



**ASSOCIATION EUROPÉENNE DES MÉDECINS DES HÔPITAUX
EUROPEAN ASSOCIATION OF SENIOR HOSPITAL PHYSICIANS
EUROPÄISCHE VEREINIGUNG DER LEITENDEN KRANKENHAUSÄRZTE
EUROPESE VERENIGING VAN STAFARTSEN
DEN EUROPÆISKE OVERLÆGEFORENING
ΕΥΡΩΠΑΪΚΟΣ ΣΥΛΛΟΓΟΣ ΝΟΣΟΚΟΜΕΙΑΚΩΝ ΙΑΤΡΩΝ ΔΙΕΥΘΥΝΤΩΝ
ASSOCIAZIONE EUROPEA DEI MEDICI OSPEDALIERI
DEN EUROPEISKE OVERLEGEFORENING
ASSOCIAÇÃO EUROPEIA DOS MÉDICOS HOSPITALARES
ASOCIACIÓN EUROPEA DE MÉDICOS DE HOSPITALES
EUROPEISKA ÖVERLÄKARFÖRENINGEN
EVROPSKO ZDRŽENJE BOLNIŠNIČNIH ZDRAVINIKOV
EUROPSKA ASOCIACIA NEMOCNICNÝCH LEKAROV
EUROPSKA UDRUGA BOLNIČKIH LIJEČNIKA**

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БЪЛГАРСКИ ЛЕКАРСКИ СЪЮЗ
BULGARIAN MEDICAL ASSOCIATION
UNION DES MEDECINS BULGARES
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21 June, 2005, Sofia

TO DR. RAYMOND LIES
AEMH PRESIDENT
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Dear Dr. Lies,

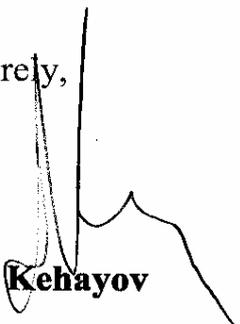
The Bulgarian Medical Association is hereby making an application for full membership to AEMH.

All practicing hospital physicians in Bulgaria are members of the Association. That is why we believe that it is important for us to be AEMH member.

Please let us know if any further information is necessary.

Looking forward to your reply,

Yours Sincerely,


Dr. Andrey Kehayov
President

BY-LAWS OF THE BULGARIAN MEDICAL ASSOCIATION

(amended by the 36th General Assembly of the BMA, 5-7 April, 2002)

CHAPTER ONE GENERAL PROVISIONS

Art.1 /1/ These by-laws regulate the structure, organization and activity of the Bulgarian Medical Association.

/2/ The Bulgarian Medical Association (BMA) is a professional organization of physicians by the meaning of the Act on the Professional Organizations of Physicians and Dentists /APOPD/.

/3/ The Bulgarian Medical Association is the successor of the Bulgarian Medical Association, founded in 1901 and an adherent of its goals, traditions and activity.

Art.2 /1/ The Bulgarian Medical Association is a corporate body with head office in the city of Sofia.

/2/ It performs its local activity through the regional colleges of the BMA.

Art.3 /1/ All physicians practicing in the Republic of Bulgaria are members of the Bulgarian Medical Association.

/2/ Membership of non-practicing physicians or those currently abroad is voluntary.

/3/ The members of the BMA may associate with each other or with other persons according to place of work, residence, territorial, professional or other indications.

CHAPTER TWO FUNCTIONS

Art.4 The Bulgarian Medical Association:

1. represents its members and protects their professional rights and interests;
2. represents its members as a party to the conclusion of the National Framework Contract on Obligatory Health Insurance;
3. compiles a code for medical ethics of physicians and controls its observation;
4. adopts, in collaboration with the National Health Insurance Fund, rules for good medical practice, presents them to the Minister of Health for approval and controls their observation;
5. imposes sanctions provided by the Act on the Professional Organizations of Physicians and Dentists;
6. compiles and maintains national and regional registers of its members;
7. participates in the organization and convening of qualification courses for physicians;
8. participates with representatives in the Higher Medical Council at the Ministry of Health;
9. presents stands for normative act projects in the field of health care;
10. collaborates with other organizations and institutions in this country and abroad;
11. supports its members and their families, in case of need;
12. performs other activity as determined by the General Assembly of the BMA.

CHAPTER THREE STRUCTURE

SECTION ONE CENTRAL BODIES

Art.5 /1/ National bodies of the BMA are:

1. BMA General Assembly;
2. Managing Council;
3. Control Committee;
4. Medical Ethics Committee.

/2/ The National Council is a permanently functioning operational structure of the BMA where the elected chairmen of the managing councils of the regional colleges and the Managing Council of the BMA participate by right.

Art.6 /1/ Representatives of the regional colleges participate in the General Assembly of the BMA.

/2/ The representatives under paragraph 1 are elected by the General Assemblies of the regional colleges. 1 delegate is elected for every 75 members. The college has the right of one more delegate if the number of members exceeds a divisible of 75 with more than 38.

/3/ The body under paragraph 1 is summoned to regular meetings, once in a three-year period and to extraordinary meetings.

/4/ The members of the National Council and the Control Committee and Medical Ethics Committee chairmen, who have not been elected, participate in the Meeting sessions with no right to vote.

/5/ The representatives under paragraph 1 are elected for a three-year mandate until the convening of the next General Assembly of the BMA.

Art.7 /1/ The date, venue and agenda of the General Assembly are fixed by the Managing Council and the regional colleges are informed about these with a two-month notice.

/2/ Extraordinary General Assembly will be summoned:

1. by decision of the Managing Council;
2. by decision of the National Council taken with a qualified majority of 2/3 of all votes;
3. at the request of at least 3/4 of the regional colleges' managing councils.

/3/ In the case of request for an extraordinary General Assembly under the terms of sections 2 and 3 of the previous paragraph, the Managing Council summons such meeting in two-months time.

/4/ In the case that the Managing Council fails to summon an extraordinary Meeting in the set term, it is summoned by the Control Committee.

Art.8 The General Assembly of the BMA:

1. adopts and amends the by-laws of the organization;
2. adopts and amends the Medical Ethics Code and presents it to the Minister of Health for approval and publication in the State Gazette;
3. elects and dismisses the managing council, the control committee and the medical ethics committee of the BMA;
4. elects the President, Vice-Presidents, Secretary General and members of the Managing Council; the Chairman and members of the Control Committee; the Chairman and members of the Medical Ethics Committee from the members present and it may dismiss them even in their absence;
5. elects and dismisses the representatives of the BMA in the Higher Medical Council at the Ministry of Health;
6. the 7 representatives elected by the members of the Managing Council to participate in the elaboration and signing of the National Framework Contract on obligatory health insurance sign such Contract after an extraordinary meeting of the BMA has been held, which adopts and ratifies the National Framework Contract and delegates rights to the seven representatives to sign it;
7. approves the reports of the Managing Council, the Control Committee and the Medical Ethics Committee;
8. specifies the minimal amount of membership fees and the amount of the deductions to the national level bodies;
9. adopts a budget account for the current year and the rules for raising and spending the organization funds;
10. proposes the rules under art.25, paragraph 1 of the PHA for publication by the Minister of Health;
11. decides on all other matters related to the activity of the organization.

Art.9 /1/ The General Assembly of the BMA is considered to be lawfully convened when at least three thirds of the elected representatives are present.

/2/ In the case that the required number of delegates under the preceding paragraph are not present, the Meeting is postponed for at least 15 days with the same agenda.

Art.10 /1/ Each delegate at the Meeting has the right to one vote and voting by proxy is not allowed.

/2/ The Meeting adopts the By-laws and Medical Ethics Code with a qualified majority of two thirds and all other resolutions - with common majority of those present.

Art.11 /1/ The Managing Council of the BMA consists of a President, two Vice-Presidents, Secretary General and eleven members.

/2/ The Managing Council holds ordinary meetings at least once in every three months, as well as extraordinary meetings.

/3/ The Managing Council holds meetings in the presence of at least two thirds of the regular members and passes resolutions under the order specified in its working rules.

Art.12 /1/ The Managing Council of the BMA:

1. Calls the General Assembly Meeting;
2. manages the property of the BMA;
3. compiles a national register of members and publishes in the State Gazette an annually updated list of the names of those registered for medical practice;
4. protects register data from unauthorized access;
5. manages the activity of the Association for implementation of its functions;
6. adopts the budget, structure, staff, and rules for the activity of the BMA administration;
7. creates auxiliary committees on different problems, consisting of association members and other experts;
8. coordinates and supports the activity of the regional colleges;
9. performs other functions assigned by the General Assembly of the BMA.

/2/ The Managing Council of the BMA elects among its members 7 representatives to take part in the negotiations and signing of the National Framework Contract on obligatory health insurance.

Art.13 /1/ The President of the MC of the BMA organizes and manages its activity and represents it.

/2/ The Vice-Presidents assist the President in his activity and substitute for him in his absence under the order specified in the work rules of the BMA.

/3/ The Secretary General of the BMA:

1. manages activity for the immediate execution of the MC resolutions;
2. organizes the meetings of the MC;
3. secures the technical and administrative activity of the MC;

Art.14 /1/ The Control Committee of the BMA consists of a chairman and six members.

/2/ At the first meeting after the election the Control Committee elects with common majority by secret ballot vice chairman, who assists the chairman and substitutes for him in his absence.

/3/ The Control Committee:

1. controls the conformity of the resolutions passed by the MC with the law and by-laws and their execution;
2. examines the reports under art. 27, paragraph 1, item 3 of the PHA and pronounces on them;
3. presents a report for its activity before the General Assembly of the BMA and proposes members of the MC for exemption or non-exemption from liability.

/4/ The Control Committee passes resolutions with common majority, at the presence of at least three thirds of its members and it proceeds in accordance with working rules.

Art.15 /1/ The Medical Ethics Committee is formed by a chairman and ten members.

/2/ At the first meeting after the election, the Medical Ethics Committee elects by common majority and secret ballot a chairman from its members, who assists the chairman and substitutes for him in his absence.

/3/ The Committee pronounces on medical, ethical and deontological issues, related to medical practice.

/4/ The Medical Ethics Committee holds meetings if at least 2/3 of its members are present and passes resolutions with a qualified majority of 2/3 of those present, and works in accordance with working rules.

Art.16 /1/ The regular meetings of the MC are open to all members of the BMA.

/2/ The meetings of the Control Committee and the Medical Ethics Committee are closed.

Art.17 /1/ The President, Vice-Presidents and the Secretary General of the Managing Council, the chairmen of the Control Committee and the Medical Ethics Committee are elected and dismissed by secret ballot with common majority of the delegates present at the meeting.

/2/ In case that at the first ballot no one is elected for a certain post by majority of more than half of the votes under paragraph 1, a second ballot is carried out for those two nominees, who have gained the largest number of votes and then the nominee who receives larger number of votes is elected. The same procedure is applied if two candidates for one and the same position receive equal number of votes at the first ballot.

/3/ The members of the Managing Council, the Control Committee and the Medical Ethics Committee and three alternate members for each of these bodies, are elected by common majority and a secret ballot in common lists and the candidates qualify according to the number of votes cast.

/4/ The General Assembly elects the Bulgarian Medical Association representatives to the Higher Medical Council, with the exception of the President of the Managing Council who is Higher Medical Council member on the strength of the occupied elective position. The election of the other representatives and three alternate members is done by a secret ballot and the candidates qualify according to the number of votes cast.

Art.18 /1/ The central authorities are elected for a three-year mandate which can be terminated prematurely by an extraordinary General Assembly.

/2/ A person may not be elected on the same position in a central body for more than two consecutive mandates.

/3/ The mandate of a person, elected in a central authority is terminated:

1. by the wish of such person with one month notice to the respective authority;
2. in the case of death;
3. in the case of election to other elective position;
4. in the case that circumstances under art.39 are established.

Art.19 /1/ In the case of vacancy of the position of President of the Managing Council it is occupied by a Vice-President under the order defined by the rules.

/2/ In the case of vacancy of the position of the chairman of the Control Committee or the Medical Ethics Committee it is occupied by the vice-chairman under the order defined by the rules.

/3/ In the case of decreasing the number of a central body members due to member dropping out, the vacancy is filled by an alternate member in accordance with the votes won at the election till the end of the mandate or till an extraordinary General Assembly.

Art.20 /1/ The National Council is summoned by the BMA MC President at least once in every three months; it holds meetings under his chairmanship and is authorized to:

1. adopt the BMA budget;
2. adopt and amend the Rules for National Register data maintenance and keeping;
3. adopts and amends the internal regulations of the BMA, provided for in the by-laws;
4. pronounces on Good Medical Practice and National Framework Contract projects;
5. passes resolutions on other matters, put to discussion by the BMA national level bodies, which are not within their exceptional competence under the APOPD.

/2/ The National Council passes resolutions by common majority and with at least half of its members taking part, except for when these by-laws specify different voting order.

/3/ Members of the association, representatives of associated organizations and other experts may be employed for work at the National Council.

SECTION TWO REGIONAL BODIES, REGIONAL COLLEGE OF PHYSICIANS

Art.21 /1/ The regional bodies of the BMA are juridical persons.

/2/ The head offices of the regional colleges and the municipalities they include are listed in the appendix to the APOPD.

/3/ A regional college consists of the physicians, recorded on its register.

/4/ Regional College members may organize in societies.

/5/ The society is the main structure unit of the Bulgarian Medical Association and it is founded by at least 10 physicians according to place of work, residence, territorial, professional or other indications.

/6/ The societies, according to the number of their members, elect leadership or coordinators and organize their work in accordance with rules adopted by their General Assembly and conformable to these by-laws.

/7/ The societies founded on territorial principle are included in the respective regional college. They present for approval their rules, announce the elected leadership and enclose a list of their members, which they update once in every three months.

/8/ Speciality sections may be formed within the societies.

Art.22 /1/ The bodies of the regional college of the BMA are:

1. General Assembly of the physicians;
2. Managing council of the regional college of the BMA;
3. Control committee of the regional college of the BMA;
4. Medical Ethics Committee of the regional college of the BMA.

Art.23 /1/ Delegates attend the General Assembly of a regional college of physicians. One delegate is elected for every ten members of the societies from the respective territory.

/2/ The General Assembly is summoned to regular sessions on an annual basis and to extraordinary sessions. The order for summoning, the rules for work and resolution passing are specified in the by-laws of the regional colleges of the BMA.

Art.24 /1/ The General Assembly:

1. adopts by-laws and rules for work of the bodies of the regional college;
2. adopts the regional college budget;
3. elects and dismisses the chairmen and members of the MC, the Control Committee and Medical Ethics Committee of the regional college and determines their mandate;
4. elects delegates to the General Assembly of the BMA;
5. adopts the reports for the activity of the regional college bodies under item 3, and passes resolutions on them;
6. adopts rules for raising and allocation of the funds of the regional college;
7. passes resolutions on all other matters, related to the activity of the regional college, in line with the current legislation of the country, the by-laws of the BMA and its own by-laws.

/2/ The by-laws of the regional college may not be in contradiction with the by-laws of the BMA.

Art.25 /1/ The General Assembly of the regional college is considered to be lawfully convened when three thirds of the elected representatives are present. In the case of lack of quorum the meeting is postponed for two hours and is then convened with those members present, who may not be less than a half of the General Assembly delegates.

/2/ The by-laws are adopted by qualified majority of two-thirds and all other resolutions - by common majority of those present.

Art.26 /1/ The managing council of the regional college of the BMA consists of a chairman, vice-chairmen, secretary and members. The number of the vice-chairmen and members as well as the rules for work and resolution taking are determined in the by-laws.

/2/ The managing councils of the regional colleges of the BMA are called to regular meetings at least once in every three months, as well as to extraordinary meetings.

Art.27 The managing council of a regional college of the BMA:

1. manages the activity of the regional college in accordance with the resolutions of the General Assembly, by-laws and laws;
2. organizes and keeps the regional college register;
3. protects register data from unauthorized access;
4. sends a list of its members to the managing council of the BMA and updates it;
5. prepares a draft-budget and manages its property;
6. calls the General Assembly of the college;
7. safeguards the professional rights and the dignity of the college members;

8. registers the punishments imposed on its members under the APOPD;
9. supports the work of societies in the region and performs coordination between them and the central bodies of the BMA;
10. observes the regular collection of membership fees and takes responsibility for the accuracy of deductions to the national level bodies;
11. elects regional college representatives to work in the arbitration committees under the Health Insurance Act;
12. supports its members and their families in the case of need;
13. enables access of its members to the expertise they might need in professional arguments or in the case of groundless refusal of the regional health insurance fund to enter into agreements with them;
14. performs other activities assigned by the General Assembly.

Art.28 /1/ The chairman of the regional college of the BMA organizes and manages its activity, represents the college and acts as a proxy of the BMA managing council for the respective region.

/2/ The vice-chairmen support the chairman in his activity and substitute for him in his absence.

/3/ The secretary:

1. manages the execution of the managing council resolutions;
2. organizes and secures the technical and administrative activity of the managing council.

Art.29 /1/ The control committee of the BMA consists of a chairman and members.

/2/ The number of members, rules for work and the organization of the committee activity are defined by the by-laws of the regional college.

Art.30 /1/ The control committee of the regional college:

1. controls the conformity of the resolutions taken by the regional managing councils with the laws and by-laws and their execution;
2. presents before the General Assembly of the regional college of the BMA reports on its activity and proposals for exemption or non- exemption from liability of the managing council of the college.
3. in the case of establishment of infringement of the law, by-laws or resolutions of the General Assembly, prepares a report in a two-week term and submits it to the MC of the BMA or calls a General Assembly of the regional college.

/2/ The chairman and members of the committee are eligible to attend the meetings of the MC of the regional college.

Art.31 /1/ The medical ethics committee of the regional college of the BMA consists of a chairman and members, whose number is specified by the by-laws of the regional college.

/2/ The committee under paragraph 1, conducts its work in accordance with the by-laws of the regional college, the rules for work and the Medical Ethics Code of the BMA.

/3/ The committee under paragraph 1 is authorized to:

1. control the observation of the medical, ethical and deontological issues, related to medical practice;
2. consider complaints on the issues listed in item 1;
3. perform other activities, determined by the General Assembly of the regional college of the BMA;
4. draw up statements for breeches and recommendations for their elimination.

Art.32 /1/ The regular meetings of the General Assembly of the regional college and its managing council are open to all BMA members.

/2/ The meetings of the committees, under art. 22, items 3 and 4, are closed.

Art.33 /1/ The chairmen, secretaries, vice-chairmen and members of the regional colleges, chairmen and members of the control committees and medical ethics committees are elected under the order of Art. 17, paragraphs 1 to 3.

/2/ Premature termination of their mandate is effected under the order and conditions of Art 18, paragraph 3.

CHAPTER FOUR MEMBERSHIP, RIGHTS AND OBLIGATIONS

SECTION ONE

MEMBERSHIP

Art.34 /1/ The BMA membership is initiated by entering in the regional college register.

/2/ Registration is done after filing an application by the physician, indicating his or her full name, PN, place of birth, citizenship and place of residence and work.

/3/ The following are enclosed to the application:

1. a higher education diploma;
2. a document in proof of the circumstances under art. 93 of the PHA;
3. a speciality or degree diploma, if such is available;
4. a document certifying the place of work and the length of service of the person;
5. in the case of membership renewing - an excerpt from the register for imposed punishment;
6. for foreign citizens - a document for permanent residence in this country and a document for passed exams under paragraph 2, art. 88 of the PHA;
7. a conviction status certificate.

/4/ A physician, practicing on the territory of more than one regional college, files an application for registration and is a member of a college of his choice as he makes known his other workplaces. In this case the regional colleges exchange register information officially.

/5/ In the case of change of the workplace from the region of one regional college to another with no discontinuance of membership, the register information is officially transferred by request of that person.

Art.35 /1/ The MC of the regional college of the BMA checks if all conditions are met under Arts. 88 and 93 of the PHA, for the registration of the physician in the college register.

/2/ If the persons meet the requirements, they are registered in fourteen-day term.

/3/ The MC of the regional college of the BMA issues a registration certificate in the term specified under item 2.

/4/ A registration in the regional college of the BMA may be denied if:

1. the requirements under Art. 32, paragraphs 2 and 3 of the AOPD are not met;
2. the person is struck off the register of another regional college - for the term of the punishment.

/5/ The denial to register may be appealed against in seven-day term after notification of such denial, before the MC of the BMA, which has to make a decision in one month term.

/6/ The resolutions of the MC of the BMA are subject to appeal under the Administrative Procedure Act before the Supreme Administrative Court.

Art.36 /1/ The following data are registered:

1. full name and personal number, place of birth and citizenship;
2. place of work and residence;
3. higher medical education - number and date of the diploma;
4. speciality - number and date of the diploma;
5. the academic rank or degree - number and date of the diploma or the respective statement;
6. punishments imposed under the AOPD;
7. effective penalty measures under other laws, related to medical practice;
8. effective sentences on general lawsuits;
9. other data, according to the Regulations for keeping and preservation of the register data;

/2/ The persons registered with the regional college are obliged to inform about changes in the register data in two-month term.

/3/ The managing council of the regional college informs the MC of the BMA for all recorded data and amendments in a one month term.

Art.37 /1/ Physicians, who are voluntary members under the terms of Arts. 3 and 2 of these by-laws, are registered in a separate register of the regional college of their choice after the documents, under Art.34, paragraph 3, have been filed.

/2/ At resuming practice the data available are officially transferred in the register of practicing physicians, of the respective regional college, according to place of work and on the basis of application by such person submitted in a seven-day term.

SECTION TWO RIGHTS AND OBLIGATIONS

Art.38 The members of the BMA are entitled to:

1. elect and be elected to the bodies of the Association and the regional colleges, in line with the conditions provided by these by-laws;
2. assistance by the association in arguments related to medical practice;
3. financial aid in the case of retirement, loss of ability to work, or aid to their families in case of the physician's death;
4. be informed about all activities of the association;
5. be assisted by the association in their professional development;
6. have access to their personal data in the register.

Art.39 /1/ The following persons may not be elected and occupy an elective position in the MC, control committee and medical ethics committee of the BMA and the regional colleges:

1. ministers, prime-ministers, secretary generals of ministries, heads of healthcare establishments;
2. deputies;
3. participants in the governing bodies of political parties and trade-unions;
4. members of a NHIF body or a voluntary health insurance fund body, or who are working under contract therein or at branches thereof;
5. spouses and straight or collateral line relatives to a third stage inclusive of another member of a BMA elective body;
6. those convicted of an intentional crime of a general character;
7. those who have been deprived of the right to practice the profession through administrative channels or punishment;
8. those punished under the APOPD when less than three years have passed after the punishment term.

/2/ One and the same person may not be a member of more than one of the following bodies:

1. managing council;
2. control committee;
3. medical ethics committee;

/3/ The resolutions under this article are passed by a general meeting of the Control Committee and Medical Ethics Committee under the terms of Art.14, paragraph 4 and Art.15, paragraph 4, by the proposal of the National Council.

Art.40 The members of the BMA are obliged to:

1. practice the medical profession in accordance with the Medical Ethics Code and the Rules for Good Medical Practice;
2. abide by the by-laws;
3. inform the MC of the regional college, to which they are members, about changes related to practicing of the profession;
4. regularly pay their membership fees.

CHAPTER FIVE

RULES FOR RAISING AND SPENDING OF FUNDS

Art.41 The Bulgarian Medical Association raises funds from:

1. membership fees;
2. fines imposed under the order of the APOPD;
3. incomes from publications;
4. donations and testaments, etc.

Art.42 /1/ The minimal amount of the membership fee and the amount of the deductions to the national level bodies are fixed by the BMA General Assembly.

/2/ The regional colleges determine the specific amount of membership fee and conform it to the previous paragraph.

/3/ The retired physicians with no additional income, unemployed physicians and the permanently disabled, may be exempted of membership fee payment by decision of the managing council of the respective regional college.

/4/ The managing councils of the regional colleges organize the membership fee collection and transfer deductions for the BMA budget in the end of each month.

Art.43 /1/ The BMA resources are spent for the execution of the functions and tasks ensuing from the APOPD and these by-laws.

/2/ Founding or participation of the BMA in firms and foundations maybe effected by resolution of the BMA General Assembly.

Art.44 The National Council adopts separate rules for the application of this chapter and for the order for drafting, adoption, execution and accounting of the BMA budget.

CONCLUSIVE PROVISIONS

1. The Bulgarian Medical Associations owns a round seal reading “BULGARIAN MEDICAL ASSOCIATION - MANAGING COUNCIL”.
2. The Association enters into an engagement by laying the signature of the President or a MC member, authorized by him, and affixing the seal of the Association.
3. Matters not settled with these by-laws are resolved in accordance with the operative laws and those not regulated are settled with resolutions of the General Assembly, National Council or Managing Council of the Bulgarian Medical Association.
4. The Bulgarian Medical Association founds a centralized publication.
5. The present by-laws are adopted by the XXXII General Assembly of the Bulgarian Medical Association, on the grounds of Art.6 of the Act on the Professional Organizations of Physicians and Dentists.