council policy.
 - c. Partners may serve on any standing committee or working groups of the council other than the daily operations.
 - d. 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.
 - e. 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.

Article 9: Rights of Associate Members

1. Associates may serve on any standing committee or working group of the council other than the daily operations of NHPC.
2. Associates may attend the Members General meeting.
3. Associates are not permitted to vote at the Members General meeting and not allowed to propose resolutions.
4. 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.
5. 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 10: NHPC Mandates and Functions

NHPC has the following mandate and function.

1. Register and license all the health professionals and regulate their professional conduct.
2. Maintain appropriate practice standards among health professionals 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 professional.
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. Implement any action and duties that is necessary in the implementation of this act, and other regulations in the country.

Article 11: Membership Disqualification

Any person subject to the following criteria shall be disqualified as a member of the NHPC:

1. If you are a non-Somali citizen, or do not have a medical license to practice.
2. If your name has been previously deleted from the register
3. If you have been convicted for criminal offenses involving moral turpitude and served punishment
4. If you are not mentally fit.

Article 12 Membership Cessation

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

1. A membership is terminated under Article 3
2. When a member is 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 human control.

Article 13: NHPC Staff

The NHPC administrative staff consists of the following members:

1. Secretary General of the NHPC – the executive of the NHPC
2. Deputy Secretary General of the NHPC
3. Registration, License and Accreditation
4. Training and Development Subcommittee
5. Quality Assurance
6. Legal and professional ethics
7. Accountant
8. Treasurer

Article 14: Powers and Duties of NHPC General Secretariat

The NHPC Secretariat shall have the following powers and duties:

1. Support, coordinate and supervise sub-committees established by the NHPC Council
2. ensure that the decisions made by the NHPC council are implemented according to NHPC regulations.
3. Execute the decisions of the NHPC council.
4. Represent and run the duties of the NHPC council at the time when the council is not in session; The secretariat cannot, however, suspend or reverse the decisions of the NHPC council.
5. Carry out the day-to-day activities of the NHPC.
6. Perform such other matters as are directed to it by the NHPC council.
7. Preparation and submission of reports for the NHPC Council.

Article 15: NHPC General Secretariat meetings

1. The NHPC General Secretariat shall adopt its own rules and procedure of their meetings.
2. The Secretary General of the NHPC shall convene a meeting for the general secretariat as may be necessary.
3. The quorum required for meetings is the presence of more than half (50% Plus 1) of total of NHPC General Secretariat
4. Each decision shall be endorsed by a majority vote. in case of a tie, however, the Secretary General shall have a casting vote.

Article 16: NHPC 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 the chairperson's absence, the deputy chairperson shall preside over the meetings. If both are absent, then the NHPC council shall elect a temporary chairperson.
3. The presence of fifty percent plus one (50% +1) of the total number of members of the NHPC 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 NHPC Council. In the Event of a tie, the person presiding over the meeting may exercise the casting vote.
5. The decisions of the NHPC Council shall be authenticated by the Secretary General.
6. Meeting minutes will be served and distributed to all members for comments and eventually approval.
7. The allowances and other facilities receivable by the members for attending meetings shall be as agreed by the NHPC/council members.
8. Other procedures relating to the meeting of the NHPC Council shall be as determined by the NHPC Council itself.
9. Recruitment of administrative staff and other staff will be following Applicable laws for Somali Civil Servants

Article 17: Special Committees

1. The council will establish three special committees whose members are selected based on their extensive knowledge, skills, and wide-ranging experience in the fields.
 - a. **Medical research committee**
This committee will review all medical procedures submitted to the council for approval.
 - b. **Health Professional Disciplinary Committee**
This committee will deal with allegations of misconduct and other relevant complaints brought to the council's attention.
 - c. **Health Professionals Assessment Committee**
This committee will conduct examinations for health professionals who are in the process of registering as a health professional.
2. Every committee will select their own chairperson in the presence of the Ministry of Health.
3. The committees will present their conclusions and recommendations to the chairperson. After that the council will examine those conclusions and recommendations accordingly in accordance with the policies and strategic plan

Article 18: Medical Research Committee

The council plans and distributes:

1. Guidelines for medical research appropriate for health professionals in Somalia.
2. Results from research with scientists, researchers and individuals interested in them free of charge; and
3. The results of the research can be shared or disseminated with the approval of the council.

Article 19: Establishment of Council Library

1. The council will establish within its offices a library. This basic library is intended to facilitate the literature and scientific review and to use as reference. Further, the library should provide the following materials:
 - a. Provision of relevant literature on regulatory health professions bodies.
 - b. Studies on medical ethics and professional code of conduct and studies that strengthen respect for the 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 20: Council funds and resources

The council collects and administers the funds from:

1. Fees for registration, licensing, and accreditation of health professionals, health care facilities, and health training institutes.
2. Income from fines and penalties paid to the council.
3. Federal Government of Somalia budget allocations
4. Funds received from other sources.

Article 21: Use of Council Funds

1. The council uses the funds it receives for payment of expenses incurred by the council while executing its duties and functions.
2. The Council shall present:
 - a. Complete and accurate accounting of all funds received by the Council and the expenses incurred.

3. Annual report of income and expenditure prepared for each year's budget and financial statements, including a balance sheet reflecting the financial position at the end of the year concerned.
4. The annual report and balance statement must be approved by an auditor recognized by the Federal Government of Somalia.
5. The Secretary General will submit every quarter 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.

Article 22: Council Collaboration

1. The Council will establish close relationship of mutual understanding with the MOH, other line ministries and stakeholders.
2. Areas of close collaboration include.
 - a. Provision and exchange of technical assistance for the continuous professional development of health professionals.
 - b. Collaboration for moderation health services/facilities development.
 - c. Conduction of workshops, seminars etc. collectively
 - d. Exchange of knowledge and skills.
 - e. Transfer of skills and capacity building.

Act 23 FEES

1. The council can impose fees for registration, licensing, and renewal of the following:
 - a. Private Health Education and training institutions
 - b. Private health facilities
 - c. Registering, Licensing and renewing licenses of skilled national and foreign health professionals
 - d. Annual fees for licensing health professionals
 - e. Review of health research protocols
2. The council may set different fees for differing levels of different medical professions.

Act 24: Registration, Licensing and Accreditation

Registration, Licensing and Accreditation can be done by considering the following principles:

1. All medical health education and training institutions should seek approval from the office of the council,

2. Upon graduation, graduates should apply for registration and licensing. Registration clarifies, the type of program, the level of service admissible, and the qualification he/she has.
3. By law, all foreigners are forbidden from working as a medical health professional until they are registered and licensed by the council.
4. Every medical facility that provides health services to the society must be registered, licensed, and authorized to perform those services.
5. All important information concerning private and public health training centers must be submitted to

Act 25: Application for registration.

1. Before commencing work, Health professionals must submit to the council an application for registration and pay the necessary fess.
2. The application must be accompanied by proof of the applicant's qualifications, physical and mental health, as well as their criminal record if any.
3. The Council shall within thirty (30) days of receiving the application approve or reject the application.
4. The council, if satisfied with the merits of the applicant, will approve the application, and continue with the completion of the registration process.
5. If the council rejects an application, it will inform the applicant of their rejection in a timely manner while stating the reasons for the refusal.
6. The council will not register applicants who have previously been struck off a similar register in a foreign country for ethical reasons even if the applicant meets all the requirements.

Act 26 Registration requirements for Health Professionals

1. No person is allowed to be registered as a Health professional unless that person:
 - a. Has a qualification issued by an institution that is recognized by the council.
 - b. Passes the prescribed interviews and examination conducted by the council.
 - c. Fulfills all requirements determined by the council.
2. The council will, provided that the applicant meets the requirements of this Act, register the applicant as a health professional and issue a certificate of registration.

Act 27: Classes of registration

The council issues the following classes of registration.

1. Provisional registration
2. Permanent registration
3. Specialist registration

Act 28: Provisional registration

1. An individual who holds a qualification from an educational institution recognized by the council is eligible for a provisional registration. This individual can engage in employment under supervision for a designated period to be eligible for a 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 professional in Somalia on temporary basis and under supervision (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.

Act 29: Permanent Registration

1. A health professional 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. The individual has been previously registered provisionally and has completed the designated period.
 - c. The person provided original testimony documents.

2. A provisionally registered person shall undergo examination to assess the ability to deliver practice of the profession competently and safely before receiving permanent registration.
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 general registration is valid for three calendar year starting from date of issuance.

Act 30: 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 a determined specialty.
 - b. The individual is qualified for registration in recognized specialty in health profession.
2. The background of the health professional is taken to be a reference to specialist registration in a recognized specialty.
 - a. The background of the health profession should have previous reference that justifies that this specialist has a direct relation with his previous education.
 - b. An applicant of a specialist Permanent registration of specialist health professions must be already registered that has to prove that the specialist is recognized.
3. The permanent registration of a specialist health profession is taken to be a reference to specialist in a recognized specialty.
4. The specialist registration whose specialty is recognized cannot exceed 24 months.

Act 31: Changes in detail

1. The registered health professional must inform the secretary general of any changes that affects their registration records within 7 days.

Act 32: Cancellation of Registration

1. The council shall council the registration of a health professional 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 professional is found guilty of professional misconduct or activities against professional ethics and morals.
 - c. The health professional is employed by a facility where they were not registered.
 - d. The period for which the registration of the health professional was issued has lapsed.
 - e. The health professional is convicted of an offence under any law or
 - f. Registration circumstances have arisen disqualifying the health professional from registration process.
2. The Council cancels permanent registration if:
 - a. The person's employment as a health profession has a negative impact on the public safety.
 - b. The person has a criminal history that extends and has a negative impact to the health profession.
 - c. If his/her work performance, scope, previous employment duration is not sufficient for the basic requirements.
3. The council shall, before cancelling a health professional under subsection 1, give the professional an opportunity to be heard.
4. The Council may, before cancelling the registration of a health professional, suspend the health professional for such period and on such terms and conditions as the Council may determine.
5. If 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.

Act 33: Revocation of certificate of registration

1. If the council receives information that the name of the registered person has been entered through fraud or by mistake and this matter is held to be true following inquiry, the council may seize and later revoke the registration certificate of such person.

Act 34: 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 professional has been cancelled or suspended, the health professional 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 subjects.
 - iii. has good character and good professional standing.
 - iv. and meets such other requirements as may be prescribed and
 - b. (b) to a holder of a general certificate of registration if the holder fulfills—
 - i. Requirements for continuing professional development for registered health professional 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.

Act 35: Duplicate Certificate of registration

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

Act 36: Registration of Foreign Health professional

1. A foreign health professional who wishes to register must:
 - a. Have 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 professional who fulfills the requirements of subsection 1, will be supervised and under the responsibility of the health facility where he/she is employed.

Act 37: Provisional registration of foreign health professional

1. A person who is a foreign health professional can apply for provisional registration.
2. The council shall, upon receipt of an application made under subsection (1), issue the foreign applicant with a provisional certificate of registration if the applicant.
 - a. Has legal residence in Federal Republic of Somalia
 - b. Possesses sufficient knowledge and training.
 - c. Has passed the prescribed interview and examinations arranged by the council.
 - d. Provides a certificate of good standing from the professional registration institutes in the country where the person is registered.
 - e. Proves that the person is sufficiently knowledgeable in the Arabic, English Language, or any other language where translators are available.
 - f. Shall serve in Somalia at the request of the Somali government or a health facility that is permitted to employ foreigners.
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.
5. A foreign health professional that has temporary registration can renew his/her certificate if:
 - a. The profession has as completed at least six months of continuous employment in a health facility that holds a standard A or standard B license under section thirty-eight and
 - b. submits a letter from the person's supervisor at the health facility stating that the person has performed satisfactorily and displayed skills and knowledge equivalent to those of health professionals trained in Somalia.

Article 38: Limited Registration

1. The foreign health professional is eligible to register for limited registration if the professional:
 - a. has legal residence in Somalia.
 - b. has been previously registered provisionally.
 - c. has passed the prescribed examination.
 - d. has submitted an application from a licensed health facility.
2. The Council shall register a foreign health professional for limited registration if the foreign holds equivalent registration in the health professions country of origin if the professional:
 - a. has legal Residence in Somalia
 - b. is in good standing with the health profession in his/her country that explains his service delivery performance.
 - c. Has passed the prescribed examination conducted by the council.

3. A foreign professional may not hold limited registration in the same health profession for more than one specialty.
4. The Council may specify the terms and conditions to which the limited registration under this article is subject, including the acts to be performed, or the nature of supervision required by the foreign health professional.
5. The Council shall register a foreign health professional in limited registration for a period not exceeding twelve months.
6. The Council may, on the application of a health facility, renew the period of limited registration of a foreign health professional under these articles on such terms and conditions as the Council may determine.

Article 39: Prohibition of practice without a registration

1. It is unlawful for a person to engage private practice without holding a practicing registration.
2. Any person who is qualified for the health profession but not registered and breaches section 1 commits an offence and is proven guilty is liable to a fine of not more than two thousand US Dollars (or equivalent in Somali Shilling)
3. A person who is not qualified and breaches section 1 commits an offence and is proven guilty is liable to a fine of no more than four thousand Us dollars (or equivalent in Somali Shilling), any other crimes that resulted from this offence will be subjected Somali Criminal Law

Act 40: Offences regarding health professionals

Health professionals who have been issued a certificate of registration from the council will commit an offence if the person:

1. alters or erases any details written in the certification of registration or any other certificate issued by the council.
2. Impersonates or uses the title of a registered health professional while not registered under this act.
3. To operate health educational institutes or health facility that is not licensed to operate by the council.
4. Procures, or attempts to procure by fraud, false representation, or the concealment of a material fact.
5. Issues 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.
6. forges a certificate of registration or other certificate issued by the council.
7. Practices in the health profession without valid license issued by the council.

8. Provides health care services in excess of the scope of practice permitted for the registered health profession.
9. Provides health services such as diagnostics, medicating, operating that harms the patient through neglect and poor performance.
10. Disseminates patient records without reason.
11. Neglects patients or benefits his own interests.
12. Disrespects the medical procedures, norms, and health professional ethics.
13. Any person who contravenes the above section commits an offence and is liable, upon conviction, to a fine not exceeding one thousand US dollar (or equivalent in Somali shilling) and other punishments according to Somali Criminal Law

Act 41: Registration of health facilities

1. Application for registration is to be made to the council for the health facilities prior to health services commencements.
2. The council can authorize the registration of the private health facility.
3. Upon the conclusion of registration, the health facility shall be recognized as a legally licensed health facility.
4. The secretary general will register pharmacies and small clinics.
5. The registration validity of health facilities is two calendar years from the date of registration followed by renewal every two years.

Act 42: Licensing of health professionals

1. Health professionals are required to apply for a license to practice following the standard procedures that relate to general physicians, dentists, midwives, nurses, pharmacists, lab technicians and other health professionals.
2. Health professionals cannot apply for a license to practice without prior registration.
3. The original copy of the registration certificate should accompany the license application.
4. The secretary general should verify that the license applicant satisfies all requirements such as certificates, examinations, experience required, and conduct interviews with the committee.
5. The council, if satisfied that the applicant meets the requirements mentioned in section 4, can grant a license to practice.
6. The health professional will receive for his first year of practice a probationary license valid for one year for the purpose of evaluating the health professional's work performance and contribution.

7. If the council rejects a license application, the secretary will inform the applicant of their rejection in a good manner while stating the reasons for the rejection.
8. A license to practice granted under section 5 shall be valid for two calendar years commencing from date of issues and subject to renewal for every two calendar years at a time.

Act 43: Prohibition of private practice without a license

1. It is unlawful for a person to engage in private practice without holding a license to practice issued by the council.
2. A person who violates section 1 commits an offence and if proven guilty is liable to a fine of no more than two thousand Us dollars (or equivalent in Somali Shilling), and any other crimes that resulted from this offence will be addressed by Somali Criminal Law

Act 44 License Renewal

1. Health professionals' whose license to practice has expired must submit a license renewal application to the council.
2. When the health professional submits the renewal application, he/she must:
 - a. Complete license to practice renewal form.
 - b. Provides evidence of performance appraisal and good standing from a registered health facility.
 - c. Provide proof of qualifications or proof for continuous professional development for his profession
 - d. Undergo health checks.
 - e. Participate in examinations, interviews, and assessments conducted by the council.
3. The secretary general should verify that the license applicant satisfies all requirements mentioned in section 2.
4. The council, if satisfied that the applicant meets the requirements mentioned in section 2, can grant a renewed license to practice.
5. If the secretary general rejects a license application, the secretary will inform the applicant of their rejection in a good manner while stating the reasons for the rejection.
6. The health professional who is over sixty-five (65) years of age will undergo medical examinations for fitness to practice which includes sight, hearing, mental when they request a license to practice renewal.
7. A license to practice that has not been renewed subject to section 1 is not valid.
8. A health professional who continues to practice after their license to practice has been invalidated will commit an offence and if proven guilty is liable to a fine of no more than

seven hundred Us dollars (or equivalent in Somali Shilling), and any other crimes that resulted from this offence will be addressed by Somali Criminal Law.

Act 45 Display of License

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

Act 46: Cancellation of License

1. The council shall cancel the license to practice if the person is:
 - a. Found guilty of professional misconduct.
 - b. Declared to be of unsound mind.
 - c. Has been charged with crime by the court of Law.
 - d. Commits an offence under this act or contravenes the code of conduct.
2. If the council has revoked the person's registration, then the license to practice is invalidated and must be returned to the council.
3. The council, shall before cancelling the license to practice, give the health professional an opportunity to be heard.
4. The council, shall before cancelling the license to practice, suspend the health professional for such period and such time as the council may determine.

Act 47: Licensing of health facilities

1. Any person who wishes to establish a health facility must apply for a license prior to operating a health facility.
2. A licensed health facility shall display a copy of the license at a prominent place at the health facility.
3. Where a licensed health facility has been ordered to stop operating by the council, the health facility must surrender their license to the council.
4. The council can amend the where:
 - a. The owner of the health facility has changed to someone not on the license, by substituting the name of the license holder with the name of the successor.
 - b. The name of the health facility has changed, by substituting the old name with the new name.

Act 48: Prohibition of operating a health facility without a license.

1. No health facility may be operated without first receiving a license.
2. If a health facility has been contravening section 1, an offence has been committed and the health facility is liable to a fine of no more than two thousand U dollars (or equivalent in Somali Shilling).
3. Any other crimes that resulted from this offence will be addressed by Somali Criminal Law.

Act 49: Renewal of License to operate a health facility.

1. The license to operate a health facility is subject to renewal every calendar year commencing from the date of issue.
2. The council shall renew the license to operate a health a facility issues under this act where:
 - a. The health facility is in full compliance with all rules and regulations that pertain to its license.
 - b. The health facility provides all information as required by the council as a condition of license renewal.
 - c. The proprietor, or person in charge of the health facilities has paid the prescribed renewal fees.

Act 50: Refusal to issue a license to operate as a health facility.

1. The council shall reject an application for a license to operate as a health facility if:
 - a. The proprietor, or person in charge is in violation of a provision of this act.
 - b. The health professional in charge of the health facility is not registered nor has a license to practice.
 - c. The health facility does not meet the physical, staffing, equipment, and organizational requirements for the license.
 - d. The health professional has not held a registration issued by this council for a period of more than three years on the date of applying for a license to operate as a health facility.
 - e. The council determined that the health professional is improperly registered nor has the acquired the relevant experience by Somalia in another country.
2. The council shall, upon rejecting an application for a license to operate as a health facility, inform the applicant in a good manner and give the reasons thereafter.

Act 51: Inspection of health facilities

1. Every health facility shall be inspected prior to receiving a license to operate as a health facility, and at least every six months thereafter.
2. The health facilities shall be inspected by experts with extensive knowledge and experience that are nominated by the council.
3. The inspectors shall display their ID cards for identification during inspections.
4. Inspectors will have full authority to enter or inspect with respect and dignity the functioning health facilities or facilities they believe are used for health services.
5. Inspector may inspect the license to practice of health professionals working at the health facility, registration and records that maintain information required to be kept under this act.
6. An inspector may inspect a health facility and any equipment that is in use by the facility for compliance with license regulations.
7. If a responsible person, or a person employed by the health facility:
 - a. Delays or obstructs an inspector exercising their duties during inspection.
 - b. Refuses to give an inspector such reasonable assistance as the inspector may require in the course of their duties.
 - c. Provides inspector false or misleading information.Commits an offence and is liable to a fine not exceeding one thousand US dollars (or equivalent in Somali shillings) and any other crimes that resulted from this offence will be addressed by Somali Criminal Law
8. Inspectors shall submit to the council a written report detailing the outcomes of the inspection.

Act 52: Closure of health facility

1. The council may order the closure of a health facility where:
 - a. The health facility violates the condition for which the license is granted.
 - b. The health facility is not licensed under this act.
 - c. The health facility provides services in a manner that causes danger of imminent harm to patients due to poor quality, inadequate knowledge competence and negligence.
 - d. The health facility contravenes the provisions of this act or any other law.
2. The council shall give the health facility a written notice of the violation it has committed if the inspection report shows that the health facility is not in compliance with the requirements in which the license was granted or if the health facility offers services for which it is not licensed.
3. On receipt of the written notice, the health facility shall, within seven days, submit to the council a written plan of corrective action indicating scheduled dates by which corrective actions shall be put in place.

4. When the council accepts the corrective action plan that is submitted according to section(3), the health facility shall implement the scheduled activities of the plan.
5. If the council is not satisfied with the plan of corrective action put forward it will revoke the health facility's license, and at the same time order the closure of the health facility.
6. If the council satisfied that the health facility has committed serious violations that cause significant harm to the population, the council can immediately order the closure of the health facility while simultaneously revoking their license.

Act 53: Licensing of Health Training Facilities

1. If the health training is not licensed by the council, they may not provide any form of health education in Somalia, which includes the training of health professionals, any activities relating to health diagnosis, treatments, pharmaceutical care, or prevention of diseases.
2. Any educational facility wishing to offer education or training on health-related fields must submit an application to the Council prior to start of education or training.
3. An application based of section 2 must be accompanied by –
 - a. Details and proof of such education, or training programs
 - b. payment of fees required
4. After considering an application, and verifying that all accompanying particulars and documents meet the requirements mentioned in section 3 and are true, the council may take these appropriate actions at its discretion,
 - a. Approve the application, or
 - b. Reject the application.
5. When the council makes a decision, The secretary General will:
 - a. Inform the health education institute in writing of any decisions made in accordance to section 4.
 - b. Issue a license to provide health education institution if the application is approved.
 - c. Maintain records of the particulars of the council approval .
 - d. Inform the health education institution in writing if the application was rejected and thereafter give reasons for the rejection.
6. The licensed institution will comply with the terms and conditions of the approval for the duration of their license.
7. The council can appoint investigators at any time to:
 - a. Verify that that the health education institution complies and Implements section 5
 - b. report on the results of any investigations and conclusions made to the council.
8. The Council has the authority to withdraw in writing an approval granted in terms of section 4 (a), if it is clear, 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.

9. The secretary general must inform in writing the health education institution concerned of any decision the council has made in terms of section 8.
10. A health education facility whose license was revoked according to section 8 must within thirty (30) days of the date of notice return the license to the council.
11. The secretary General must:
 - a. Cancel the license previously awarded to the health training facility and
 - b. Record the cancellation of the license in the appropriate register.
12. Any health education institution who fails to comply of sections 1-9 commits an offence, and if proven guilty, is liable to a fine not exceeding three thousand US dollars (or equivalent in Somali Shilling) and is ordered to stop providing health training.
13. This act will not forbid the training of students of health provided that the objectives is to conduct professional development for the purpose of registration if the supervisors have high competency and the standard operating procedures used is in line with the NHPC's.

Article 54: Approval of health training programs

1. Any health professional that plans to establish new health training institutions must apply for a license to provide health training program from the council prior commencement of training. All previously existing training programs must be approved by the council..
2. The council will determine after a review to approve the health training programs and award a license if it meets the requirement. Otherwise, the council will reject the program.
3. The council will not recognize the qualification and certificates of unapproved health training programs.
4. If the council does not approve a training program, health education institutions are prohibited from using that program for health education purpose with the aim to prepare students for a health profession.
5. A health education institute that contravenes section 4 and the staff is proven guilty commits an offence and is liable to a fine not exceeding two thousand US dollars (or equivalent in Somali Shilling) and is ordered to stop providing health education services.

Act 55: Evaluation of health training programs

1. The council will assess the training programs conducted by health education institutions based on the following criteria:
 - a. The duration of the programs
 - b. The regulations used by the council to license the program.
 - c. The minimum acceptable standards of training required for the program to produce health professionals which can be eligible to registered by the council as health professionals.
 - d. Health education programs need to fulfill requirements such as maintaining highly-standardized curriculum, qualifications of faculty personnel, suitable training equipment and recruitment procedures of faculty staff.

Article 56: Review of Certified Training Programs

1. The council will review health training programs every year starting from the day the license was awarded while taking into consideration specifically the work performance of the graduates of those programs.
2. The council has the authority to revoke the license of health training programs if it becomes clear that the training program no longer meets the requirements of this act or if the training program is not regularly offered or if the programs graduates performance falls below the expected standards.

Article 57: Licensing of Health Care services

1. Health facilities that provide health care services or is adding new services must submit an application for a license to the council in accordance with this act and pay all necessary fees.
2. After receiving the application mentioned in section 1, the council will send inspectors to the health facility to determine whether the health facility meets the required standards.
3. When the council is satisfied that the health facility fulfills all the requirements, the council will award a license to operate as a health care provider for a period of one year.
4. The council will issue the license for health care services on the following requirements:
 - a. Type of health care services provided
 - b. Competency and skills of the health professionals providing those services
 - c. Equipment and materials used
 - d. Procedures for medication and surgeries
 - e. The standard of license given.

- f. Professional development training undertaken by health professionals that provide services
- 5. The council will not issue a license if the quality of health services provided deteriorates, or inflicts harm on patients and procedures of care worsens.
- 6. The council shall, upon rejecting an application for a license to operate as a health facility, inform the applicant in a good manner and give the reasons thereafter.
- 7. Health services new to Somalia will be issued a provisional license for three months by the council when it fulfills the requirements of section of section 4.
- 8. The council will nominate experts who will investigate and conduct planned assessments of the new health services by:
 - a. Collecting information related to the health services.
 - b. Weighing the outcomes and benefits gained by the patients from using these services.
- 9. The council will decide on the detailed report prepared by the expert investigators. The areas that the council will make decisions on:
 - a. Whether to continue the new health services.
 - b. Or whether to cease the new health services.
- 10. If the council issues a license to the new health services, it will be given the standard of license applicable to that health facility.

Article 58: License renewal

- 1. A license issued to a health facility that provides health care services will require renewal every 12 months.
- 2. The council may request any detailed report pertaining to the health service prior the renewal of the license.
- 3. The council will request an inspection of the health facility and all its health services to be carried out to verify that they comply with the requirements of this act.
- 4. If the health facility does not fulfil the requirements for the renewal or does not submit the detailed report and other particulars, the council will reject the renewal of the license

Article 59: Revocation of License

- 1. If the health facility is found to be in violation of the terms and condition on which it was licensed, the council will revoke the license and inform in writing the health facility concerned.
- 2. From the date the health facility was informed of the revocation of the license, the health facility does not have permission to provide health care services.

Article 60: Foreign Health Qualifications

1. The council will consider foreign health qualifications if it is:
 - a. in English or Arabic
 - b. authenticated and stamped by both the ministry of higher education and the foreign ministry of the country that awarded that qualification.
 - c. authenticated and stamped by Somalia Embassy of country of award.
 - d. verified by the Ministry of Culture and higher Education of Somalia the eligibility of this qualification.
2. In the event the qualification is issued in languages other than English and Arabic, it must be translated into Somali, English or Arabic and meet the requirements in section (1).

Article 61: Recognition of Health Professional Associations

This act will recognize health associations established by licensed health professionals on the condition that the associations meet the following requirements:

1. The members of the association have no fewer than eleven (11) members
2. The health association has a constitution stating the rights and duties of its members, and also indicating its objectives, organizational structure, and rules for regulating the professional conduct of the association members.
3. The draft of the constitution mentioned submitted to the council.
4. Evidence that the qualifications of the health professional is directly related to the health association that they are a member of.

Article 62: Advertising

1. A person cannot advertise a health service if:
 - a. It is based on false, deceptive, or misleading information.
 - b. Offers promotions, discounts, or gifts to attract customers without stating the terms and conditions of the offers the service.
 - c. Uses false testimonials about the health service.
 - 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 is proven to be committing the offences mentioned in section 1, the person or the health facility can be charged with:
 - a. In the case of an individual, one thousand US Dollars (or equivalent in Somali Shilling)

- b. In the case of a health facility or institution two thousand US Dollars (or equivalent in Somali Shilling)
3. A person does not commit an offence against section 1 merely because the person, as part of the person's business, prints or publishes an advertisement for another body/person or business.

Article 63: Title Protection

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 professional, shall not, under this Act—
 - a. Practice as "medical or dental professional, be employed of health care services provider, or engaged as an agent, or hold out to be a health professional.
 - b. do anything likely to lead persons to infer that the person is a medical or dental professional.
3. A person who is not a registered health professional and knowingly or recklessly—
 - a. take or use the title of "registered health professional.
 - 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 violates sections 1,2, or 3 commits an offence and is liable, upon conviction, to a fine not exceeding two thousand US Dollar (\$2000) or equivalent in Somali Shilling or charged by Somali Criminal Law.
5. A person or health facility shall not employ a person who is not registered under this Act as a health professional. If this section is breached, the offender will be charged:
 - a. in the case of an individual, one thousand US Dollars (or equivalent in Somali Shilling)
 - b. in the case of the health facility or institution, two thousand US Dollars (or equivalent in Somali Shilling)
6. A registered health professional is not allowed to allow his/her name to be used by an unregistered health professional. The health professional proven guilty of violating this section commits an offence and is liable, upon conviction, to a fine not exceeding one thousand Dollar (\$1000) or equivalent in Somali Shilling and is subject to Somali Criminal Law.

Article 64: Restriction on Use of Specialists Titles

1. A person who is not a specialist health professional must not knowingly or recklessly—
 - a. take or use the title of "specialist health professional ",

- 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— The person is a specialist health professional; or the person is authorized or qualified to practice in a recognized specialty.
- 2. The person who breaches these rules is liable for the following penalties:
 - a. In the case of an individual—\$1500 (or equivalent in Somali Shilling); or
 - b. In the case of a health facility or institution – three thousand US Dollar (or equivalent in Somali Shilling)

Article 65: By laws and Policies

- 1. The council may issue bylaws, policies and regulations that affects the institutions, facilities, and professionals mentioned in this act including:
 - a. Registered and Licensed health professionals
 - b. Licensed health care service facilities
 - c. Health training institutions
 - d. Medical research centers in Somalia
 - e. Registered health professional associations

Article 66: Dissolution of Council

- 1. The Federal Government of Somalia (Cabinet Ministers) can dissolve the NHPC if the council has failed to exercise its authority conferred on it by this act or has abused its powers.
- 2. After the dissolution of the council pursuant to 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 and its committees.
- 3. The FGS may form a temporary council to conduct the activities of the council.
- 4. The Government shall form a new council within three months after the dissolution of the Council pursuant.
- 5. The Government shall hand over the funds and assets held by it in its custody pursuant to section (2) to a new council after the formation of such council.

Article 67: NHPC Headquarters and Regional Offices

1. The headquarters of the NHPC will be in the capital of Somalia, Mogadishu.
2. The council may establish offices in the regional capitals of the Federal Member States
3. The council may direct the regional offices.

Article 68: Amendments

1. The Ministry of Health can propose amendments or alterations of the NHPC act through the House of the People of the FGS.
2. The House of the People can make amendments on their own volition or by taking into consideration the proposals of the Ministry of Health.

Article 69: Appeals

1. 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 of the date of such decision or order.

Article 70: Annual Report

1. 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 71: Abrogation

1. This Act abrogates any existing act, byelaws, rules, regulations, and procedures which contradict or are not compatible with the Act.

Article 72: Prohibition on Carrying out Health Profession

1. Six months after this act takes effect, no unregistered or unlicensed health professional, health facility or health education institution may provide health services.

ARTICLE 73: Act in Force

1. This Act shall take effect when enacted by both the House of the People, and Upper House, and signed by the President of the Federal Republic of Somalia.
2. The Ministry of Health is responsible for the implementation of this act without violating the independence of the council