



(English Translated)

Kingdom of Cambodia
Nation Religion King

Royal Government of Cambodia

No. 193 ANK.BK

Sub-Decree

On

**The Assignment of Health Management Function
and Health Service Delivery to The Capital and Province
Administration**



- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0918/925 dated September 6, 2018 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. NS/RKT/0618/012 dated June 28, 2018 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKT/0196/08 dated January 24, 1996 promulgating the Law on the Establishment of Ministry of Interior
- Having seen the Royal Kram No. NS/RKT/0196/18 dated January 24, 1996 promulgating the Law on the Establishment of Ministry of Economic and Finance
- Having seen the Royal Kram No. NS/RKT/1213/016 dated Dec 09, 2013 promulgating the Law on the Establishment of Ministry of Civil Service
- Having seen the Royal Kram No. NS/RKT/0196/06 dated January 24, 1996 promulgating the Law on the Establishment of Ministry of Health;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated March 19, 2001 promulgating the Law on the Administrative Management of Commune and Sangkat

- Having seen the Royal Kram No. NS/RKM/0508/017 dated May 28, 2008 promulgating the Law on the Administrative Management of the Capital, Provinces, Municipalities, Districts and khans;
- Having seen the Royal Decree No. NS/RKT/1208/1429 dated December 31, 2008 on the Establishment of the National Committee for Sub-National Democratic Development (NCDD);
- Having seen the Royal Decree No. No. NS/RKT/0416/373 dated 04 Oct 2016 on the Particular Statute of Sub-national Civil Servants
- Having seen sub-decree 109 ANKr.BK dated 09 Aug 2015 on the organization and functioning of Ministry of Interior
- Having seen sub-decree 488 ANKr.BK dated 16 Oct 2013 on the organization and functioning of Ministry of Economic and Finance
- Having seen sub-decree 75 ANKr.BK dated 25 May 2017 on the amendment of sub-decree 488 ANKr.BK dated 16 Oct 2013 on the organization and functioning of Ministry of Economic and Finance
- Having seen sub-decree 62 ANKr.BK dated 13 Feb 2014 on the organization and functioning of Ministry of Civil Service
- Having seen the Sub-decree no.67 ANKr.BK dated 22 Oct 1997 on the Organization and Functioning of Ministry of Health
- Having seen the Sub-Decree No. 215 ANKr.BK dated December 14, 2009 on the roles, responsibilities and working relationships of the capital councils and boards of governors, Khan councils and boards of governors;
- Having seen the Sub-Decree No. 216 ANKr.BK dated December 14, 2009 on the roles, responsibilities and working relationships of provincial councils and boards of governors, municipal councils and boards of governors, and district councils and boards of governors;
- Having seen sub-decree 68 ANKr.BK dated 10 May 2012 on the Transfer of Function and Resources to sub-national administrations;
- Having seen sub-decree 06 ANKr.BK dated 05 Jan 2017 on the Transfer of Conditional Financial Resources to sub-national administrations;
- Referred to the request from chairman of NCDD, Minister of Ministry of Economic and Finance, Minister of Ministry of Civil Servant, Minister of Ministry of Health

Hereby Decides:

Chapter 1

General Provision

Article 1:

This sub-decree aims to improve health service delivery in a qualitative, safe, effective and equitable manner in Kingdom of Cambodia by bringing decisions and responsibilities of health service management closer to citizens.

Article 2:

This sub-decree is to:

- Assign the Management Function of Provincial Health Departments, Health Operational Districts and health service delivery of Capital/ Provincial/ Municipal/ District/ Khan Referral Hospitals, Health Centers and Health Posts to the Capital and Province Administration (CPA)
- Transfer financial resources, assets and human resources to CPA for implementing the assigned functions
- Determine the roles and responsibilities of the ministry, relevant institutions, Capital and Province Administration for supporting and implementing the assigned health function.

Article 3:

The scope of the sub-decree covers for all Capital and Province Administration across the country to implement the assigned health function as defined in article 04 of this sub-decree.

Chapter 2

Health Function Assignment to the Capital and Province Administration

Article 4:

Assign the Management Function of Provincial Health Departments, Health Operational Districts as well as the Complimentary Package Activity (CPA) of the Capital/ Provincial/ Municipal/ District/ Khan Referral Hospitals and Minimum Package Activity (MPA) of Health Centers and Health Service Package of Health Posts to the Capital and Provinces Administration.

The capital and province administration shall delegate specific Health Management and Health Service Delivery functions to District, Municipality, Khan (DMK) and Commune Sangkat within it own jurisdiction in the consultation and agreement from Ministry of Health under the coordination of NCDD.

Article 5:

Guidelines, templates, procedure and standard for implementing relevant Health Management and Health Service Delivery functions assigned to the Capital and Provinces shall be defined by the Ministry of Health with the consultation of Ministry of Interior and relevant ministries and institutions.

Chapter 3

The transfer of Financial Resources and Assets

Article 6:

National Committee for Sub-national Democratic Development (NCDD) leads and coordinates with Ministry of Health, Ministry of Interior, Ministry of Economic and Finance, the Capital and Provinces administrations to identify the financial resources, financial , technical and other necessary conditions to be transferred to the Capital and Provincial Administration to manage, and use those resources for implementing the assigned functions.

Financial, technical and other conditions of transferring conditional grants to the capital and provinces administrations for implementing the assigned health function shall be defined by the Inter-ministerial Prakas between Ministry of Health, Ministry of Economic and Finance and Ministry of Interior.

Article 7:

Ministry of Economic and Finance shall prepare and transfer financial resources to the capital and provincial administrations for implementing the assigned health function as sated in this sub-decree.

Article 8:

The capital and provincial administrations shall prepare budget plan and execute annual budget plan in accordance with the valid guidelines and procedures for implementing the assigned health function.

Article 9:

NCDD shall lead and coordinate with Ministry of Health, Ministry of Economic and Finance and Ministry of Interior in order to define the assets to be transferred to the capital and provincial administrations for implementing the health assigned function.

The transfer of the assets shall be defined by the sub-decree based on the request from Minister of Ministry of Health and Minister of Ministry of Economic and Finance under the coordination of NCDD.

Article 10:

The capital and provincial administrations can use the un-conditional resources and the mobilized resources from other legal sources as well as their own assets for additional support to implement the assigned health function.

Article 11:

The capital and province administrations shall plan, manage and use the financial resources and assets provided to implement the assigned health function in accordance with the effective conditions and procedures.

Chapter 4

The Transfer of Human Resources

Article 12:

NCDD shall coordinate with Ministry of Health, Ministry of Civil Service, Capital/ Provincial Administration and other relevant units to identify the categories and number of health staff who are currently employed at Capital and Provincial Health Departments, Capital and Provincial Referral Hospitals, Operational District Offices, DMK Referral Hospitals, Health Centers, Health Posts to be transferred to Capital and Province administrations.

Article 13:

Ministry of Health shall cooperate with Ministry of Civil Service to prepare legal documents for transferring health staff as stipulated in article 12 of the sub-decree to the Capital and Provinces administrations in accordance with the guidelines and procedures defined by the Royal Decree on Particular Statute of Sub-national Civil Servants.

Health staff transferred to the Capital and Provinces administrations shall be guaranteed with the same rank of current position, work condition, salary and other allowances.

Article 14:

The management of the transferred health staff shall be in accordance with the Royal Decree on Particular Statute of Sub-national Civil Servants.

Chapter 5

Structure, Role and Responsibility and Accountability of The Capital and Provincial Administration

Part 1

Structure, Role and Responsibility

Article 15:

Health Department shall be established under the Capital and Provincial Administrations through the integration of the current structure of the Capital and Provincial Health Department.

The Capital and Provincial Referral Hospitals, Operational District Offices, Municipality, District and Khan Referral Hospitals, Health Centers and Health Posts shall be under the Health Department of the Capital and Provincial Administrations.

The positions of the current management structure of the Capital and Provincial Health Departments, Capital and Provincial Referral Hospitals, Operational District Office, Municipality, District and Khan Referral Hospitals, Health Centers and Health Posts which are integrated under the management of Capital and Provincial Administrations shall be assured of the same ranks and categories.

The Health Department of the capital and provincial administration shall perform its roles as assistant to the Capital and Provincial Councils and Board of Governors in implementing the assigned functions as provided in article 4 of the sub-decree.

Article 16:

The organization and the functioning of Health Department of the capital and provincial administration shall be defined by the Inter-ministerial Prakas between Ministry of Health and Ministry of Interior under the consultation with Ministry of Civil Service and Ministry of Economic and Finance with coordination of NCDD.

Article 17:

The capital and provincial administrations shall be responsible for the management and the implementation of the assigned function in an effective manner in accordance with National Health Policies, National Strategic Plan, Clinical Practice Guideline and Treatment Protocol, Quality Standard and other technical standards.

In order to implement the assigned health function, the capital and provincial administrations shall:

- Prepare annual activity plan for implementing the assigned health function
- Based on annual activities plan, prepare annual budget plan for implement health assigned functions accordance to conditions and financial procedure as mentioned in article 6 and 7 of this sub decree.
- Manage and use the transferred financial resources, assets and staff for implementing the assigned function in an effective, transparent and accountable manner in accordance with guidelines, procedure and technical standards defined

- Submit request to Ministry of Health for the demand of health staff, additional training needs for current health staff who are deployed in Provincial Health Department, Capital and Provincial Referral Hospital, Operational District Offices, District/ Municipality/ Khan Referral Hospitals, Health Centers and Health Posts
- Implement additional functions of National Health Program on behalf of Ministry of Health
- Cooperate with ministry, relevant institution, development partners, civil society organizations and other stakeholders for implementing the assigned function
- Mobilize budget, equipment and other technical support and may use discretionary resources of capital and provincial administrations for improving the effectiveness of health service delivery within its own jurisdiction
- Prepare progress report of the implementation of the assigned health function within its own jurisdiction to Ministry of Health and Ministry of Interior as well as develop Financial Report in accordance with required guidelines and procedures.

Part 1 Accountability

Article 18:

Minister of Ministry of Health shall responsible and accountable to the RGC and national assembly on health sector.

The Capital and Provincial Councils and Board of Governor shall be responsible and accountable to Ministry of Health in managing and implementing the assigned health function in accordance with National Health Policy, National Strategic Plan, Clinical Practice Guideline and Treatment Protocol, Quality Standard and other required technical standards and shall be accountable to citizens in providing health services within its own jurisdiction.

Director of Health Department of the Capital and Provinces Administrations shall be responsible and accountable to the capital and provincial councils and board of governors in the management, technical support and the monitoring of service delivery of The Capital and Provincial Referral Hospitals, Operational District Offices, District/ Municipal/ Khan Referral Hospitals, Health Centers and Health Posts within its own capital and province.

Director of the Capital and Provincial Referral Hospitals and Chief of Operational District Offices shall be responsible and accountable to Director of Health Department of the Capital and Provinces.

Director of District/ Municipal/ Khan Referral Hospitals, Health Centers and Health Post shall be responsible and accountable to Chief of Operational District Office.

Chapter 6

Support Mechanism, Monitoring and Evaluation

Article 19:

NCDD-S shall lead and coordinate with ministries, relevant institutions and sub-national administrations to ensure the assignment of functions and resources to the Capital and Provinces Administrations as well as to coordinate the backstop support for the Capital and Provinces to manage and implement the assigned function in an effective, transparent and accountable manner in accordance with National Health Policy, National Strategic Plan, Clinical Practice Guideline and Treatment Protocol, Quality Standard and other technical standards.

Article 20:

Ministry of Health shall have the following roles and responsibilities:

- Develop National Health Policy, National Health Strategic Plan, National Health Policy, National Strategic Plan, Clinical Practice Guideline and Treatment Protocol, Quality Standard and other technical standards
- Develop Laws, legal instruments and guidelines for improving the quality of public and private health service delivery.
- Prepare and manage the implementation of national program for all types of disease prevention Health Care in order to reduce the diseases and provide support to the Prevention, treatment and palliative care service
- Study and research for Health Sector Development
- Develop Human Resource Development Plan for Health Sector, recruit and deploy health staff based on expertise and skills
- Define standards, numbers and professional positions for staff of Referral Hospitals, Health Centers and Health Posts
- Design curriculums and provide capacity development on management of the assigned function to the Capital and Provincial Administrations in order to enhance the effectiveness, quality and equity in providing health care services
- Provide basic training and continuous training to health care professional
- Define criteria, procedures, guidelines and minimum standards for the establishment and operation of Referral Hospitals, Health Centers, Health Posts, Polyclinic and private clinic and Patient Consultation Rooms
- Define standards for health infrastructure constructions, mater plans for constructing hospitals, health centers, health posts and any kinds of hospital establishment
- Define standard list of medicines, medical supply, medical laboratory equipment for referral hospitals and health centers in accordance with the guidelines
- Conduct procurement and distribution of drug, medical supply, medical laboratory equipment, to the Capital and provinces in accordance with the guidelines
- Mobilize resources for Health Sector Development

- Provide technical support in preparing operational plan and budget plan including Public Health Intervention of Health Program to the Capital and Provinces Administrations
- Monitor and evaluate the management and health service delivery implemented by the Capital and provinces Administrations.

Article 21:

Ministry of Interior has a role to coordinate, cooperate, support, monitor and evaluate the management and implementation of the assigned function as stipulated in article 04 of this sub-decree.

Article 22:

Ministry of Economic and Finance has a role to support and monitor the management and use of financial resources and assets transferred for implementing the assigned function to the Capital and Provinces Administrations.

Article 23:

Ministry of Civil Service has a role to support the transfer of health staff and monitor the management of staff transferred to the Capital and Provinces Administrations.

Chapter 7 Time Frame for Implementation

Article 24:

NCDD shall lead and coordinate with ministries, relevant institutions and sub-national administration for preparing legal documents related to the transfer of structure, staff, finance and assets as well as disseminating the contents of this sub-decree by then end of 2019.

Article 25:

The Capital and Provincial Administrations shall manage and implement the assigned function as stipulated in article 4 of this sub-decree from 01 Jan 2020 onwards.

Under the leading and coordination of NCDD, the Capital and Provincial Administrations shall conduct a study and identify appropriate function related to health service delivery and management in order to delegate to municipalities, districts and Khans from 2020 onwards.

Chapter 8 Final Provisions

Article 26:

Any provisions contradicting the content of this Sub-Decree shall be repealed.

Article 27:

The Minister in charge of the office of the Council of Ministers, Minister of Economy and Finance, Chairman of NCDD, Minister of Interior, Minister of Health, Minister of Civil Service, all relevant ministries/institutions, the Capital and Provincial councils, the capital and provincial boards of governors, MDK councils, the MDK boards of governors, C/S council shall be responsible for implementing this Sub-Decree from the date of signature.

Date: Wednesday, 8 *keout*, Year of the Pig, *Ek Sak*, Buddha Era 2563

Phnom Penh, date 4 December, 2019

Prime Minister

Hun Sen

Respectfully submitted to

Samdech Akka Moha Sena Padei Techo **Hun Sen**, Prime Minister, to sign

Deputy Prime Minister
Minister of Interior And Chairman of
NCDD

Deputy Prime Minister,
Minster of Economy and Finance

Samdech Krola Horm Sar Kheng

Oun Ponponiroath

Minister of Civil Service

Minister of Ministry of Health

Pich Bunthin

Mam Bun Heng

cc:

- Ministry of Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Cabinet of Prime Minister
- Cabinet of Samdech, H.E and Mrs. H.E deputy prime ministers
- As in Article 27
- Royal gazette
- Filing – archives