



**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 ZDRAVNIKOV
EUROPSKA ASOCIACIA NEMOCNICNÝCH LEKAROV
EUROPSKA UDRUGA BOLNIČKIHI LIJEČNIKA
ΕΒΡΟΠΕΪΣΚΑ ΑΣΟCΙΑCΙΑ ΝΑ ΣΤΑΡΣΗΤΕ ΒΟΛΝΗCΗΝΗ ΛΕΚΑΡΗ**

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The Romanian College of Physicians

Timișoara Blvd. no.15, 6th Department, Postal Code: 061303, Bucharest - ROMANIA
Phone: 0040 21 413 88 00 / 0040 21 413 88 03 ; Fax: 0040 21 413 77 50
E-mail: office@cmr.ro ; <http://www.cmr.ro>

To

AEMH

The Romanian College of Physicians hereby sends you the letter of application for membership within the AEMH.

We have learnt about your core values, aims and goals regarding the hospital doctors and patients and we fully agree to your opinions posted on your website and those principles found in the documents that govern your organization.

We would like to join your organization so that, together with the other organizations that are members of the AEMH, we become a unitary voice in all the problems regarding the practice of the medical profession, defending the moral and ethic principles that govern our profession and also defending the rights of all doctors, including hospital doctors.

We also send you the Statute of the Romanian College of Physicians, in order to see what are the core values and aims of our institution.

We wish you success with the Plenary Assembly and hope to hear very good news from you soon.

Yours Sincerely,

Prof. Dr. Vasile Astărăstoae
President of The Romanian College of Physicians

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

STATUTE OF THE ROMANIAN COLLEGE OF PHYSICIANS

CHAPTER I GENERAL PRINCIPLES

Art.1 - (1) The Romanian College of Physicians is organized and functions within the provisions of law and the present Statute, as a professional and national organization of physicians, being an institution of public interest, non-governmental, non-political and without patrimonial purpose.

(2) The Romanian College of Physicians has juridical personality and institutional autonomy in its relation with any public authority, exerting its attributes without any possibility of interference.

Art.2 The Romanian College of Physicians has as its main objective the control and surveillance of the practice of the medical profession, the application of laws and rules that organize and establish the practice of the profession, the representation of the physician's interests and the observance of the prestige of the medical profession within the social life.

Art.3 As a public and professional authority, The Romanian College of Physicians accomplishes the attributions stipulated by law and the present statute in six domains of activity:

- a) Educational and Professional – Scientific;
- b) Ethical and Deontological;
- c) Professional Jurisdiction and Litigations;
- d) Authorization-Accreditation;
- e) Economical-Social;
- f) Administrative and Organizational.

Art.4 - (1) On county level, including Bucharest city, a territorial college is organized and functions within the respective administrative-territorial unit.

(2) The physicians who are registered in the evidence of the territorial colleges are members of the Romanian College of Physicians.

(3) No territorial college can function outside the Romanian College of Physicians.

Art.5 There are relations of functional, organizational and financial autonomy between the Romanian College of Physicians and the territorial colleges.

Art.6 - (1) As a professional organization, The Romanian College of Physicians defends the dignity and promotes the rights and interests of its members, in all spheres of activity, defends the honor, freedom and professional independence of the physician in practicing his profession, ensures the physicians' observance of their obligations towards the patient and the public health.

(2) The Romanian College of Physicians collaborates, according to the legal conditions, with all the competent institutions, in order to accomplish all the objectives stipulated in the first paragraph.

Art.7 - (1) The Romanian College of Physicians, through its branches, represents the professional body in Romania, in its relations with the authorities and governmental and non-governmental, internal and international institutions.

(2) In order to accomplish the objectives and attributions given by law and the present statute, the representative branches of the Romanian College of Physicians may establish relations with other similar organisms from abroad.

Art.8 The election of the representative organisms and boards of the Romanian College of Physicians will be made from bottom to top, with the observance of the democratic principles and equality between members.

Art.9 - (1) The headquarters of the Romanian College of Physicians is in Bucharest city.

(2) The emblem of the Romanian College of Physicians is provided by the annex to the present statute.



CHAPTER II

ATTRIBUTIONS OF THE ROMANIAN COLLEGE OF PHYSICIANS

Art.10 The Romanian College of Physicians has and exerts its attributions stipulated by the laws in force.

Art.11 The Romanian College of Physicians authorizes the founding of the private medical consulting rooms, regardless of their juridical form, and takes part, through special appointed representatives, in the contests organized for the occupation of the positions in the sanitary institutions.

Art.12 - (1) In the practicing of the legal attributions, the Romanian College of Physicians, through its national or territorial structures, has the right to sue, on its behalf or on any of its members' behalf.

(2) The decision regarding the suing belongs to the Executive Board of the National Council of the Romanian College of Physicians, to the executive board of the council from the territorial college.



CHAPTER III

MEMBERS OF THE ROMANIAN COLLEGE OF PHYSICIANS RIGHTS AND OBLIGATIONS

Art.13 - (1) The quality of member in the Romanian College of Physicians is acquired and kept within the legal conditions.

(2) Members of the Romanian College of Physicians are registered in the Physicians' Register of Romania, which is published on the official site of the college.

Art.14 - (1) On demand, members of the Romanian College, who, for objective reasons, want to break off the practicing of the medical profession up to 5 years, can ask for the suspension of the quality of member during that period. The demand will be made prior to the requested period.

(2) The breaking off or suspension of the activity for more than 5 years brings down the loss of the quality of member in the Romanian College of Physicians and, consequently, the loss of the free practice right.

(3) During the period of suspension on demand, of the quality of member in the Romanian College of Physicians, the obligations and rights deriving from the present statute are suspended.

(4) Re-registering within the Romanian College of Physicians and resuming of the professional activity, after a suspension bigger than 5 years can be made only in the provisions of the law.

Art.1 Physicians who are foreign citizens, who were granted the practice of the medical profession, within the provisions of law, have the obligation to register in the Romanian College of Physicians and respect the present statute, the code of medical deontology, the regulations of the profession and the decisions of the leading bodies from the medical profession.

Art.16 Members of the Romanian College of Physicians have the rights and obligations stipulated by law.

Art.17 - (1) In order to increase the level of professional training and ensure a high level of the medical knowledge, physicians must perform courses and other forms of continuous medical education and information about the medical sciences so as to gather the required number of credits, established in this respect, by the Romanian College of Physicians. Courses, programs and other forms of continuous medical education, authorized by the Romanian College of Physicians, are given credits.

(2) Physicians, who, within 5 years, do not accomplish the minimum number of continuous medical education credits, established by the National Council of the Romanian College of Physicians, get suspended the free practice right until they gather the respective number of credits.

(3) The period for which physicians with free practice right must prove the accomplishment of the number of credits, is established by the National Council of the Romanian College of Physicians.

Art.18 Violation of the above mentioned obligations is considered deviation from the professional discipline and deontology and from the discipline of the professional body.

CHAPTER IV ORGANIZATION AND FUNCTIONING

SECTION 1 GENERAL PROVISIONS

Art.19 - (1) The physicians' professional body is organized, at the national level, within the Romanian College of Physicians, and at the territorial level-in counties, Bucharest city, through territorial colleges.

(2) The territorial colleges have juridical personality, patrimony and budget of its own, from the establishment and registration date at the fiscal office.

(3) Within 30 days from the coming into force of the present statute, the National Council of the Romanian College of Physicians will issue decisions in order to validate the establishment of the territorial colleges, set up and organized according to the previous law.

Art.20 - (1) The denomination of the territorial college is "The College of Physicians from" (it will be filled in with the name of the administrative-territorial unit in which the respective college functions).

(2) The seats of the territorial college of physicians are in the city of residence, Bucharest city for the Physicians' College from Bucharest city.

Art.21 - (1) The relations between the national leading bodies and the territorial ones are established according to the Act No. 306/2004, regarding the practice of the medical profession, and the organization and functioning of the Romanian College of Physicians and the present statute.

(2) These relations will be based, in what concerns the organization and functioning, on the autonomy of the local bodies, the observance of the democratic principle in taking decisions and of the special competencies established by law and the present statute.

SECTION 2 THE LEADING BODIES AT NATIONAL LEVEL

Art.22 - At national level, the leading bodies of the Romanian College of Physicians are:

- a) the National General Assembly;
- b) the National Council;
- c) the executive board;
- d) the president.

The National General Assembly of the Romanian College of Physicians

Art.23 - (1) The National General Assembly of the Romanian College of Physicians, hereinafter called the National General Assembly, is made up of the members from the National Council of the Romanian College of Physicians and of the representatives of each territorial college who were elected according to the elective regulations approved by the National Council of the Romanian College of Physicians.

(2) The representation rate of the territorial colleges in the national general Assembly is 1 to 200 members.

(3) Representatives in the National General Assembly are elected for a 4 years' period.

(4) 3 to 11 deputy members are elected, according to the proportional number of registered physicians.

Art.24 The National General Assembly has the following attributions:

- a) adopts the present statute and the code of medical deontology;
- b) approves the modification of the above mentioned;
- c) approves the budget of incomes and outcomes and the budget implementation for the expired financial exercise;
- d) elects the auditing commission out of its members;
- e) adopts declarations that reflect the point of view of the Romanian College of Physicians regarding aspects of general interest related to the medical profession or the physician's statute in society.

Art.25 - (1) The National General Assembly adopts decisions if two thirds of its members are present, with simple majority of votes.

(2) If on first calling, the quorum is not accomplished, within two weeks another meeting will be called, which has the same agenda and can adopt decisions, regardless of the number of members present, except the situations stipulated in art. 24 a) and b), where the condition regarding the quorum is mentioned by the law.

(3) The National General Assembly meets in ordinary session in the first trimester of the current year.

Art.26 The National General Assembly is chaired by the president of the Romanian College of Physicians.

Art.27 The National General Assembly is summoned by:

- a) the president of the Romanian College of Physicians;
- b) 3 members of the Executive Board of the Romanian College of Physicians;
- c) one third of the members from the National Council of the Romanian College of Physicians.

The National Council of the Romanian College of Physicians

Art.28 - (1) The National Council of the Romanian College of Physicians, hereinafter called the National Council, is made up of one representative from each county, 3 representatives from Bucharest city and one representative of physicians within every

ministry and central institution having its own sanitary network. Moreover, the National Council can be assisted by a representative from the Academy of Medical Sciences, the Ministry of Health, the Ministry of Work, Social Solidarity and Family and the Ministry of Justice, all of these having advisory function.

(2) The representatives in the National Council are elected for four years by the members of the territorial colleges and their representatives in the National General Assembly, gathered in a common session.

(3) Expenses regarding traveling and daily allowance of the representatives in the National Council will be covered by the territorial colleges which they represent.

Art.29 - (1) The National Council works with at least two thirds of the number of members having the right to vote and adopt decisions with simple majority of votes.

(2) The decisions of the National Council are compulsory both for the local colleges and all physicians practicing the medical profession in Romania.

Art.30 The representatives in the National Council, who are not part of the territorial leading bodies, will take part, having advisory function, in the meetings of these bodies and that of Bucharest city, being announced in due time about the agenda of the meeting, the date, time and place regarding the respective meetings.

Art.31 - (1) The National Council meets in ordinary sessions once a month or in extraordinary sessions whenever it is necessary.

(2) The ordinary sessions are summoned by the president of the Executive Board.

Art.32 The members of the National Council will be summoned through:

- a) letter with return receipt;
- b) fax at the headquarters of the territorial college, whose member is the respective representative or at the unit or institution in which the representative works.

Art.33 - (1) The summons in one of the above mentioned methods will be made with at least 7 days before the date of the national council' meeting.

(2) The documents which are to be discussed can be sent by electronic mail or posted on the official site of the Romanian College of Physicians.

Art.34 The National Council fulfils the attributions stipulated by the law, the present statute, and the decisions of the National General Assembly.

Art.35 The National Council establishes the strategy and the yearly control plan and surveillance on the ways of practicing the medical profession as well as the condition in which it is practiced.

Art.36 The National Council adopts the occasional practicing of medicine, having didactical character as well as the character of training, information and experience exchange, by physicians who do not have the member quality in the Romanian College of Physicians.

Art.37 - (1) Within the National Council, in order to accomplish all the attributions, there are several working commissions:

- a) the commission of studies and development strategies;
- b) the professional-scientific and educational commission;
- c) the economical-social and health insurances commission;
- d) the commission of image, internal and external relations;

- e) the commission of accreditation-authorization;
- f) the commission of ethics and professional deontology;
- g) the commission of professional jurisdiction;
- h) the administrative and financial-accountancy commission.

(2) At the local level, a similar organization can be adopted.

Art.38 - (1) If needed, the National Council may adopt the making up of specialty or advisory commissions.

(2) These commissions may have permanent or temporary activity.

Art.39 The documents suggested to the National Council in order to be approved will be founded and advised by the competent commission.

Art.40 - (1) In accordance with these working commissions of the National Council, within the Romanian College of Physicians there can be organized departments as technical and administrative structures. A department can function for one or several commissions.

(2) Departments will be led by one of the members in the Executive Board, and depending on the number of positions and the personnel scheme approved by the national Council, they will be provided with specialized and administrative, technical personnel.

(3) The National Council will approve the organizational and functional regulations of the departments and commissions, at their request.

The Executive Board

Art.41 - The Executive Board of the National Council of the Romanian College of Physicians, hereinafter called the Executive Board, is made up of a president, 3 vice-presidents and a secretary general, elected individually by the National Council from within its members.

Art.42 - (1) The Executive Board works in the presence of 3 of its members and adopts valid decisions with the vote of at least 3 members.

(2) The Executive Board meets once a week or whenever necessary, at the president's request or at the request of at least two of its members.

Art.43 - (1) Members of the Executive Board may vote a decision through mail, including the video or electronic type of mail.

(2) The vote expressed in the conditions of the first paragraph will be written in the minutes of the session, and the member of the Executive Board will certify under signature, at the next meeting, the way in which the vote was expressed and its nature, whether positive or negative.

Art.44 The attributions of the Executive Board are:

- a) ensures the permanent activity of the Romanian College of Physicians;
- b) approves the hiring of the personnel and ensures the budget fulfillment in the Romanian College of Physicians;
- c) prepares the yearly report of activity and administration, which is to be put forward for approval to the National Council;

- d) accepts donations, legacies, sponsorships made to the Romanian College of Physicians;
- e) carries out the decisions of the National General Assembly and of the National Council;
- f) elaborates and puts forward for approval in the National Council the budget project of incomes and outcomes based on the local budgets;
- g) fulfills any other duty assigned by the National Council;
- h) informs the National Council about the decisions issued between the Council's meetings.

Art.45 The Executive Board coordinates the activity of the working commissions belonging to the National Council.

Art.46 In practicing their mandate, the members of the Executive Board, as well as the members of the territorial colleges' council boards will receive a monthly pay, whose quantum is approved by the National Council and the territorial colleges' councils respectively.

Art.47 The President of the Executive Board of the National Council is the President of the Romanian College of Physicians.

Art.48 The attributions concerning the President of the Romanian College of Physicians are:

- a) represents the Romanian College of Physicians in its relations with natural and juridical persons from Romania or abroad.
- b) concludes contracts and conventions on behalf of the Romanian College of Physicians, with the approval of the Executive Board;
- c) summons and chairs the sessions of the National General Assembly and of the National Council;
- d) fulfills the decisions of the Executive Board, the decisions of the National Council given to his obligation and solves the current problems and papers;
- e) hires the specialized and administrative personnel, with the approval of the Executive Board;
- f) fulfils any other task established by the National Council or the Executive Board;

Art.49 - (1) The President of the Executive Board keeps and uses the stamp of the Romanian College of Physicians and has the right to sign the banking documents.

(2) If the president is absent, he may allow any of the members from the Executive Board to accomplish his duties or only a part of them.

SECTION 3

ATTRIBUTIONS CONCERNING THE WORKING COMMISSIONS OF THE NATIONAL COUNCIL

Art.50 The working commissions of the National Council are competent in integrative and strategy problems and fulfill the attributions established by the present statute or by a National Council's decision.

Art.51 The commission of studies and development strategies has the following attributions:

- a) analyses the situation of the personnel and medical services, depending on Romania's needs;
- b) suggests strategic objectives, development and reorganization programs and projects regarding the Romanian College of Physicians;
- c) plans the accomplishment of programs;
- d) monitors and carries out projects;
- e) elaborates reports and syntheses for the Executive Board and the National Council.

Art.52 The commission of studies and development strategies makes up syntheses concerning the application of the normative system in the professional area and proposes to the National Council and the Executive Board the adopting of effective strategic measures for the alteration and adoption of the normative acts for the benefit of the Romanian society and the medical body.

Art.53 In its activity, the professional-scientific and education commission pursues and supervises the accomplishment of the Romanian physicians' professional objectives, through programs of continuous medical education, specialization, raising and maintaining the quality standards of the professional act, equal and fair access to the titles and ranks specific to the profession.

Art.54 The professional-scientific and education commission works for the following aspects:

- a) continuous medical education;
- b) exams and contests;
- c) professional education and other types of professional training;
- d) professional sciences;
- e) independent practicing of the medical profession.

Art.55 The professional-scientific and education commission analyses and proposes the improving of the sanitary legislation and takes all the necessary measures in order to ensure a legal, coherent and adequate framework for the professional practice. It has as its main objective the introduction of some mechanisms of assessment and

insurance of the quality in the medical care, such as: accreditation, standardization, quality certificates, and guidelines of professional practice.

Art.56 The professional-scientific and education commission organizes and coordinates the working up of the professional specialties at adequate standards, studies the competency relations between the various professional specialties and ensures the informational support, necessary for the professional training.

Art.57 In the carrying out its competencies, the professional-scientific and education commission also fulfils the following activities:

- a) promotes the continuous raising of the professional level, easing the physician's participation in programs of professional improvement in the country or abroad;
- b) supports procuring specialty documentary materials, as well as organizing professional and scientific manifestations;
- c) elaborates programs and standards of periodical accreditation of the professional competency;
- d) organizes a sub-commission for the residency problems and other forms of professional education;
- e) proposes to the competent bodies the schooling number in the medical education.

Art.58 The economic-social and health insurances commission sustains the economic and social interest of the Romanian medical body, permanently adjusting them to the national and international conditions.

Art.59 The economic-social and health insurances commission represents the physicians who work in the health insurance system, pursuing the defending of the rights, interests and dignity of the medical profession, as well as the removing of any intromission into the practicing of the professional act. At the same time, the economic-social and health insurances commission supervises the development of the relations between physicians working in the health insurances system, taking all the necessary measures to ensure freedom of the profession and defending the physician's statute in the society, including the relation between the social importance of the professional activity and the physician's income.

Art.60 - (1) The president of the economic-social and health insurances commission represents the Romanian College of Physicians and the physicians from the health insurances system in front of the specialized organisms of the National House of Health Insurances at central level and of the other houses or insurance companies.

(2) At the local level, the representation will be made based on the principles of organizational, functional and financial autonomy.

Art.61 The president of the Romanian College of Physicians together with the president of the economic-social and health insurances commission represent the Romanian College of Physicians at central level in order to accomplish the legal attributions in the field of medical services contracting.

Art.62 The economic-social and health insurances commissions at county level and from the city of Bucharest supervise the application way of the negotiations made by the Romanian College of Physicians, at central level, in the following directions:

- a) they assist their members in concluding the individual contracts concerning the supplying with professional services;
- b) they represent and defend their members' interest in front of their contractual partners;
- c) they offer specialized advices regarding the concluding, execution and ceasing of the contracts of supplying with professional services within the health care insurance system;
- d) they speak up promptly and act through all legal means if their members' rights have been violated, these rights deriving from the concluding and execution of contract regarding the supplying with health care services.

Art.63 Through the economic-social and health insurances commission at the county level or in the city of Bucharest, the Romanian College of Physicians organizes and encourages the cultural-artistic and sports activities belonging to its members and their families, manages and develops its own sports base and recreation. It contributes to the protection of its members and their families by granting, as far as possible, material help.

Art.64 The commission of ethics and professional deontology has the following attributions:

- a) pursues and controls the physicians' observing of the Code of medical deontology;
- b) analyses the evolution of the deontological norms in the European and international practice;
- c) makes proposals of changes regarding the deontological code of physicians.

Art.65 The commission of professional jurisdiction has the following attributions:

- a) investigates the denunciations and intimations related to the non-observance of the professional deontology;
- b) prepares the file of disciplinary investigation;
- c) presents the disciplinary action in front of the Discipline Commission;

Art.66 The commission of professional jurisdiction at the territorial colleges level, is given in addition, except the provisions of article 65, the competence to plead the petition in front of the Superior Commission of Discipline within the Romanian College of Physicians, when the petition is filed by the council of the territorial board.

Art.67 The judging of cases which represent disciplinary misbehavior, is made within the legal framework, the present statute, the code of medical deontology, the regulations of internal order within the medical institutions and of the job's requirements, ensuring a high professional morality inside the medical body.

Art.68 - (1) In case of actions which harm the professional honor of the members belonging to the Romanian College of Physicians and/or the professional body on the whole, no matter the means of doing it, the Commission of professional jurisdiction will use its right to retort, firmly asking the authors of such actions to take back or rectify them.

(2) At county level and city of Bucharest, such duties are based on principles of organizational and functional autonomy.

Art.69 At county level and in the city of Bucharest, the Commission of professional jurisdiction takes notice of the attempt to practice medicine illegally in Romania. The right to sustain the suing process belongs to the president of the county council of the physicians' college, and to the one belonging to the city of Bucharest.

Art.70 The commission of image, internal and external relations has as its main objective the accomplishment of the relationships between the Romanian College of Physicians and the governmental, non-governmental, county, national or international structures. The relation with the media is ensured through a spokesman or through the president of this commission.

Art.71 The commission of accreditation-authorization has as its main objective the establishment of standards and criteria to ensure the quality of the professional act in Romania. In this respect, the commission fulfils the following main activities:

- a) ensures, together with the specialty structures within the Ministry of Education and Research and of the Ministry of Health, the checking up, validation and assessment of diplomas, specialties, competencies and professional ranks;
- b) takes part in the elaboration of some transparent criteria of assessment, validation and equivalence of diplomas, specialties, competences and professional ranks;
- c) takes part in the central commissions of accreditation;
- d) suggests and gives notice on the accreditation methodology of physicians and medical-sanitary institutions;

Art.72 The administrative and financial-accountancy commission has the following attributions:

- a) ensures the current juridical assistance in the financial-accountancy field within the Romanian College of Physicians;
- b) administrate the patrimony and the bookkeeping ;
- c) centralizes the dues and the other incomes;
- d) ensures the administrative activity;
- e) suggests to the National Council the level of the dues and the part of this which must be transferred by the county structures to the central body;
- f) fundamentals the budget project of incomes and outcomes;
- g) fundamentals and suggests to the Executive Board the necessary personnel scheme for execution;
- h) controls the administration of the county colleges;
- i) prepares and ensures the carrying out of the National General Assembly sessions, of the National Council and of the Executive Board.

Art.73 The Romanian College of Physicians, through its territorial colleges, fulfils the following attributions:

- a) takes part, within the legal conditions, in the accreditation of the medical services suppliers;
- b) keeps the records of the physicians having the free practice right, from the respective county or from the city of Bucharest;
- c) supervises the way in which the medical profession is practiced by physicians;

- d) analyses the cases of illegal practice of the medical profession and puts forward the file to the competent bodies.

SECTION 4 THE PERSONNEL

Art.74 Within the number of positions, approved by the National Council, and the organizational and functioning scheme, the Executive Board, depending on the real necessities, and based on the note of substantiation made by the administrative and financial-accountancy commission, can hire, within the legal provisions, specialty, technical and administrative personnel.

Art.75 For specialty works which do not suppose a continuous activity or for specialty consultations in different fields, the Executive Board can contract paid services per work, theme or project, with specialists in the respective field.

Art.76 The administrative activity of the Romanian College of Physicians is led by a general executive director.

CHAPTER V THE LEADING BODIES AT TERRITORIAL LEVEL

Art.77 The leading bodies at the county college level and at the level of Bucharest city are:

- a) the general assembly;
- b) the council;
- c) the council board;
- d) the president.

Art.78 - (1) The general assembly is made up of all the physicians with free practice right, registered in the College and who carry on their basic activity within the range of the respective territorial college.

(2) The general assembly elects its representatives in the territorial college council, in the national general assembly and the members of the discipline commission.

Art.79 - (1) The general assembly meets in the first trimester of the year in ordinary session and, exceptionally, in extraordinary sessions.

(2) The general assembly meets yearly and adopts decisions with simple majority, in the presence of two thirds of its members. If on first calling, the majority of two thirds has not been accomplished, 10 days after a new session will be called with the same agenda, which adopts decisions with simple majority, no matter the number of members present in the session.

Art.80 – Sessions can be called by:

- a) the council;

- b) the president of the territorial college;
- c) the board of the territorial college council;
- d) one third of its members.

Art.81 The general assembly has the following attributions:

- a) elects the council members;
- b) elects the representatives in the national general assembly;
- c) elects, from its members, the auditing commission, made up of three persons;
- d) approves the budget of incomes and outcomes;
- e) approves the budgetary fulfillment;
- f) discharges the council of its administration;
- g) analyses the activity report of the council.

Art.82 - (1) The county college council and of the Bucharest city has a number of members which is proportional to the number of physicians registered in the college, on the date of the elections, and they are elected by the general assembly according to the proportions established by the art.46 from Act no. 306/2004.

(2) The county college council and of the Bucharest city meets in ordinary sessions every two months or in extraordinary sessions, at the calling of:

- a) the president of the respective college;
- b) at least three members of the council board;
- c) one third of the number of members in the council.

(3) The council works in the presence of two thirds of its number of members and adopts decisions with simple majority of votes.

Art.83 – The main attributions of the territorial colleges’ councils are the following:

- a) lead the activity of the college between the sessions of the general assembly;
- b) elect individually and by positions the members of the council board;
- c) elaborate the organizing and functioning regulations ;
- d) approve the monthly allowances of the members in the council board;
- e) fulfil the decisions of the general assembly;
- f) carry out and watch over the accomplishment of the decisions of the national bodies of the Romanian College of Physicians;
- g) elect the working commissions from its members;
- h) defend and represent the professional interest of its members, including in front of the court of law and other public authorities.

Art.84 The council board is made up of: president, 3 vice-presidents and a secretary, elected individually by the council, from its members, in no more than 5 days from the date of the council’ election.

Art. 85 - (1) The council board meets once a week or as often as necessary, at the president’s request or at the request of at least two of its members.

(2) The council board works in the presence of at least 3 of its members and takes decisions with the vote of at least 3 members.

Art.86 The council board has the following attributions:

- a) ensures the college’ activity between the council sessions;
- b) approves the hiring of personnel and ensures the budget fulfillment ;

- c) executes the decisions of the general assembly and of the council;
- d) elaborates and puts forward to the council for approval the budget project of incomes and outcomes;
- e) executes the decisions of the national leading bodies and is responsible for their accomplishment;
- f) informs the council about the decisions taken and the activity between the council sessions.

CHAPTER VI INCOMES AND OUTCOMES

Art.87 The incomes of the Romanian College of Physicians originate from:

- a) the entering fee;
- b) the members' monthly contribution;
- c) the equivalent value of the services rendered to the members or natural persons and juridical persons;
- d) donations and sponsorships from individuals or legal entities;
- e) legacies;
- f) publishing rights;
- g) incomes originating from the scientific and cultural manifestations;
- h) organizing of continuous medical education courses;
- i) other sources.

Art.88 The entering fee for the Romanian College of Physicians is 10 % of the minimum national wage.

Art.89 - (1) The contributions owed and unpaid within the period established by the territorial college council, by the members of the Romanian College of Physicians will cause the paying of penalties which are equal to the penalties collected for not paying the fiscal taxes.

(2) The same penalty will apply to the territorial colleges which do not pay to the national bodies the quota established by the National Council.

Art.90 - (1) Not paying the contribution owed to the Romanian College of Physicians for six months and after the written warning by the territorial college council was issued, is punished with suspension from the quality of member in the college until the payment of the contribution and the respective penalties are done.

(2) The punishment is applied by the discipline commission, at the notice of the administrative and financial-accountancy commission of the college.

(3) The decision of suspension is sent for information to the Ministry of Health, the county house of health insurances and to the suspended physician's employer.

Art.91 - (1) The quota of the member' contribution in the Romanian College of Physicians is established by the National Council.

(2) The part of contribution dedicated to the functioning of the national bodies will be transferred, at the latest, by the end of the month following the one for which the contribution was collected.

Art.92 - (1) The part of the contribution which is owed to the National Council, not being an income belonging to the territorial colleges, will be transferred to the National Council before any other payments are made.

(2) The obligation to follow and transfer the owed quota to the National Council belongs to the president of the territorial college council.

Art.93 The incomes may be used for expenses regarding organization and functioning, personnel expenses, materials and services expenses, granting of scholarships to physicians through contests, helping physicians with low wages, founding charitable and scientific institutions, other approved expenses, by the territorial college council, and the National Council.

Art.94 - (1) The Romanian College of Physicians, at central level, will have a bank account. The right to sign for this account belongs to the president of the Romanian College of Physicians. He can authorize another person to have the right to sign for the bank account.

(2) The provisions of the previous paragraph also apply to the county colleges and the one in Bucharest city.

Art.95 (1) The presidents of the county college councils and the one of the Bucharest city college will send, each year, by the end of March, copies of the current year budget, approved by the county college council, and the one in Bucharest city and copies of the balance sheet and the accounting execution for the budget of incomes and outcomes regarding the previous year.

(2) Copies will be certified as accurately copied by the president of the county college council and the one in Bucharest city.

Art.96 Members of the Romanian College of Physicians who are expelled cannot have any claims regarding a part of the college patrimony or incomes neither to have any demands regarding the entering fee, contribution or other possible financial or material contributions, transferred to the Romanian College of Physicians.

CHAPTER VII **PENALTIES AND DISCIPLINARY PROCEDURES**

SECTION 1 **GENERAL PROVISIONS**

Art. 97 It is considered to be a disciplinary infringement any act made by guilt, through which the following aspects are violated: the sworn oath is defied, the laws and rules, specific for the medical profession are broken, the code of deontology is

violated, the provisions of the present statute, the compulsory decisions taken by the Romanian College of Physicians are also infringed, as well as any act made within the medical profession or outside it, whose nature would cause damage to the honor and prestige of the profession or the professional body.

Art.98 The physician's disciplinary responsibility does not exclude his civil, criminal, administrative or material responsibility.

Art.99 The repetition of a disciplinary flaw, until the radiation of the applied penalty, is considered to be an aggravating circumstance that is taken into consideration if another penalty is to be applied.

Art.100 The territorial councils must keep the evidence of the applied penalties for each member and communicate it to those entitled, on request.

Art.101 - (1) Within every territorial college, a commission of discipline is organized and functions, independent of the college leadership, which judges in panels of three members, the disciplinary infringements made by the physicians registered in the respective college.

(2) In the Romanian College of Physicians, a commission of discipline is organized and functions, independent of the college leadership, which judges in panels of five members, the appeals to the decisions of the territorial commissions of discipline.

(3) One of the members in the discipline commission, being a member of the college, is appointed by the directions of public health, at territorial level, and by the Ministry of Health, at the level of the Superior Commission of Discipline.

Art.102 - (1) Members of the commissions of discipline at the level of the territorial college are elected by the general assembly of the college and the members of the Superior Commission of Discipline are elected by the National General Assembly.

(2) Members of the discipline commissions will be elected from the M.D. Ph.D. physicians, having more than 7 years of service and who have not had any disciplinary flaws within the past 5 years.

(3) The position of member in the discipline commission is incompatible with any other position within the Romanian College of Physicians.

(4) Members of the discipline commission have a six years' mandate.

(5) As to the members appointed by the Ministry of Health and the Health Local Authority, the quality of member in the discipline commission ends as a result of death, resignation, loss of the quality of member in the Romanian College of Physicians or by naming another representative.

(6) For the members of the territorial discipline commissions, the loss of the quality of member in the discipline commission operates also in case of transferring to another county.

Art.103 The election of the discipline commission will be made according to a regulation approved by the National Council.

Art.104 - (1) The disciplinary infraction brings on the disciplinary responsibility of the doer, to whom one of the following sanctions would apply:

- a) admonition;
- b) warning;

- c) vote of censure;
- d) fine, from 1.000.000 lei to 15.000.000 lei. The paying of the fine will be made within 30 days from the final decision on the disciplinary punishment. Not paying the fine within this period brings upon by right, the suspension from the practicing of the medical profession, until the fine is paid.
- e) interdiction of practicing the profession or certain medical activities for a period of one month up to a year.
- f) withdrawal of the quality of member in the Romanian College of Physicians.

(2) The withdrawal of the quality of member in the Romanian College of Physicians operates, by right, within the period established through a final decision by the court of law as to the interdiction to practice the profession.

(3) At the sanctions provided in paragraph (1) there can be stipulated, either the obligation of the punished person to attend improvement courses as well as any other forms of professional training.

Art.105 The final decision is communicated to the punished person, to the person who made the intimation, to the Ministry of Health, to the Executive Board and to the person with whom the punished physician has signed the labor contract.

(2) Within 15 days from the communication, the punished person, the person who made the intimation, the Ministry of Health, the president of the territorial college or the president of the Romanian College of Physicians may contest the decision of the discipline commission of the territorial college.

Art.106 - (1) The disciplinary action may be started at the most within 6 months from the date when the deed was made or from the date when the harmful consequences were known.

(2) The sanctions stipulated in art.74, paragraph (1), letter a)-d) from Act no. 306/2004 are erased within 6 months from their execution and the sanction stipulated in art. 74, paragraph (1), letter e) of the same act is erased within a year from the expiring of the interdiction period.

(3) In cases when sanctions stipulated by art. 74, paragraph (1), letter f) from Act no. 306/2004 are applied, the physician can make a new petition to regain his/her quality of member in the college, after the expiry date of the period established by a final decision that would forbidden the practicing of the profession or after 2 years from the date when the sanction was applied by the discipline commissions. Regaining the quality of member in the Romanian College of Physicians is made within the legal provisions.

(4) If, through a decision of the discipline commission, sanctions stipulated in art. 74, paragraph (3), from Act no. 306/2004 were also added, the erasing of the sanction will be made only after the presentation of the accomplishment of the sanction disposed by the discipline commission.

Art.107 - (1) The disciplinary investigation will be made by persons from within the professional jurisdiction commission or department.

(2) Sanitary units or the forensic medicine units must supply the discipline commissions or the persons appointed in order to investigate the disciplinary

infractions with the requested medical documents, as well as with any other information that might be necessary to solve the cause.

Art.108 – The punished physician may file a petition for cancellation at the administrative legal department of the court in whose range the physician practices his profession.

SECTION 2

RULES REGARDING PROCEDURE

Art.109 – (1) The intimation against a physician is addressed to the college which has the respective physician as its member. The intimation will be registered only if it contains the following elements of identification: first name, last name and the working place of the physician against whom the intimation was made, as well as the first name, the last name, address and signature of the complainer.

(2) The intimation will be handed in personally or through a mandate by proxy or can be sent by registered letter with return receipt.

(3) Intimations sent by fax, handed in or sent in copy will not be registered.

Art.110 The intimation received, the council board will decide the starting or not of the disciplinary procedure.

Art.111 The council board can officially take notice and dispose the starting of the disciplinary investigation.

Art.112 Based on the council board decision to start the disciplinary investigation, the person/persons appointed to investigate the cause, will examine the claimed physician, the person who made the intimation, potential witnesses proposed and brought by the complainer, will ask, if needed, the specialists' opinion in the respective field and will gather all the arguments they consider useful in order to know as much as possible details about the fact and circumstances that have happened.

Art.113 (1) After the facts have been investigated according to art.112, the disciplinary file together with the proposal of sanctioning or that of ceasing the disciplinary action, is put forward by the professional jurisdiction commission to the discipline commission.

(2) The disciplinary action in front of the discipline commission is exerted by persons from the professional jurisdiction commission or from the jurisdiction department.

Art.114 After the physician's hearing, against whom the disciplinary action was taken, possibly of several specialists in the respective field, of the witnesses and of the person who made the complaint, the discipline commission establishes through a decision one of the following solutions:

- a) ceases the disciplinary action if the fact does not imply disciplinary infractions;

b) applies one of the sanctions stipulated by art.104;

Art.115 The decision which has been adopted in solving this cause will have to include:

- a) the number of the decision and the date of its passing;
- b) the members of the discipline commission;
- c) the description, in short, of the facts;
- d) the presentation of the measures, taken to investigate the facts (declarations of the parties involved, witnesses who were examined, the written papers, the investigated documents, held for the case' solving);
- e) the applied sanction;
- f) the legal basis of its passing;
- g) the period of dispute and the competent instance;

Art.116 The decision passed by the discipline commission at the territorial level is communicated to the investigated physician, to the person who made the complaint and to the Executive Board.

Art.117 The sanctioned physician may dispute the decision taken by the territorial discipline commission within 15 days from the date of its communication.

(2) If there is no dispute, the sanctioning decision is communicated to the professional unit with which the sanctioned physician had working relations, as well as to the Ministry of Health.

Art.118 (1) - The dispute is laid down at the territorial discipline commission which, within 3 working days, must send it, together with the file to the Superior Commission of Discipline.

(2) - The decision is suspenseful of execution.

(3) - The disputes laid down directly to the superior commission of discipline are null and void.

Art.119 By solving the dispute, the Superior Commission of Discipline, after hearing both parties, and possibly the administration of all evidences considered necessary, may adopt one of the following solutions:

- a) admits the dispute and consequently, cancels the decision of the territorial discipline commission;
- b) partly admits the dispute and applies a sanction which is lesser than the sanction applied at the local level;
- c) repels the dispute and maintains the decision issued by the territorial discipline commission;
- d) applies one of the sanctions stipulated by law.

Art.120 The decision of the Superior Commission of Discipline will contain all the elements stipulated by art.115.

Art.121 The solving of the disciplinary causes will be made with swiftness.

CHAPTER VIII

SOLVING LITIGATIONS

Art.122 If members of the Romanian College of Physicians find themselves in a conflict, litigious situation, with another member of the college, connected to the practice of the profession, they must resort to the litigations commission of the county council and that of the Bucharest city before they resort to the appeal instance, the mass-media or to other authorities.

Art.123 The litigations commission is made up to 3 members, from the council, appointed by the latter.

Art.124 The litigations commission will convene the parties in litigation and, based on the evidence administrated by the parties and those parties which are considered necessary will try to solve the litigation in a friendly manner.

Art.125 - (1) On finishing the procedures to solve the litigation between the parties in a friendly manner, the litigations commission will conclude a minute in which it registers the real situation, the positions of the parties, the evidence that was taken and the final result.

(2) The minute will be signed by all the members in the litigations commission and also by the parties involved.

CHAPTER IX

ELECTING THE TERRITORIAL COUNCIL MEMBERS, THE REPRESENTATIVES IN THE NATIONAL COUNCIL AND THOSE IN THE NATIONAL GENERAL ASSEMBLY, AS WELL AS MEMBERS OF THE COUNCILS'BOARDS

SECTION 1

ELECTING THE REPRESENTATIVES

Art. 126 – (1) Members of the Romanian College of Physicians may be elected in the leading bodies.

(2) The National Council establishes the period in which the elections are organized.

Art. 127 – (1) The leading positions, both at territorial and central level, are incompatible with the situations provided by art. 68 in act no. 306/2004, as well as with the quality of employee in the National Health Insurance House or the county Health Insurance Houses, and the Bucharest Health Insurance House.

(2) For the situation provided by art. 68, paragraph (2) in act no. 306/2004, a new member will be elected during suspension period or, the position will be held by the first alternate member.

Art. 128 Members of the county council and those of the Bucharest county council as well as the representatives in the National General Assembly are elected through direct, secret and freely declared vote by the members of the county general assemblies and the general assembly of Bucharest.

Art. 129 The right of vote as well as the right of being elected in the leading bodies belongs only to the physicians who are members of the Romanian College of Physicians, who have entirely paid their subscription.

Art. 130 - (1) The right to vote as well as the right to be elected in the leading bodies may be exerted only within the college to which the respective physician belongs.

(2) When the elector cannot find himself on the list of electors, the evidence of the quality of member within the territorial college will be made with the last payment receipt of the subscription.

Art. 131 – (1) With the view to organize and unfold the elections, local electoral committees will be organized by the county councils and that of Bucharest and also a central electoral committee organized by the Executive Board and approved by the National Council.

(2) The central electoral committee will coordinate the unfolding of the elections and will issue decisions regarding the directions to be followed with the view to carry out the Electoral regulations or the electoral procedures.

Art. 132 – (1) Members of the electoral committees cannot run for elective positions within the Romanian College of Physicians in the legislature for which the elections are organized.

(2) Before the election in this position, they will make a written commitment so as not to run for an elective position in the legislature for which the respective elections are organized.

Art. 133 Members of the Executive Board are elected individually, with majority of votes, by the National Council and the local councils.

Art. 134 The elections will be organized based on the Electoral regulations approved by the National Council.

(2) The period when the elections are organized is established by the National Council.

SECTION 2

CESSATION OF THE QUALITY OF REPRESENTATIVE IN THE NATIONAL COUNCIL OR THE QUALITY OF MEMBER IN THE EXECUTIVE BOARD

Art. 135 – (1) The cessation of the mandate of member within the leading bodies is brought about by the following situations:

- a) resignation;
- b) incompatibility;
- c) death;
- d) loss of the quality of member of the Romanian College of Physicians;
- e) revocation;
- f) impossibility to practice the quality of member;

(2) The vacant position will be held by the first alternate member.

(3) The vacant position in the Executive Board or the National Council will be held through election of another member.

Art. 136 – (1) Revocation from the position or the quality of representative in the leading bodies of the Romanian College of Physicians, both at national level as well as county level and at the level of Bucharest city, can be made with the qualified majority of the body which has elected the person involved.

Art. 137 – (1) Members of the leading bodies who miss without justification:

- a) two sessions a year of the general assemblies;
- b) three sessions a year of the national council or of the county council, and also the council of Bucharest city;
- c) three sessions a semester of the Executive Board or the county council board, and also the council of Bucharest city,

are revoked by right.

(2) The ascertainment of the revocation is made:

- a) by decision of the National General Assembly for the members of the National Council, at the Executive Board's notice;
- b) by decision of the National Council for the members of the Executive Board, at the notice of three of the Executive Board's members;
- c) by decision of the Executive Board for the members on the territorial leading bodies, at the notice of the territorial college council board.

The notice will be accompanied by the evidence of the respective member's absence.

CHAPTER X

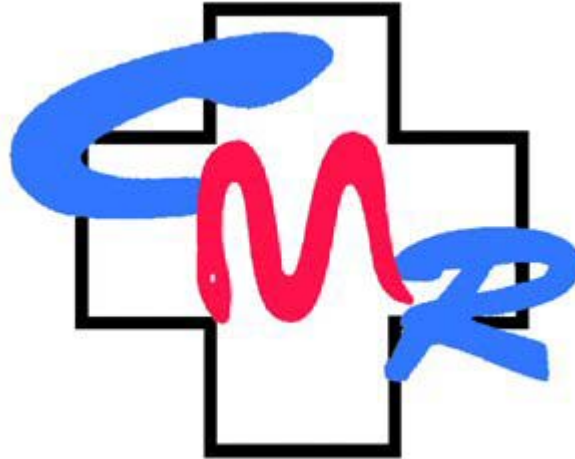
FINAL AND TRANSITORY PROVISIONS

Art. 138 Any supplement or alteration can be made only by the National General Assembly, at the National Council's request.

Art. 139 The leading bodies of the Romanian College of Physicians at national and territorial level, elected for the 2003-2007 mandate, remain in the same positions till the end of the period for which they have been elected.

Art. 140 The present statute has been approved by the National General; Assembly in the 25th of March, 2005 session and comes into force at the date of the Publication in the Official Gazette of Romania, part I.

Annex to the Statute



EMBLEM

WITH THE SYMBOL OF THE ROMANIAN COLLEGE OF PHYSICIANS