

Nepal Health Professional Council Rules, 2056 (1999)

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In exercise of the powers conferred by Section 32 of the Nepal Health Professional Council Act, 2053 (1997), the Government of Nepal has framed the following Rules.

Chapter-1

Preliminary

1. **Short title and commencement:** (1) These Rules may be called as the "Nepal Health Professional Council Rules, 2056 (1999)."
(2) These Rules shall come into force immediately.
2. **Definitions:** Unless the subject or the context otherwise requires, in this Rules:
 - (a) "Act" means the Nepal Health Professional Council Act, 2053 (1996).
 - (b) "Thematic committee" means a thematic committee formed pursuant to Rule 12.
 - (c) "Professional conduct" means the professional conduct fixed pursuant to Rule 13.
 - (d) "Inquiry committee" means the inquiry committee formed pursuant to Rule 14.
 - (e) "Health institution" means a hospital or nursing home or primary health center or health post or sub-health post operated at the national

or international level by the governmental or non-governmental or private sector or a health institution operated by any other name.

- (f) “Election” means an election to be held to the members referred to in Clause (f) of Sub-section (1) of Section 4 of the Act.
- (g) “Voter” means a voter as referred to in Rule 30.
- (h) “Candidate” means a person who has possessed the qualification as referred to in Rule 31 and become a candidate in the election.
- (i) “Election committee” means the election committee formed pursuant to Rule 33.

Chapter-2

Provisions on registration of name

3. Level of health professionals and required minimum qualification

for registration of name: (1) The health professionals are categorized into the following levels:

- (a) First level,
- (b) Second level, and
- (c) Third level.

(2) For the registration of the health professional categorized pursuant to Sub-rule (1), the concerned health professional shall have obtained the following educational qualification or degree or training from an educational institution recognized by the Council:

- (a) Having passed at least bachelor in the concerned subject or equivalent thereto for the first level,
- (b) Having passed at least certificate level in the concerned subject or equivalent thereto for the second level,

- (c) Having obtained training of at least one academic year in the concerned subject for the third level.

(3) Notwithstanding anything contained in Sub-rule (2), in the case of the employee serving in the health service of the Government of Nepal at the time of commencement of these Rules, the prescribed educational qualification and degree and training in the concerned subject prescribed at the time of his/her entry into service shall be considered to meet the minimum educational qualification for purposes of the registration of name pursuant to this Rules.

4. Fees for registration and registration of name: (1) The name registration fees, as follows, shall be paid to the Council for the registration of the name of health professional:

- (a) One Thousand Rupees for the first level,
- (b) Seven Hundred Rupees for the second level,
- (c) Five Hundred Rupees for the third level.

(2) In the case of the deletion of name from the register of the Council for the violation of the professional code of conduct pursuant to Rule 13 or pursuant to Section 19 of the Act, registration fees equivalent to the original name registration fees shall have to be paid.

(3) If any non-Nepalese citizen intends to get his/her name registered as a health professional, he/she has to pay double the fees as referred to in Sub-rule (1).

5. Application for registration of name: (1) A person who intends to get his/her name registered with the Council to carry on the health profession has to make an application to the Council in a format prescribed in Schedule-1.

(2) In making an application pursuant to Sub-section (1), the application has to be accompanied by the certificate of educational qualification or degree and training fixed pursuant to Sub-rule (2) of Rule 3, the documents issued by the formal body in respect of such educational qualification or degree and training, the name registration fees fixed pursuant to Rule 4, the Nepalese citizenship certificate in the case of a citizen of Nepal, and passport or identity card issued by the governmental body indicating his/her identity, in the case of a non-Nepalese citizen.

6. **Examination of application:** If, in holding inquiry into the application made pursuant to Rule 5, it appears that the application meets the requirements and is accompanied by all documents and application fees and that the educational qualification certificate or other degree is recognized one, the Council shall submit it to the concerned thematic committee.
7. **Examination of application and report of thematic committee:** If, upon examining the application submitted by the registrar pursuant to Rule 6 and considering as to whether the educational qualification certificate or other degree is a recognized one or not and is related with the subject or not, the thematic committee considers it appropriate to register the name of such applicant and issue the certificate of registration, it has to submit a report along with necessary recommendation to the Council within Three months.
8. **Decision to register name:** (1) If the recommendation report of the thematic committee submitted pursuant to Rule 7 appears to be appropriate, the Council shall decide to register the name of the applicant recommended by the thematic committee with the Council.

(2) In the case of a non-Nepalese citizen, decision has to be so made to register his/her name with the Council that he/she can act as a health professional in Nepal for a maximum period of One year.

(3) If a non-Nepalese citizen, whose name has been registered with specification of period pursuant to Sub-rule (2), intends to get his/her name re-registered with the Council, he/she has to make an application for the re-registration of name. Where such an application is made, the Council may, fulfilling the other procedures mentioned in this Rules, decide to re-register the name of such non-Nepalese citizen for a period not exceeding One year at a time.

9. Register: (1) The registrar has to maintain a register in the format as referred to in Schedule-2 for purposes of the registration of names of health professionals.

(2) In maintaining the register pursuant to Sub-rule (1), separate registers have to be maintained based on the level and subject of health professionals.

10. Name registration certificate: (1) The registrar shall register the name of applicant whom the Council has decided to register pursuant to Sub-rule (1) of Rule 8 in the register and give the registration certificate to the applicant in the format referred to in Schedule-3.

(2) Where the name of a non-Nepalese citizen has been decided to be registered pursuant to Sub-rule (2) of Rule 8, the name registration certificate has to be issued to such non-Nepalese citizen only after specifying the period.

11. To give information of non-registration of name: Where in taking action on the application made to the Council for registration of name, the Council decides not to register the name of such applicant for any reason; information thereof has to be given by the registrar to the concerned applicant in the format referred to in Schedule-4.

Chapter-3

Provisions relating to subject committee

12. **Formation of subject committee:** (1) For purposes of Section 12 of the Act, there shall be following thematic committees under the health profession:

- (a) Public health committee,
- (b) Medical committee,
- (c) Diagnosis committee,
- (d) Rehabilitation committee,
- (e) *Ayurveda* committee,
- (f) Miscellaneous committee.

(2) The subjects to remain under the committees formed pursuant to Sub-rule (1) shall be as prescribed by the Council.

(3) The thematic committees as referred to in Sub-rule (1) shall consist of the coordinators and members as follows:

- (a) One person designated by the Council
from amongst the concerned members -Coordinator
- (b) One person of at least lecturer level
designated by the Council from
amongst the educational institutions
imparting the teaching of concerned
subject -Member
- (c) Two experts designated by the Council
from amongst the experts in the -Member

concerned subject

(d) Registrar

-Member
secretary

(4) For the purposes of Clause (a) of Sub-rule (3), where a person related with the subject is not a member of the Council, the coordinator of the thematic committee shall be designated from amongst the other members.

Chapter-4

Provisions relating to professional conduct

13. **Professional conduct:** (1) For the purposes of Clause (b) of Sub-section (1) of Section 18 of the Act, the registered health professionals shall, while carry on health profession, observe the professional conduct as follows:

- (a) **Discipline and honesty:** The health profession has to be carried on in a disciplined and honest manner.
- (b) **Maintaining decency and secrecy:** They have to deal decently with the persons who come to their contact in the course of health profession. They shall not disclose the information that they come to know about the personal life or health of any person to another person except where so required by the prevailing law
- (c) **Prohibition on discrimination:** In using the professional knowledge and skills, they should not discriminate against any person on grounds of religion, race, sex and social caste, tribe or any other matter.

- (d) **Perform that work which comes under their responsibility:** A health professional should only do that act or make recommendation or suggestion which falls within the area related with the knowledge and skills gained by or the subject studied by him/her. He/she has to recommend the matter not falling within his/her responsibility and scope of work to the expert having gained the knowledge and expertise in the concerned subject.
- (e) **Prohibition on doing work undermining health profession:** A health professional should neither receive any kind of undue economic benefit by publicizing the professional business other than the remuneration, allowances and other facilities receivable for service nor do any kind of improper act that may undermine the service of health profession.
- (f) **Personal responsibility:** A health professional should do every act required to be done by him/her in the course of profession in such a manner as to be responsible personally.

(2) It shall be the duty and responsibility of every health professional to observe or cause to be observed the professional conduct fixed pursuant to Sub-rule (1).

(3) Failure to observe the professional conduct fixed pursuant to Sub-rule (1) shall be considered a violation of the professional conduct.

Chapter-5

Procedures relating to deletion of name

14. **Inquiry committee:** If the Council comes to know through any means that any health professional has violated the professional conduct pursuant to Rule 13 or has got his/her name registered as a health professional in the register of the Council pursuant to Section 19 of the Act, the Council shall form a one-member or three-member inquiry committee under the convenorship of a member to make necessary inquiry into the matter and submit a report.
15. **Having deposition and requiring submission of evidence, proof:** The inquiry committee may require the person accused of having violated the professional conduct or registered name pursuant to Section 19 of the Act to make statements and submit evidence and proofs against the accusation made against him/her.
16. **Opportunity to be given for defense:** (1) In the course of inquiring the person accused of having violated the professional conduct or registered name pursuant to Section 19 of the Act, the inquiry committee shall give a notice setting out the reason for taking action against such person and give him/her a time limit of at least Thirty days to furnish his/her clarification.
- (2) In giving an opportunity to defend pursuant to Sub-rule (1), it has to be clearly set out the accusation made against him/her and the matter and reasons on which each accusation is based.
- (3) Where an opportunity has been given to defend pursuant to Sub-rule (1), the concerned person has also to make defense within that time limit.

- 17. Power to suspend:** (1) The inquiry committee may suspend the person accused of having violated the professional conduct or registered name pursuant to Section 19 of the Act from the registered health professional from the date of commencement of inquiry.

Provided that, generally suspension shall not be made unless the following circumstance exists:

- (a) Where there is a possibility that he/she can collect false evidence or conceal any evidence against him/her if he/she is not suspended and is allowed to carry on the health profession, or
- (b) Where there is a possibility of causing loss or damage to the health profession if he/she is not suspended and is allowed to carry out the health profession.

(2) In suspending any health professional pursuant to Sub-rule (1), he/she must not be suspended ordinarily for more than Two months. The action against the health professional must be completed within that period. If such action cannot be completed within that period because of the occurrence of any extra-ordinary circumstance and the period of suspension has to be extended, the period of suspension may be extended for up to One month with the prior approval of the Council.

(3) Where a health professional is suspended pursuant to Sub-rule (1) or the period of suspension has been extended pursuant to Sub-rule (2), information thereof has to be given to the concerned health professional and the health institution, if any, where he/she is serving. On receipt of such information of suspension of any health professional, the concerned health institution has also to suspend the concerned health professional from its service.

18. Proposal to be made to delete name from register: (1) If the concerned health profession fails to defend within the time-limit given for making defense pursuant to Rule 16 or if the defense made is not satisfactory, a time limit of at least Thirty days shall be given to such person to furnish explanation as to why his/her name should not be removed from the register.

(2) Where the explanation made pursuant to Sub-rule (3) of Rule 16 after giving an opportunity to make explanation pursuant to Sub-rule (1) is not satisfactory, reasons thereof shall also be set out.

(3) Where an opportunity has been given to furnish explanation pursuant to Sub-rule (1), the concerned person has to furnish explanation within the time limit.

19. Report of inquiry committee: (1) The inquiry committee shall, on completion of inquiry, submit its report to the Council.

(2) The report to be submitted pursuant to Sub-rule (1) has to be accompanied by its opinion with reasons for deleting the name of any person from the register or retaining the same as well as the available evidence and proofs.

20. Decision by the Council: Upon studying the report submitted by the inquiry committee pursuant to Rule 19, and particularly in consideration of whether the accused person has been given adequate opportunity to furnish defense and explanation pursuant to Rules 16 and 18 respectively, and whether the inquiry committee has carried out objective evaluation and analysis of the defense and explanation submitted by him/her and the evidence and proof attached therewith and the evidence collected by the committee itself, the Council shall make proper evaluation as to whether the

accused has committed the alleged offense or not and make decision assigning the clear reasons for the same.

- 21. Information of decision:** If, pursuant to Rule 20, the Council decides to delete from the register of the Council the name of any person for an accusation of violation of the professional conduct or registration of name pursuant to Section 19 of the Act, information thereof has to be given to the concerned person and to a health institution, if any, where he/she is serving.
- 22. Termination of suspension:** In a circumstance where the accusation made against any person for violation of the professional conduct or registration of name pursuant to Section 19 of the Act is proved or not proved and such person is suspended pursuant to Rule 17, such suspension shall *ipso facto* be considered terminated.

Chapter-6

Procedures relating to re-registration of name

- 23. Re-registration of name:** (1) If any person whose name has been deleted from the register for the violation of the professional conduct or registration of name pursuant to Section 19 of the Act makes an application for re-registration of name showing a reasonable reason and the Council considers it reasonable to re-register his/her name, it may decide to register his/her name.

(2) If a decision is made pursuant to Sub-rule (1), the registrar shall, following the procedures mentioned in Chapter-2, re-register the name of applicant in the register and issue the certificate.

(3) Notwithstanding anything contained in Sub-rules (1) and (2), no name of a person whose name has been decided to be deleted from the

register shall be re-register as a health professional in the register of the Council prior to completion of One year after that decision.

- 24. Registration of name as health professional of another subject or level:** If a health professional whose name has been registered in one subject or level pursuant to the Act and these Rules obtains qualification of another subject or level and intends to get his/her name registered in the subject or level according to the qualification, the Council may, following the procedures mentioned in Chapter-2, decide to register the name of such person in the register.

Chapter-7

Provisions relating to chairperson, member and registrar

- 25. Functions, duties and powers of chairperson:** Subject to the other provisions contained in the Act and these Rules, the functions, duties and powers of the chairperson shall be as follows:
- (a) To fix priority of the agenda to be discussed at the meeting of the Council,
 - (b) To monitor and evaluate, or cause to be monitored and evaluated, the plans and programmes operated by the Council,
 - (c) To operate the activities of the Council in a managed, effective and smooth manner,
 - (d) To perform, or cause to be performed, all other acts required to be performed or caused to be performed as the chief of the organization.
- 26. Meeting allowance and other facility of chairperson, member and registrar:** (1) For participation in a meeting of the Council, the chairperson

shall be provided with Five Hundred Rupees and the member and registrar with Four Hundred Rupees as the meeting allowance for each meeting.

(2) For participation in a meeting of another committee formed pursuant to the Act and this Rules, the coordinator, member and registrar shall be provided with Four Hundred Rupees as the meeting allowance for each meeting.

27. Remuneration of registrar: (1) If the Government of Nepal designates any employee in the service of the Government of Nepal to act as a registrar of the Council pursuant to Section 13 of the Act, the Council shall provide a monthly allowance of Three Thousand Rupees to such registrar.

(2) If the Government of Nepal appoints any person who is not in the service of the Government of Nepal to the post of registrar of the Council pursuant to Section 13 of the Act, the Council shall provide the salary and allowance, if any, receivable by the employee in service in at least the eighth level under the Health Service Act, 2053 to such registrar.

28. Functions, duties and powers of registrar: Subject to the other provisions contained in the Act and this Rules, the functions, duties and powers of the registrar shall be as follows:

- (a) To carry out general administration and managerial functions of the Council,
- (b) To look after and control the funds of the Council, and arrange, or cause to be arranged, for the well-management and maintenance of the properties,
- (c) To formulate annual programmes and plans of the Council and submit the same to the Council,

- (d) To prepare the annual incomes and expenditures and supplementary incomes and expenditures of the Council,
- (e) Subject to the budget approved by the Council, to implement the plans and programmes of the Council,
- (f) To arrange for the performance of the internal and final audit of the Council,
- (g) To act as the liaison officer between the Council and health professionals.
- (h) To perform or caused to be performed other functions as directed by the Council.

Chapter-8

Provisions relating to election

- 29. Election:** For the purposes of Clause (f) of Sub-section (1) of Section 4 of the Act, there shall be election to the Four members at the rate of one member from each group of the registered health professional of the following subject groups:
- (a) Public health group,
 - (b) Medical group,
 - (c) Diagnosis and rehabilitation group,
 - (d) *Ayurveda* and miscellaneous group.
- 30. Voters:** (1) The health professionals already registered with the Council at the time of formation of the election committee shall be the voters in the election to the post of member representing the concerned subject group to the Council.

(2) Notwithstanding anything contained in Sub-rule (1), non-Nepalese citizens registered pursuant to Sub-rule (2) of Rule 8 shall not be voters in the election to the post of member of the Council.

31. Qualification of candidate: One has to possess the following qualification to be a candidate in the election:

- (a) Having obtained at least certificate level or equivalent degree in a subject related with the health profession,
- (b) Having gained at least Five years of experience in health profession,
- (c) Having registered with the subject committee related with the group for which one intends to be a candidate.

32. Considered to be elected: (1) A person who secures the highest votes in the election shall be considered to be elected.

(2) Provided that, if there is only one candidate in the election held in any group, such candidate shall be considered to have elected unopposed.

33. Election committee: (1) The Council shall form a Three member election committee comprising One member as its chairperson and other Two members as its members from amongst the persons having possessed the qualifications fixed pursuant to Rule 31.

(2) The election committee formed pursuant to Sub-rule (1) shall *ipso facto* be dissolved after the publication of election results.

(3) All expenses to be incurred in holding election pursuant to these Rules shall be chargeable on the fund of the Council.

34. Functions, duties and powers of election committee: (1) The election committee shall perform and exercise all functions, duties and powers relating to election such as publication of voters list for election, hearing

objection to and claim on voters list, publication of the final voters list, examination of nomination papers of candidates, hearing objection to and claim on nomination paper, fixing polling centres, conducting election, counting of votes and declaration of election results.

(2) The election committee may, in exercising the powers conferred to it under this Rules pursuant to Sub-rule (1), prescribe election forms, issue other manuals required for election and engage persons required to hold the election.

Chapter-9

Miscellaneous

35. Penalties: (1) A person who carries on the health profession contrary to Section 20 of the Act shall be punished with a fine not exceeding Ten Thousand Rupees.

(2) A person who acts contrary to the provisions contained in the other Sections of the Act and these Rules shall be punished with a fine not exceeding Five Thousand Rupees.

36. To maintain updated records of name registration: (1) The registrar shall maintain an updated record of the name of each health professional registered with the Council in the register maintained in a subject-wise or level-wise manner pursuant to these Rules.

(2) The Council shall publish the names of the health professional maintained in the register of the Council in an updated manner pursuant to Sub-rule (1) in every Five years.

37. Details to be provided: (1) Every registered health professional shall, for the purpose of updating the records of name registration, fill on the details form in the prescribed format and provide it to the Council.

(2) The name of a health professional who does not provide the details form as referred to in Sub-rule (1) shall not be included in the updated list.

38. Powers to form committee: (1) In making decision on any policy matter, the Council may form a committee consisting of members and expert as required to do study on that matter and submit a report along with suggestion.

(2) The functions, duties and powers and procedures of the committee formed pursuant to Sub-rule (1) shall be as prescribed by the Council.

39. Power to make alteration in Schedule: The Government of Nepal may, on advice of the Council, may make necessary alteration in the Schedules of these Rules by publishing a notification in the Nepal Gazette.

NEPAL LAW COMMISSION

Schedule-1

(Relating to Sub-rule (1) of Rule 5)

Application form for name registration

A passport size
photograph recently
taken, with both ears
being visible

The Nepal Health Professional Council,
Kathmandu.

I, hereby, make this application setting out the following details to get my name registered in the register of the Nepal Health Professional Council, pursuant to Section 16 of the Nepal Health Professional Council Act, 2053 (1997) and as per Rule 5 of the Nepal Health Professional Council Rules, 2056 (1999).

1. Full name and surname:
2. Name (in block letters):
3. Date of birth:
4. Father's name:
5. Grand-father's name:
6. Name of husband or wife, if married:
7. Permanent address:

Zone: District: VDC/Municipality:

Ward No. Tole: Village:

Temporary address:

Zone: District: VDC/Municipality:
 Ward No. Tole: Village:

8. Address for correspondences:

9. Name of health institution, if any, being engaged in:

Address:

10. Subject and level intended to be registered in presently:

11. If the name was registered in any professional council heretofore:

Name of the Council:

Registration number: Date: Subject: Level:

12. Details of educational qualification or degree:

(a) General:

SN	Obtained educational qualification or degree	Institute	Year	Division	Remarks

(b) Vocational/professional:

SN	Obtained educational qualification or degree	Institute	Year	Division	Remarks

The contents mentioned above are true and correct, if proved false, I shall bear and pay according to law.

Applicant's:

Signature:

Full name, surname:

Date:

Note: The applicant has to submit three passport size photographs, citizenship certificate and originals of the educational qualification or degree pr training as mentioned in the application form and two certified duplicate copies thereof, along with the application.

Schedule-2

(Relating to Sub-rule (1) of Rule 9)

Register

Registration No.

Page No.

Name:

Address:

Father's name:

Working institution and address:

Educational qualification:

(a) General

1.

2.

3.

4.

(b) Professional

1.

2.

3.

4.

Photograph of
registered health
professional

Date of decision of the Council: Signature of certificate holder

Signature of particulars provider Registration date:

Addition and amendment to the particulars

Signature of the registrar:

Date	Particulars	Signature of particulars provider	Signature of the registrar	Remarks

Schedule-3

(Relating to Sub-rule (1) of Rule 10)

Nepal Health Professional Council

Registration Certificate

Photograph of
registration
certificate
recipient

As per the decision dated.....of the Council, you, Mr./Mrs/Ms/....., aged....., a resident of Ward No. of the.....Municipality/Village Development Committee,.....District.....Zone....., have been granted this Certificate of Registration, by registering your name in the register in.....subject.....level, pursuant to Sub-section (4) of Section 17 of Nepal Health Professional Council Act, 2053 (1997) and Rule 10 of Nepal Health Professional Council Rules, 2056 (1999).

Registration No.

Date of issue of registration certificate:

Seal of the Council

Signature:.....

Name:.....

Registrar

Note: In the case of a non-Nepalese citizen, this certificate shall remain valid only for a period of one year from the date of issuance.

Schedule-4

(Relating to Rule 11)

Nepal Health Professional Council

Information of Registration of Name

Mr./Mrs./Ms.....

.....

.....

Upon examining the application dated.....submitted by you for registration of your name in the Council, I do, hereby, inform that the Council has decided on..... not to register your name in the register of the Council for the following reasons:

Reasons for not registering the name:

- (a)
- (b)
- (c)

Signature.....

Name:.....

Registrar