

Colegiul Medicilor din România (The Romanian College of Physicians) – CMR (RCP)

Statute of the Romanian College of Physicians from November 4, 2016

Will go into effect on January 6, 2017.

Printed in Monitorul Oficial (Official Journal), Part I No. 981 from December 7, 2016.

CHAPTER I

General Principles

Art.1 - (1) The Romanian College of Physicians is organised and functions within the provisions of law and the present Statute, as a professional and national organisation of physicians, being an institution of public interest, non-governmental, apolitical and non-profit.

(2) The Romanian College of Physicians is a legal entity with institutional autonomy in its relation with any public authority, exerting its attributes without any possibility of interference.

Art.2 - (1) As a professional organisation, the Romanian College of Physicians defends the dignity and promotes the interests of its members in all spheres of activity, defends the professional honour, liberty and independence of the physician in practicing his/her profession, ensures the physicians' compliance with their obligations towards patient and public health.

(2) In accomplishing the objectives stipulated in Par. (1), the Romanian College of Physicians collaborates, according to legal provisions, with all competent institutions.

Art.3 - (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 structures from abroad.

CHAPTER II

Scope of Activity

Art.4 - (1) The Romanian College of Physicians' main objective is the control and supervision of the practice of the medical profession, the application of laws and rules that organise and establish the practice of the profession, the representation of the physicians' interests and the observance of the standing of the medical profession in society.

(2) The Romanian College of Physicians represents the self-regulating body of the medical profession through the enactment of its Statute and The Medical Code of Ethics.

Art.5 As a public and professional authority, the Romanian College of Physicians accomplishes the attributions stipulated by law and the present Statute in the following main areas of activity:

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

CHAPTER III

Members of the Romanian College of Physicians

SECTION 1

Becoming a Member

Art.6 - (1) The physicians who comply with the conditions stipulated by law, practice their profession based on the membership certificate issued by the Romanian College of

Physicians, endorsed annually on the basis of their civil liability insurance for malpractice, valid for the year in question.

(2) The quality of member of the Romanian College of Physicians is acquired and preserved according to legal provisions.

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

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

SECTION 2

Rights and Obligations

Art.7 Members of the Romanian College of Physicians have the rights and obligations stipulated by law.

Art.8 - (1) In order to increase the level of professional training and ensure a high level of the medical knowledge, physicians must take part in 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, authorised by the Romanian College of Physicians, are given credits.

(2) 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.9 - (1) The physician has the obligation to inform the territorial college he belongs to, within 10 days, any situation of incompatibility, as stipulated by law.

(2) The situation of incompatibility will be confirmed or infirmed by a board appointed by the president of the territorial college, made up of 3 medical doctors.

(3) The existence of a situation of incompatibility entails the suspension of the right to practice medicine.

SECTION 3

Transfer to Another Territorial College

Art.10 - (1) The physician who requests the transfer to another territorial college, will request this in writing from the president of the college he/she desires to transfer from.

(2) The transfer procedure is regulated by a decision of the National Council of the Romanian College of Physicians.

SECTION 4

Suspension of Membership in the Romanian College of Physicians

Art.11 The membership in the Romanian College of Physicians is suspended:

- a) at the written request of the physician;
- b) on total or partial default of payment of the membership fee for 6 months after the due date, until the full payment of the debts incurred;
- c) if the physician does not acquire the minimum number of credits set for his/her continuous medical training by the National Council of the Romanian College of Physicians.

Art.12 - (1) On request, members of the Romanian College of Physicians, who wish to discontinue the practicing of the medical profession for a period of up to 5 years, can ask for the suspension of their membership during that period. The petition will be made prior to the period applied for.

(2) The petition of suspension of membership in the Romanian College of Physicians will be submitted to the territorial college to which he/she belongs to and will be resolved by the board of the territorial college.

(3) The decision in this regard by the board of the territorial college will be communicated to the physician, the Romanian College of Physicians, the Ministry of Health, the Public Health District Authority or the Municipium of Bucharest, the County Health Insurance Fund and the medical facility, where the physician is employed or associated.

Art.13 - (1) The failure to pay the membership fee due to the Romanian College of Physicians for a period of 6 months and after receiving a written notice in this regard by the board of the territorial college, entails the suspension of the membership in the College, until full payment of outstanding fees and fines is made.

(2) The suspension of membership in the Romanian College of Physicians is submitted by the Managing, Financial and Accounting Committee, through a report addressed to the office of the Council, based on which the disciplinary investigation of the defaulting physician is disposed.

(3) The decision of suspension issued by the Disciplinary Committee will be communicated to the physician, the Romanian College of Physicians, the Ministry of Health, the Public Health District Authority or the Municipium of Bucharest, the County Health Insurance Fund and the medical facility, where the physician is employed or associated.

(4) The reversal of the suspension is made by decision of the Disciplinary Committee, if the physician establishes proof of payment for the outstanding fees and fines, this decision will be communicated to the entities indicated at Par. (3).

Art.14 - (1) Physicians, who, within 5 years, do not acquire the minimum number of credits set for their continuous medical training by the National Council of the Romanian College of Physicians, will have their medical licence suspended, until they have acquired the necessary number of credits.

(2) The suspension of membership in the Romanian College of Physicians is submitted by the Approval Committee, through a report addressed to the office of the Council, based on which the disciplinary investigation of said physician is disposed.

(3) The decision of suspension issued by the Disciplinary Committee will be communicated to the physician, the Romanian College of Physicians, the Ministry of Health, the Public Health District Authority or the Municipium of Bucharest, the County Health Insurance Fund and the medical facility, where the physician is employed or associated.

(4) The reversal of the suspension is made by decision of the Disciplinary Committee, if the physician establishes proof of acquiring the minimum number of credits for continuous medical training, this decision will be communicated to the entities indicated at Par. (3).

Art.15 For the duration of the suspension of membership in the Romanian College of Physicians, the rights and obligations that ensue from this Statute are suspended as well.

SECTION 5

Termination of Membership in the Romanian College of Physicians

Art.16 - (1) The membership in the Romanian College of Physicians will be terminated in the following cases:

- a) the request of the holder, by written relinquishment of membership;
- b) death of the holder;
- c) in case of discontinuance of activity for a period of more than 5 years;
- d) by suspension of the membership, as a disciplinary sanction, by a decision issued by the Disciplinary Committee, which remained final.

(2) The reversal of membership in the Romanian College of Physicians is lawful for the duration set by the courts through final judgement in regards to the interdiction to practice medicine.

(3) The termination of the membership in the Romanian College of Physicians is determined by decision of the territorial college's Council. The decision is enforceable and will be entered accordingly into the Register of Physicians in Romania.

Art.17 - (1) The re-registration into the Romanian College of Physicians is made in accordance with the law.

(2) The resumption of medical practice following a discontinuance of activity for a period of more than 5 years shall be made only following a renewed certification of the professional competence of the physician, under the conditions and in accordance with the methodology determined by decision of the National Council of the Romanian College of Physicians.

SECTION 6

Register of Physicians in Romania

Art.18 The Register of Physicians in Romania will contain:

- name and given name of physicians who have the right to practice medicine;
- qualification title or stage of professional training (physician with limited competences, resident physician, specialist physician, etc.);
- competences and overspecialisation;
- places of employment;
- restrictions of the right to practice medicine, including those imposed by courts or criminal investigation departments;
- situations of discontinuance of the professional activity;

g) other relevant mentions, established by decision of the National Council of the Romanian College of Physicians.

Art.19 The refusal of registration, re-registration or preservation of the information in the Register of Physicians in Romania, can be challenged by the physician concerned at the council of the territorial college where he/she is a member. The decision of the territorial college's council can be appealed at the National Council of the Romanian College of Physicians, within 30 days from its communication. The appeal suspends the enforceability of the decision.

CHAPTER IV

The practice of medicine on the territory of Romania by physicians who are citizens of another European Union (EU) member state, of a state belonging to the European Economic Area (EEA), to the Swiss Confederation and by physicians citizens of a third state

Art.20 - (1) The physicians, foreign citizens, who fulfil the legal requirements for practising the profession permanently, will register in the territorial college under the same conditions as their Romanian counterparts, becoming members of the Romanian College of Physicians.

(2) They will be registered in the Register of Physicians in Romania.

Art.21 - (1) In case of practising medicine occasionally or temporarily, the physicians, foreign citizens, are exempt from the obligation to register in the territorial college, practising medicine based on the temporary or occasional practice licence issued by the Romanian College of Physicians.

(2) The licence to practice medicine temporarily or occasionally is granted in accordance with the methodology established by the National Council of the Romanian College of Physicians.

(3) The physicians, foreign citizens, who practice medicine in Romania based on a temporary or occasional practice licence, will be registered in a special register.

Art.22 For the duration of practicing medicine on the territory of Romania, the physicians who are foreign citizens will comply with the professional, regulatory or administrative provisions of the professional qualifications which define their profession and use of titles, stipulations regarding gross professional misconduct, which affects directly and specifically the protection and security of the consumer, the present Statute, the Code of Medical Ethics, the professional regulations and the decisions of the governing bodies of the professional body of doctors, and they will account disciplinarily under the same conditions as those stipulated by law in the case of physicians who are Romanian citizens and members of the Romanian College of Physicians.

CHAPTER V Alert Mechanism

Art.23 The Romanian College of Physicians informs the competent authorities in all other member states of the EU, those of a state pertaining to the EEA and the Swiss Confederation regarding the physicians who were restricted or interdicted to practice medicine on the territory of Romania by the national authorities or courts, whether fully or partly, or even temporarily.

Art.24 The Romanian College of Physicians forwards the information transmitted through the alert mechanism within the IMI, at most within 3 days from the date of adopting the decision of restriction or interdiction, fully or partly, regarding the practicing of medicine by the physician concerned. This information is limited to:

- a) identity of concerned physician, name, given name and date of birth;
- b) qualification based on which he/she practices medicine;
- c) information regarding the national authority or court that adopts the decision of restriction or interdiction;
- d) scope of restriction or interdiction;
- e) period of restriction or interdiction.

Art.25 At most within 3 days from adopting the court's ruling, the Romanian College of Physicians, as competent authority of the concerned member state, will inform the competent authorities of all other member states, by means of an IMI alert, regarding the identity of the professionals who have requested the recognition of their qualifications as physicians and, respectively, medical specialists, in whose cases the Romanian courts have established that, for this purpose, they have employed fake professional qualification documents.

Art.26 The processing of personal data for the purpose of exchange of information is made complying with the stipulations of Law No. 506/2004 concerning the electronic processing of personal data and protection of privacy, with the subsequent changes and amendments, and those of Law No. 677/2001 concerning the protection of individuals in regards to processing personal data and free data circulation, with the subsequent changes and amendments.

Art.27 When a restriction of interdiction as mentioned in Art.23 expires, the Romanian College of Physicians will inform without delay the competent authorities in the other member states, indicating the date it expired and any other subsequent changes of the respective date.

Art.28 The physicians, concerning whom the Romanian College of Physicians transmits alerts to the other member states, will be informed in writing in regards to the alert decisions, simultaneously with the alert procedure being initiated and executed.

Art.29 - (1) The physicians targeted in Art. 28 have the possibility to appeal the decision regarding the activation of the alert mechanism at the competent administrative court, in accordance with the law, or can request from the Romanian College of Physicians to rectify the decision.

(2) If the alert transmitted to the other member states proves to be unfounded, the concerned physician can demand reparations for the damages caused by this action, in accordance with the law. In these cases, the decision concerning the alert can contain the mention that it represents the object of procedures initiated by the concerned physician.

Art. 30 The information regarding the alerts can be processed in the IMI, as long as it is valid. The alerts are forwarded within 3 days from adoption of the recall decision or the expiration of the interdiction or restriction mentioned in Art. 23.

Art.31 For the purpose of the Romanian College of Physicians fulfilling its duties as stipulated by law, the territorial colleges have the responsibility to communicate to the former, as soon as possible, all relevant data and information obtained, necessary for the exchange of information within the alert mechanism.

CHAPTER VI

Organisational Structure

SECTION 1

General Provisions

Art.32 - (1) The professional body of doctors is organised, at the national level, within the Romanian College of Physicians, and at the territorial level - in counties, respectively Bucharest City, one territorial college of physicians operates in the respective administrative and territorial unit.

(2) The territorial colleges are legal entities, with their own assets and budget from the date of their incorporation and registration with the tax authorities.

Art.33 - (1) Between the Romanian College of Physicians and its territorial colleges there exists a relationship of operational, organisational and financial autonomy, as established by the provisions of the law and the present Statute.

(2) In regards to the organisation and operation, the autonomy of the local bodies will be based on the democratic principle in making decisions and fulfilling the duties stipulated by law and the present Statute.

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

SECTION 2

The Organisation and Operation of the Romanian College of Physicians

Art.34 - (1) The Romanian College of Physicians has its headquarters in Bucharest City.

(2) The name, the sign of the Romanian College of Physicians, the address of its headquarters and tax identification number will be entered in all documents, files and records issued by it.

(3) The sign containing the logo of the Romanian College of Physicians is provided in the enclosure that is part of the present Statute.

SUBSECTION 1

Governing Bodies at the National Level

Art.35 At the national level, the governing bodies of the Romanian College of Physicians are:

- a) the National General Assembly;
- b) the National Council;
- c) the Executive Board;
- d) the President.

Art.36 - (1) The National General Assembly of the Romanian College of Physicians, hereinafter referred to as the National General Assembly, is made up of the members of

the National Council of the Romanian College of Physicians and the representatives of each territorial college, elected according to the electoral 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 substitute members are elected, according to the proportional number of registered physicians.

Art.37 The National General Assembly has the following attributions:

- a) to adopt the present Statute and the Code of Medical Ethics;
- b) to approve their amendment;
- c) to approve the income and expenditures budget and ratify the National Council's budget implementation for the financial year concluded;
- d) to elect the board of statutory auditors from among its members;
- e) to adopt 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 standing in society.

Art.38 - (1) The National General Assembly adopts decisions if two thirds of its members are present, with a simple majority of votes.

(2) If on first call, the quorum is not reached, within 10 days another meeting will be called, which has the same agenda and can adopt decisions, regardless of the number of members present, excepting the situations stipulated in Art. 37 Letters a) and b), where a quorum is conditioned by law.

(3) The National General Assembly meets in ordinary session in the first trimester of the current year and extraordinary session any time it is deemed necessary.

Art.39 The chairman of the National General Assembly is the President of the Romanian College of Physicians.

Art.40 - (1) 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 National Council of the Romanian College of Physicians;
- c) one third of the members from the National Council of the Romanian College of Physicians.

The convocation of the National General Assembly in ordinary session is made at least 30 days prior to the meeting, and in case of extraordinary sessions, at least 7 days prior. The agenda of the meeting, approved by the National Council, is forwarded together with the convocation.

The members of the National General Assembly will communicate 15 days, respectively 3 days, in advance their wish to speak at the meeting, in regards to the topics on the agenda or other topics, put under Miscellaneous, their right to request to speak during the meeting not being limited in any way.

Art.41 - (1) The National Council of the Romanian College of Physicians, hereinafter referred to as the National Council, is made up of one representative from each county, 3 representatives from Bucharest City and one representative of the physicians within every ministry and central institution having its own medical network. Moreover, the National Council can be assisted, in an advisory role, by a representative from the Academy of Medical Sciences, the Ministry of Health, the Ministry of Labour, Family, Social Solidarity and Seniors and the Ministry of Justice.

(2) The representatives in the National Council are elected for 4 years by the members of the territorial colleges and their representatives in the National General Assembly, gathered in ordinary session.

(3) Travel expenses, session bonus and daily allowance of the representatives for the sessions of the National Council will be covered by the territorial colleges which they represent.

(4) The representatives in the National Council will be indemnified for their actual activity within the work committees of the National Council of the Romanian College of Physicians provided in the present Statute. The budget of the Romanian College of Physicians will bear the travel expenses, the session bonus and the daily allowance of the representatives, pertaining to these activities. The National Council work committees' sessions will be called by the Executive Board of the National Council of the Romanian College of Physicians.

Art.42 - (1) The National Council is called legally in the presence of at least two thirds of the number of voting members and adopts decisions with a simple majority of votes.

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

Art.43 The representatives in the National Council, who are not part of the territorial governing bodies, will take part in an advisory role in the meetings of these bodies at the county level, and those of Bucharest City, being informed in due time about the meeting's agenda, the date, time and place of the respective meetings.

Art.44 - (1) The National Council meets in ordinary session once a month or in extraordinary session, whenever it is deemed necessary.

(2) The ordinary sessions are called by the President of the Executive Board of the National Council of the Romanian College of Physicians.

Art.45 The members of the National Council will be summoned, as the case may be, by:

- a) registered mail with proof of delivery;
- b) fax at the headquarters of the territorial college, whose member is the respective representative or at the unit or institution where the representative is employed;
- c) personal e-mail.

Art.46 - (1) The summons will be made at least 7 days prior the date of the National Council's 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.47 The National Council fulfils its attributions, as stipulated by the law, the present Statute, and the decisions of the National General Assembly.

Art.48 The National Council establishes the strategy and the annual plan of control and supervision of the manner in which physicians practice medicine.

Art.49 The National Council defines the temporary or occasional practicing of medicine and approves the methodology of certification for temporary, occasional, didactical and occasional, instructional, informational practicing of medicine, as well as the exchange of experience within the medical profession, by physicians who are not members of the Romanian College of Physicians, in view of enforcing legal provisions.

Art.50 Within the National Council, in order to fulfil all its attributions, there are several work committees operating:

- a) the Committee of Studies and Development Strategies;
- b) the Professional, Scientific and Educational Committee;
- c) the Economical, Social and Health Insurances Committee;
- d) the Committee for Image, Internal and External Relationships;
- e) the Committee for Accreditation and Authorisation;
- f) the Committee for Professional Ethics and Deontology;
- g) the Committee for Professional Jurisdiction;
- h) the Administrative and Financial Accounting Committee.

Art.51 - (1) If they are deemed necessary, the National Council can approve the establishing of expert or advisory committees.

(2) These committees may operate permanently or temporarily.

Art.52 The documents submitted for approval to the National Council will be ratified and argued by the competent work committee.

Art.53 - (1) Correspondent to these work committees of the National Council, within the Romanian College of Physicians operate departments set up as technical and administrative structures. One department can operate for one or several committees.

(2) The departments will be led by one of the members of the Executive Board of the Romanian College of Physicians, and, depending on the number of positions and the staffing plan approved by the National Council, they will be staffed with specialised technical and administrative personnel.

(3) The National Council will approve the organisational and operational regulations of the committees at their proposal.

Art.54 The Executive Board of the National Council of the Romanian College of Physicians, hereinafter referred to as the Executive Board, is made up of a president, 3 vice-presidents and a secretary general, elected individually by the National Council from among its members.

Art.55 - (1) The Executive Board legally convenes in the presence of 3 of its members and adopts valid decisions with the vote of at least 3 members.

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

Art.56 - (1) Members of the Executive Board may vote on a decision by mail, including by video or electronic mail, in exceptional situations.

(2) The vote expressed under the conditions of paragraph (1) will be recorded 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.57 The attributions of the Executive Board are the following:

- a) to ensure the permanent activity of the Romanian College of Physicians;
- b) to approve the hiring of staff and ensure the budget execution of the Romanian College of Physicians;
- c) to draw up the yearly report of activity and management, which it then submits for approval to the National Council;
- d) to accept donations, bequests, sponsorships made to the Romanian College of Physicians;
- e) to implement the decisions of the National General Assembly and of the National Council;
- f) to decide the initiation or non-initiation of a disciplinary investigation of members of the governing bodies of territorial colleges, with the exception of the members who are representatives of their colleges in the National General Assembly;
- g) to establish and preserve the international relationships of the Romanian College of Physicians with similar organisations and with decision-making bodies in regards to professional jurisdiction, medical ethics and deontology;
- h) to elaborate and submit for ratification to the National Council the income and expenditures budget, based on the local budgets;
- i) to fulfil any other duties assigned by the National Council;
- j) to inform the National Council about the decisions issued between the Council's meetings.

Art.58 The Executive Board coordinates the activity of the work committees of the National Council and of the departments which operate within them, as follows:

- a) the president coordinates the Committee of Studies and Development Strategies and the Committee for Image, Internal and External Relationships;

- b) the vice-presidents coordinate the Professional, Scientific and Educational Committee, the Economical, Social and Health Insurances Committee, the Committee for Professional Ethics and Deontology and the Committee for Professional Jurisdiction;
- c) the secretary-general coordinates the Committee for Accreditation and Authorisation and the Administrative and Financial Accounting Committee.

Art.59 In implementation of their mandate, the members of the Executive Board will receive a monthly pay, the amount of which is approved by the National Council.

Art.60 The President of the Executive Board of the National Council is the President of the Romanian College of Physicians.

Art.61 The President coordinates the entire activity of the Romanian College of Physicians and has the following main responsibilities:

- a) to represent the Romanian College of Physicians in its relationship with private individuals and legal entities from Romania or abroad;
- b) to conclude contracts and treaties on behalf of the Romanian College of Physicians, with the approval of the Executive Board;
- c) to summon and chair the sessions of the National General Assembly, the National Council and of the Executive Board;
- d) to implement the decisions of the Executive Board, of the National Council, as well as those of the National General Assembly, that he/she was tasked with, and resolve current problems and operations;
- e) he/she is entitled to receive, in written form, and contest all decisions adopted by the disciplinary committees against members of the Romanian College of Physicians;
- f) to propose the domains of interest in establishing the work committees of the National Council;
- g) to hire the specialised and administrative staff, with the approval of the Executive Board;
- h) to carry out any other task established by the National Council or the Executive Board.

Art.62 - (1) The President of the Executive Board countersigns the decisions of the Executive Board, the National Council, as well as those of the National General Assembly, and he/she has the right of signature for the bank accounts.

(2) In his/her absence, the Executive Board's President can commission any of the other members of the Executive Board to carry out all or solely some of his duties.

SUBSECTION 2

The Attributions of the National Council's Work Committees

Art.63 The work committees of the National Council fulfil the attributions established by the present Statute or by decisions of the National Council.

Art.64 The Committee of Studies and Development Strategies has the following attributions:

- a) to analyse the situation of the medical personnel and services, as well as the evolution of the medical profession in Romania;
- b) to propose the strategy and annual control and supervision plan of the practice of the medical profession,
- c) to propose strategic objectives, programs and projects for the development and reorganisation of the activity of the Romanian College of Physicians;

- d) to monitor and implement projects within the Romanian College of Physicians' remit;
- e) to submit information reports to the Executive Board and the National Council;
- f) to compile digests in regards to the implementation of the normative system of the medical profession and propose to the National Council and the Executive Board the adoption of effective strategic measures concerning the amendment and adoption of normative acts for the benefit of the Romanian society and that of the medical professionals in Romania.

Art.65 - (1) In its activity, The Professional, Scientific and Educational Committee pursues and supervises the implementation of the professional objectives of the Romanian College of Physicians, through programs of continuous medical education, specialisation, determining and raising the quality standards of the professional act in medical establishments, regardless of the form of organisation of the profession.

(2) The Professional, Scientific and Educational Committee focuses its activity on the following:

- a) continuous medical education;
- b) exams and vacancy;
- c) vocational education and other types of professional training;
- d) professional sciences;

(3) In fulfilling its responsibilities, the Professional, Scientific and Educational Committee has the following attributions:

- a) to grant an advisory opinion to the medical practice guidebooks and protocols, compiled by the specialised committees within the Ministry of Health;
- b) to collaborate with the Ministry of Health at drafting the topics and methodologies for the vacancy contests and exams for physicians;
- c) to promote the continuous raising of the professional level, facilitating the physicians' participation in programs of professional improvement in Romania or abroad;
- d) to support the organising of professional and scientific events by establishing the evaluation procedure of continuous medical education activities, and that of the accreditation and authorisation criteria and standards, respectively the accreditation of continuous medical education providers and forms of training;
- e) to draft programs and standards of periodical professional evaluation;
- f) to participate alongside the Ministry of National Education and Scientific Research and the Ministry of Health in determining the annual number of places in the accredited medical higher education institutions, as well as the number of places in the medical residency programs;
- g) to work together with the specialised structures within the Ministry of Health at the recognition of professional qualification titles;
- h) to verify the certificates of linguistic competence for the graduates from the Faculty of Medicine, who have graduated in another language and accredit the institutions who issue the certificates of linguistic competence.

Art.66 - (1) The Economical, Social and Health Insurances Committee safeguards the economical and social interests of the medical professionals in Romania, in negotiating the conditions regarding the providing of medical services with the health insurance funds.

The Economical, Social and Health Insurances Committee represents the physicians who work in the health insurance system, defending the rights, interests and dignity of the medical profession, as well as removing any kind of interference into the medical professional act.

The Economical, Social and Health Insurances Committee supervises the evolution of the relationship between physicians working in the health insurances system or those

working in the private sector, on one hand, and employers or contractual partners, on the other hand, taking all necessary measures to ensure the freedom of the profession and the defending of the physician's standing in the society, including in respect to the relationship between the social importance of the professional activity and the physician's income.

The president of the Economical, Social and Health Insurances Committee, together with the Executive Board, represent the members of the Romanian College of Physicians in drafting and negotiating the framework agreement, as well as the standards for granting social assistance in the field of social health insurances.

At the local level, the representation will be made based on the principles of organisational, operational and financial autonomy.

The Economical, Social and Health Insurances Committee has the following attributions:

- a) to collaborate with the Ministry of Health at the drafting of regulations in the field of social health insurances;
- b) to be part of the negotiations regarding the standards for granting social assistance in the field of social health insurances;
- c) to assist the members of the College in concluding individual contracts in regards to the providing of professional services;
- d) to represent and defend the interests of physicians who are employed within the social health insurances system;
- e) to offer expert advice regarding the concluding, execution and ceasing of the contracts for providing professional services within the social health insurance system;
- f) to act promptly and through all legal means if their members' rights have been violated, rights deriving from the concluding and execution of the contracts for providing health care services;
- g) to promote their members' rights within the medical malpractice and professional liability insurances;
- h) to assist the medical and social safeguarding and support institutions and actions for physicians and their families;
- i) to ensure the completion of all statutory advertising procedures, for selling real estate property intended for medical practices and/or taking over medical practices.

(7) Through the Economical, Social and Health Insurances Committee at the county level or in Bucharest City, the Romanian College of Physicians contributes to the protection of its members and their families, by providing material aid, to the extent to which it is able.

Art.67 - (1) The aim of the Committee for Image, Internal and External Relationships is establishing relationships between the Romanian College of Physicians and governmental, non-governmental, county, national or international structures. The relationship with the public and media is ensured by a spokesperson or the committee's president.

(2) The Committee for Image, Internal and External Relationships has the following attributions:

- a) to further and establish international relationships with similar institutions and organisations from abroad;
- b) to preserve the relationship with similar international organisations, as well as with national or international organisations the Romanian College of Physicians is affiliated to;
- c) to preserve the relationship with the media and to express standpoints in relation to certain events;
- d) to monitor news in the media and to bring to the attention of the Executive Board any infringements upon the prestige of the medical profession, the professional body of doctors and, respectively, its members.

Art.68 The Committee for Professional Ethics and Deontology has the following attributions:

- a) to follow the evolution of the medical practice and the implementation of ethical principles and standards of deontology;
- b) to analyse the evolution of standards of deontology in the European and international practice;
- c) to establish and regulate the publicity and advertising of medical activities;
- d) to propose methods of dissemination, assimilation and control of compliance with the standards of deontology by the members of the Romanian College of Physicians, especially by those sanctioned disciplinarily.

Art.69 - (1) The Committee for Professional Jurisdiction, as a disciplinary investigation body, takes part in the assessment of cases where physicians have not complied with the standards of professional ethics, medical deontology and the rules of proper professional practice.

(2) The Committee for Professional Jurisdiction has the following attributions.

- a) to carry out disciplinary investigations in case of complaints following which the Executive Board had disposed the initiation of an investigation and, respectively, the appeals to decisions rendered by the disciplinary committees of the territorial colleges;
- b) to compile the disciplinary investigation file and provide the necessary evidence to solve the case;
- c) to draft the proposal for solving the case and present the disciplinary action in front of the Superior Disciplinary Committee.

(3) The investigation of cases that represent disciplinary offences is made according to law, the present Statute, the Code of Medical Ethics and the regulations regarding the organisation and operation of disciplinary committees, as approved by the National Council of the Romanian College of Physicians.

Art.70 The aim of the Committee for Accreditation and Authorisation is imposing standards and criteria for ensuring the quality of the professional medical act on the territory of Romania. In this sense, the committee has the following main attributions:

- a) to submit to the National Council the methodology of issuing membership certificates in the Romanian College of Physicians;
- b) to submit to the National Council the methodology of accreditation of professional respectability and morality of members of the Romanian College of Professionals;
- c) to propose standards in regards to the management of the Register of Physicians in Romania, including its publication on the internet site;
- d) to propose standards for solving the petitions of physicians who are foreign citizens in regards to having the licence for temporary or occasional medical practice on the territory of Romania issued and ratify the trimestral report forwarded to the Ministry of Health, regarding the number of physicians who had such licences issued;
- e) to set up criteria and standards for fitting out independent medical practices, which it submits for approval to the Ministry of Health;
- f) to submit to the National Council the methodology for granting permits to private medical practices, regardless of their legal form, as well as to secondary operating divisions;
- g) to ratify the trimestral report being forwarded to the Ministry of Health, regarding the number of its members, as well as the events registered at the accreditation and authorisation, control and supervision of the physician's profession.

Art.71 The Administrative and Financial Accounting Committee has the following attributions:

- a) to offer financial accounting legal assistance;
- b) to manage assets and keep the financial accounting records;

- c) to verify the collection of membership fees owed by the territorial colleges according to law, as well as other sources of income;
- d) to substantiate and submit to the National Council the amount of the contribution for membership by members of the Romanian College of Physicians;
- e) to substantiate the income and expenditures budget;
- f) to substantiate and submit to the Executive Board the need of operating staff;
- g) to substantiate and submit for approval to the National Council, each semester, the amount of compensation for the members of the Executive Board, the members of the work committees of the National Council and the members of the Superior Disciplinary Committee.

SUBSECTION 3 **The Personnel**

Art.72 Subject to the number of positions approved by the National Council and the plan of organisation and operation, the Executive Board, based on the actual needs and the substantiation report of the Administrative and Financial Accounting Committee, will hire, in accordance with the law, specialised, technical and administrative personnel.

Art.73 For specialised work, which does not require a continued activity or for expert advice concerning certain fields, the Executive Board can contract specialists for individually paid services, i.e. per work, subject or project.

Art.74 A chief operations officer is in charge of the administrative activities of the Romanian College of Physicians.

SECTION 3 **The Organisation and Operation of Territorial Colleges**

Art.75 - (1) The name of a territorial college is “The College of Physicians of”. (Here the name of the administrative and territorial unit in which the college operates.)

(2) The seat of the territorial college is in the county capital city, respectively Bucharest City.

(3) The name of the territorial college, the sign of the Romanian College of Physicians, the address of its seat and tax identification number will be entered in all documents, files and records issued by it.

Art.76 The territorial colleges have the following attributions:

- a) to take part, under the conditions of the law, in the accreditation of providers of medical services;
- b) to give permits for the opening of private medical practices, regardless of their legal form, and participate, through specially appointed representatives, at the contests organised for filling positions in medical facilities;
- c) to keep record of its members;
- d) to issue and apply the annual endorsement upon the certificates of members of the Romanian College of Physicians;
- e) to issue upon request of registered physicians the certificate of good standing;
- f) to supervise the practicing of medicine by the registered physicians;
- g) to solve complaints submitted against any of the registered physicians;
- h) to organise classes for the study of the Code of Medical Ethics and other normative acts, that regulate the medical profession;
- i) to investigate the cases of illegal practice of the physician’s profession and bring them to the attention of the competent authorities;

- j) to communicate to the Romanian College of Physicians, as soon as possible, all data and information in their possession, necessary for the exchange of information within the alert mechanism;
- k) to fulfil any other duties stipulated by law.

SUBSECTION 1

Governing Bodies at the Territorial Level

Art.77 The governing bodies at the territorial college level are:

- the General Assembly;
- the Council;
- the Council Board;
- the President.

Art.78 - (1) The General Assembly of the territorial college, hereinafter called the General Assembly, is made up of all the medically licenced physicians, registered in the territorial college.

(2) The General Assembly elects its representatives in the territorial college Council, in the National General Assembly and the members of the Disciplinary Committee.

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

(2) The General Assembly adopts decisions with a simple majority, in the presence of two thirds of its members. If on first call, the quorum is not reached, within two weeks another meeting will be called, which has the same agenda and can adopt decisions with a simple majority, regardless of the number of members present.

Art.80 Sessions can be called by:

- a) the Council;
- b) the President of the territorial college;
- c) the Council Board of the territorial college;
- d) one third of its members.

Art.81 The General Assembly has the following attributions:

- a) to elect the Council members;
- b) to elect the representatives in the National General Assembly;
- c) to elect, from among its members, the board of statutory auditors, made up of three persons;
- d) to approve the income and expenditures budget;
- e) to ratify the Council's budget implementation for the financial year concluded;
- f) to analyse the activity report of the Council;
- g) to elect the members of the Disciplinary Committee and determine the session bonus they are entitled to.

Art.82 The members of the territorial college's Council and the members of the board of statutory auditors are elected for a 4 year period by the members of the territorial college, according to the electoral regulations, approved by the National Council of the Romanian College of Physicians.

Art.83 - (1) The Council of the territorial college, hereinafter called Council, has a number of members 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 percentages established by law.

(2) The Council meets in ordinary session once a month or in extraordinary session, at the summoning of:

- a) the President of the respective college;
- b) at least 3 members of the Council Board;
- c) one third of Council members.

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

Art.84 The main attributions of the territorial colleges' Councils are the following:

- a) to manage the activity of the college between the sessions of the General Assembly;
- b) to elect individually and for each position the members of the Council Board;
- c) to approve the organisation and operation regulations;
- d) to approve the monthly pay of the members in the Council Board and that of the members of the work committees, at the proposal of the Board;
- e) to execute the decisions of the General Assembly;
- f) to implement and supervise the execution of the decisions of the national bodies of the Romanian College of Physicians;
- g) to elect from among its members the work committees, in accordance with the choice of the Council's members or at the proposal of the Board;
- h) to attest to the professional respectability and morality of the members registered in the territorial college, by issuing the certificate of good standing;
- i) to defend and represent the professional interests of its members, including in front of the court of law and other public authorities.

Art.85 The Council Board, hereinafter called Council Board, is made up of: president, 3 vice-presidents and one secretary, elected individually by the Council, from among its members, within 5 days from the date of the Council's election.

Art. 86 - (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 2 of its members.

(2) The Council Board works in the presence of at least 3 of its members and decisions are taken with the vote of at least 3 members.

Art.87 The Council Board has the following attributions:

- a) to ensure the college's activity between the council sessions;
- b) to approve the hiring of staff and ensure the budget execution;
- c) to execute the decisions of the General Assembly and of the Council;
- d) to decide the initiation or non-initiation of a disciplinary investigation;
- e) to elaborate and submit for ratification to the Council the income and expenditures budget;
- f) to execute the decisions of the national governing bodies and is responsible for their implementation;
- g) to inform the Council about the decisions taken and the activity between the council sessions.

Art.88 In carrying out their mandate, the members of the council boards of the territorial colleges will receive a monthly pay, the amount of which will be approved by the councils of the territorial colleges.

Art.89 The President of the territorial college coordinates the activity of the territorial college and has the following main responsibilities:

- a) to represent the territorial college in its relationship with private individuals and legal entities;
- b) to conclude contracts and treaties on behalf of the territorial college, with the approval of the Council Board;
- c) to summon and chair the sessions of the General Assembly, the Council and of the Council Board;
- d) to implement the decisions of the Council Board, of the Council, of the General Assembly, as well as those of the national governing bodies, that he/she was tasked with, and resolve current problems and operations;
- e) he/she is entitled to receive, in written form, and contest all decisions adopted by the disciplinary committee against members of the territorial college;

- f) to propose the domains of interest in establishing the work committees of the Council;
- g) to hire the specialised and administrative staff, with the approval of the Council Board;
- h) to carry out any other task established by the Council or the Council Board.

Art.90 The President of the territorial college has the right to bring a civil action against some other or to initiate criminal proceedings or inform the competent authorities for the investigation and application for summons concerning persons who claim a title or who use a title or the quality as physicians unlawfully, or who practice medicine illegally.

Art.91 - (1) The President of the Council Board has the right of signature for the bank accounts.

(2) In his/her absence, the Council Board's President can commission any of the other members of the Council Board to carry out all or solely some of his duties.

SUBSECTION 2

The Attributions of the Work Committees of the Territorial College's Council

Art.92 - (1) Within the Council of the territorial college, in order to fulfil all its attributions, work committees, similar to those of the National Council, can be established.

(2) The members of the work committees of the council of territorial colleges can receive a session bonus, the amount of which is determined by the territorial college's Council.

CHAPTER VII

Election of the Territorial Council Members, the Representatives in the National Council and in the National General Assembly, as well as the Members in the Council Boards

SECTION 1

Election of Representatives

Art.93 - (1) The election of the governing bodies of the Romanian College of Physicians is made, from bottom to top, in adherence to the democratic principles and that of equality between all members.

(2) The organisation and course of the election is determined by the electoral regulations approved by the National Council of the Romanian College of Physicians.

Art.94 Members of the Romanian College of Physicians may be elected into its governing bodies.

Art.95 - (1) The right to elect and be elected can be exercised only within the college where the respective physician is a member.

(2) Proof of membership in the territorial college will be made by presenting the last receipt of payment of the membership fee, if the elector cannot be found on the voter list.

Art.96 The members of the territorial college's council, as well as the representatives in the National General Assembly are elected through direct, secret and freely expressed vote by the members of the county colleges' General Assembly, respectively that of Bucharest City.

Art.97 The right of vote, as well as the right of being elected in the governing bodies, belongs only to the physicians who are members of the Romanian College of Physicians, and have no outstanding membership fee payments.

Art.98 - (1) For the organisation and execution of elections, the Councils of the territorial colleges will set up local electoral committees, respectively a central electoral committee, set up 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 guidelines for the uniform application of electoral regulations or electoral procedures.

Art.99 - (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 organised.

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

Art.100 - (1) Members of the Executive Board, respectively the Council Board, are elected individually, with a majority of votes, by the National Council and the local councils.

(2) The maximum number of successive mandates in the governing bodies on the territorial and national level one individual can be granted or exercise is 5.

Art.101 In case of suspension from office for one of the reasons of incompatibility stipulated by law, another member will be elected, for the period of suspension, or the substitute member will take office.

SECTION 2

Termination of Membership in the Governing Bodies

Art.102 - (1) The termination of the mandate as member in the governing bodies occurs in the following situations:

- a) resignation;
- b) incompatibility;
- c) death;
- d) loss of the membership in the Romanian College of Physicians;
- e) revocation;
- f) impossibility to hold office.

(2) The position left vacant in the territorial college, respectively in the National General Assembly, will be occupied by the first substitute member.

(3) The position left vacant in the Council Board, Executive Board, respectively the National Council, will be filled by electing another member.

Art.102 - (1) Revocation from office or rescindment of the quality of representative in the governing bodies of the Romanian College of Physicians, both at the national, as well as territorial level, is made by the body which elected the person in question.

(2) The revocation can be made in case of serious infringement of the law, of the present Statute or of regulations which organise and govern the practice of the medical profession.

Art.103 - (1) Members of the governing bodies are revoked by law if they:

- a) miss without just cause two consecutive sessions of the National General Assembly;
- b) miss without just cause, in the course of a year, 3 sessions of the National Council or of the territorial college's council;
- c) miss without just cause, in the course of a semester, 3 sessions of the Executive Board or the territorial college's Council Board;
- d) refuse to activate in the work committees of the council or don't take part in its activities, missing without just cause 3 sessions, during the course of a trimester.

The revocation is acknowledged by:

- 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 3 of the Executive Board's members;
- c) by decision of the Executive Board for the members on the territorial governing bodies, at the notice of the territorial college's Council Board;

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

CHAPTER VIII

Disciplinary Liability of Members of the Romanian College of Physicians

SECTION 1

The Principles of the Disciplinary Investigation

Art.105 - (1) Disciplinary offences are the non-compliance with the laws and regulations governing the medical profession, the non-compliance with the Code of Medical Ethics and rules of proper professional practice, non-compliance with the Statute of the Romanian College of Physicians, the statutory decisions adopted by the governing bodies of the latter, as well as any professional acts committed, which have prejudiced the respectability and prestige of the profession or that of the Romanian College of Physicians.

(2) Each and every member of the Romanian College of Physicians benefits from the presumption of innocence until the delivery of judgement in his/her particular case.

Art.106 - (1) The disciplinary offence engages the disciplinary liability of the offender, who becomes subject to the following sanctions:

- a) admonition;
- b) warning;
- c) vote of censure;
- d) fine, from 100 lei to 1500 lei. The paying of the fine will be made within 30 days from the final decision on the disciplinary sanction, directly into the account of the Romanian College of Physicians. The failure to pay the fine within this time period generates the de facto suspension from practice of the medical profession, until the fine is paid;
- e) interdiction to practice the medical profession or certain medical activities for a period of one month up to one year;
- f) withdrawal of the membership in the Romanian College of Physicians.

(2) Besides the sanctions in paragraph (1), if it is warranted, the sanctioned physician can be ordered to take part in medical training courses or any other forms of professional training.

Art.107 The disciplinary investigation may be initiated at most within 6 months from the date the offence was committed or from the date the prejudicial consequences became known.

Art.108 - (1) The disciplinary liability is engaged in line with the seriousness of the offence.

(2) The repetition of a disciplinary offence, before the clearing of the sanctions applied, constitutes aggravating circumstances, which will be taken into account when new sanctions are applied.

Art.109 The medical or forensic facilities have the obligation to provide the disciplinary committees or the persons appointed with the investigation of disciplinary offences the requested medical records, as well as any other data and information necessary in solving the case.

Art.110 The territorial committees are required to keep records concerning any sanctions applied to a member and to communicate these, upon request, to those entitled.

SECTION 2

The Competence of Jurisdictional Bodies

Art.111 - (1) Within every territorial college, a disciplinary committee is organised and operates, independent of the college administration, which judges in panels made up of 3 members, the disciplinary offences of physicians registered in the respective college.

(2) In the Romanian College of Physicians, the Superior Disciplinary Committee is organised and operates, independent of the college administration, which judges in panels made up of 5 members, the disciplinary offences of members in the governing bodies of the territorial colleges and the appeals to the decisions of the territorial disciplinary committees.

(3) One of the members in the disciplinary committee, being a member of the college, is appointed by the Public Health District Authorities, at the territorial level, and the Ministry of Health, at the Superior Disciplinary Committee.

Art.112 - (1) The members of the disciplinary committees at the level of the territorial colleges are elected by the General Assembly of the territorial college, and the members of the Superior Disciplinary Committee by the National General Assembly.

(2) The members of the disciplinary committees will be elected from board certified physicians, who have more than 7 years of service and no disciplinary offences in the past 5 years.

(3) The position of member in the disciplinary committee is incompatible with any other position within the Romanian College of Physicians, except that of member of the General Assembly of a territorial college.

(4) The members of the disciplinary committee receive a 6 years mandate.

(5) The membership in the disciplinary committee, respectively that in the Superior Disciplinary Committee ends by death, resignation, loss of membership in the Romanian College of Physicians, the occurrence of certain situations of incompatibility or moral inadequacy or the appointing of another representative, in the case of members appointed by the Ministry of Health or by the Public Health District Authority.

(6) For the members of the territorial disciplinary committees, the loss of membership in the disciplinary committee operates also in case of transferring to another county.

Art.113 The election of the disciplinary committees is made in compliance with the regulations approved by the National Council.

SECTION 3

Complaints Settlement Procedure

Art.114 - (1) A complaint against a physician will be addressed to the territorial college where he is a member.

(2) The complaint against a member in the governing bodies of the territorial college, with the exception of members in the General Assembly, will be filed with the territorial college where he is registered, which will then forward it to the Executive Board of the National Council of the Romanian College of Physicians for initiation or non-initiation of the disciplinary investigation.

(3) In case the complaint is made against several physicians, of whom one or several hold senior offices, the Council Board of the territorial college will decide regarding the initiation or non-initiation of the disciplinary investigation against the physicians who do not hold senior offices, and will forward the complaint concerning the others to the Executive Board of the National Council of the Romanian College of Physicians.

Art.115 - (1) The complaint will be looked into only if it contains the following elements of identification:

- a) name, given name, address and quality of the of the petitioner;
- b) name, given name and place of employment of the physician against whom the complaint is made;
- c) description of the act and the date it was committed;
- d) physical damage and moral prejudice suffered by the patient;
- e) signature of the petitioner.

(2) If the petitioner cannot indicate the name and given name of the physician against whom he/she makes the complaint, but makes proof of having undertaken steps in this regard, the territorial college will request the information necessary for his/her identification from the medical establishments where he/she works or operates.

(3) The complaint will be submitted personally, by a representative who has special power-of-attorney or mailed using postal services or a courier.

(4) Complaints lodged by e-mail, fax, or submitted or sent in copy will not be addressed, except by forwarding a response in regards to the provisions of the Statute concerning the conditions stipulated at Par. (3).

Art.116 - (1) Having received the complaint, the Council Board will decide the initiation or non-initiation of the disciplinary investigation.

(2) The Council Board can decide the non-initiation of the disciplinary investigation when:

- a) the complaint is outside the competence of the Romanian College of Physicians;
- b) the complaint does not contain the mandatory elements, as defined by Art. 115 Par. (1), but only after pointing out to the petitioner the missing elements, so that he/she may fill these in.

(3) The person who has filed the complaint can file, within 30 days from the decision's communication, an appeal against the decision of non-initiation of the disciplinary investigation, at the territorial college that issued the decision to be appealed. The appeal is settled by the Executive Board of the National Council.

(4) The decision to initiate the disciplinary investigation must contain:

- a) the complaint identification elements, as defined by Art. 115 Par. (1) Letter a) and b);
- b) directives in regards to the forwarding of the complaint to the Committee for Professional Jurisdiction of the territorial college for the execution of the disciplinary investigation.

Art.117 - (1) The Council Board can refer the matter to itself and can dispose the initiation of a disciplinary investigation ex officio.

(2) In the decision to refer the matter to itself, the elements the decision was based upon will be specified, and the corresponding evidence attached.

Art.118 - (1) Based on the Council Board's decision to initiate a disciplinary investigation, the Committee for Professional Jurisdiction registers and compiles the disciplinary file.

(2) If the complaint was filed after the deadline prescribed by law, the Committee for Professional Jurisdiction will issue a report to reject the complaint on the grounds of late filing, forwarding the file to the disciplinary committee without judging it on the merits.

(3) If the complaint is filed within the period prescribed, the Committee for Professional Jurisdiction will communicate a copy of it and the deadline to present his/her defence in writing to the physician.

Art.119 - (1) Within the disciplinary investigation, the Committee for Professional Jurisdiction will administer the evidence useful and pertinent to the case.

(2) Based on the complexity of the case and only if it is found to be necessary in settling the complaint, the Committee for Professional Jurisdiction will request one or more expert opinions.

(3) Following the investigation of the act and the administering of all necessary evidence, the Committee for Professional Jurisdiction will conclude the disciplinary investigation in a report which will contain:

- a) the complainant and the respondent physician's identification data;
- b) presentation of the complaint and the act;
- c) individualisation of the rule infringed upon;
- d) administered evidence;
- e) medical investigation of the case;

- f) the physician's attitude and position during the investigation;
- g) conclusions and the motion to sanction the physician or cease the disciplinary action;
- h) signature of the committee's president.

(4) The disciplinary file and the report are submitted to the disciplinary committee of the territorial college.

(5) The disciplinary action in front of the disciplinary committee is presented by the Committee for Professional Jurisdiction.

Art.120 - (1) The committee's president will assign the disciplinary case to a panel made up of 3 members.

(2) The panel will dispose the mandatory hearing of the physician against whom the disciplinary action was initiated.

(3) The hearing of the complainant and of the witnesses is disposed only if the panel deems it necessary.

(4) The panel can dispose the augmentation of the administered evidence with other useful and pertinent pieces of evidence.

(5) Following the investigation proceedings, the panel will rule as follows:

- a) to reject the complaint and cease the disciplinary action, if the act does not represent a disciplinary offence or if the complainant, though summoned, unjustifiably, does not attend the hearing set by the disciplinary committee or does not present in writing his/her position in regards to the disciplinary committee's demands;
- b) to admit the complaint and apply one of the sanctions prescribed by Art. 106.

Art.121 At the individualisation of the sanction, the following will be taken into account:

- a) the circumstances under which the offence was committed;
- b) the actual working conditions, the diagnostic and treatment equipment provided;
- c) the consequences of the disciplinary offence;
- d) the physician's attitude and position during the investigation;
- e) the existence of a prior disciplinary sanction still in force.

Art.122 The decision adopted during ruling will contain:

- a) number of decision and date it was pronounced;
- b) the panel;
- c) description of the act that constituted the object of the disciplinary investigation;
- d) presentation of the investigative measures (parties' statements, witness hearings, documentary evidence, documents researched and retained, etc.);
- e) one of the rulings prescribed by Art. 120 Par. (5);
- f) if the case may be, the sanction applied and the legal grounds upon which it was adopted;
- g) the appeal deadline and where the appeal can be submitted;
- h) signature of the panel's president and seal of the territorial college.

Art.123 The judgement pronounced is communicated to the physician, to the complainant, the president of the territorial college and the president of the Romanian College of Physicians.

Art.124 - (1) Within 15 days from the sentence's communication, the sanctioned physician, the complainant, the Ministry of Health, the president of the territorial college or the president of the Romanian College of Physicians can appeal the sentence pronounced by the disciplinary committee of the territorial college.

(2) If an appeal was submitted, the decision to sanction the physician with the interdiction to practice medicine or certain medical activities, respectively to rescind his/her membership, will be communicated to the Romanian College of Physicians, the medical establishment where he is employed or an associate and the Ministry of Health.

Art.125 The complaints settlement procedure stipulated at Art. 114-124 is applied accordingly at the level of the Executive Board, the Committee for Professional Jurisdiction and the Superior Disciplinary Committee of the Romanian College of Physicians as well, in the case of decisions subject to appeal in higher court or in trial court following complaints against physicians who hold offices in the governing bodies of the territorial colleges.

SECTION 4 Means of Appeal

Art.126 - (1) The appeal is submitted in writing and will contain the following mandatory elements:

- a) the appellant's name and given name;
- b) the appellant's home address, respectively head office address;
- c) the object of the appeal;
- d) the reasons for the appeal;
- e) the means of proof that support the appeal;
- f) the appellant's signature.

(2) The appeal is submitted personally, by a representative who has special power-of-attorney or mailed by recorded delivery post to the disciplinary committee of the territorial college, which, within 5 workdays, must forward it, together with the case file, to the Superior Disciplinary Committee.

(3) The appeal suspends the enforceability of the decision.

(4) The appeals submitted directly to the Superior Disciplinary Committee are invalid.

(5) The appeal cannot invoke aspects that were not the object of the complaint, upon which the disciplinary investigation was based.

Art.127 - (1) If the Committee for Professional Jurisdiction of the Romanian College of Physicians finds that the appeal does not contain all elements prescribed by Art. 126 Par. (1), it will demand that the appellant complete the appeal with the indicated elements within 5 days of being notified in regards to it. If the appellant does not comply with the request of the Committee for Professional Jurisdiction of the Romanian College of Physicians or if the appeal does not contain the elements prescribed by Art. 126 Par. (1) Letter a) and b), the appeal will be submitted urgently to the Superior Disciplinary Committee with the proposal for dismissal.

(2) Appeals lodged by e-mail, fax, or submitted or sent in copy will not be addressed,

(3) The procedural dispositions prescribed by Art. 119-123 and Art. 124 Par. (2) will be applied accordingly in the settlement of appeals as well.

Art.128 - (1) Following the hearing of the appellant and the administering of the evidence deemed necessary, the Superior Disciplinary Committee will pronounce its decision, ruling as follows:

- a) the appeal is dismissed and the decision pronounced at the territorial level is upheld;
- b) admits, totally or partially, the appeal and disposes the total or partial annulment of the decision pronounced at the territorial level.

(2) If the appeal is admitted, the Superior Disciplinary Committee can dispose the referral of the disciplinary case to the territorial body for redressing the disciplinary procedure, in compliance with the legal provisions, or can keep the case to judge it on its merits. Remanding the case for retrial can be done once during the settlement of the case.

(3) The redressing of the disciplinary procedure at the territorial level can be disposed for reasons pertaining to merits, as well as for non-compliance with procedural aspects, even though these were determined ex officio by the Superior Disciplinary Committee and were not invoked expressly, through the appeal.

(4) For the complaints settled in lower court, the Superior Disciplinary Committee will adopt one of the solutions prescribed by Art. 120 Par. (5).

Art.129 - (1) The Superior Disciplinary Committee's decision is final and cannot be appealed at the Romanian College of Physicians.

(2) In regards to the sanctioning decision issued by the Superior Disciplinary Committee, the sanctioned physician can file, within 15 days from the decision being communicated, an action for annulment with the Administrative Court in the jurisdiction where he/she practices medicine.

SECTION 5

The Clearing of Disciplinary Sanctions

Art.130 - (1) The sanctions prescribed by Art. 106 Par. (1) Letter a)-d) are cleared within 6 months of them being executed, and the sanction prescribed by Art. 106 Par. (1) Letter e), within a year after the interdiction has expired.

(2) In the case that, by the decision of the disciplinary committee, the measures prescribed by Art. 106 Par. (2) have also been disposed, the clearing of the sanction is made only after evidence is produced that the measure disposed by the disciplinary committee has been carried out.

Art.131 - (1) The clearing of the sanction is made ex officio or at the request of the sanctioned physician, by decision of the Council Board or the Executive Board.

The clearing of the sanction is decided by the board, based on the report submitted by the disciplinary committee which attests to the sanction being executed.

The decision regarding the clearing of a sanction will be communicated to the entitled parties.

Art. 132 If the sanction prescribed by Art. 106 Par. (1) Letter f) is applied, the physician can make a petition to regain his/her membership in the college, after the period set by the final court ruling of interdiction to practice medicine expires or 2 years after the sanction was applied by the disciplinary committees.

CHAPTER IX

Litigation Settlement

Art.133 The members of the Romanian College of Physicians have the duty to resort to the Litigations Committee of the county college council or that of Bucharest City, if they find themselves in a conflictual, litigious situation with another member of the college, regarding the practice of medicine, before resorting to the courts, the media or other authorities.

Art.134 The Litigations Committee is made up of 3 members of the territorial college, appointed by the Council Board of the territorial college.

Art.135 The Litigations Committee will summon the litigating parties, and, based on the evidence submitted by the parties and the evidence it finds necessary, will attempt the amicable settlement of the litigation.

Art.136 - (1) At the end of the procedure of amicable settlement between the parties, the Litigations Committee will draw up a protocol stating the factual situation, the parties' positions, the administered evidence and the final result.

(2) The protocol will be signed by the Litigations Committee's members and the parties.

CHAPTER X

Incomes and Expenditures

Art.137 The incomes of the Romanian College of Physicians derive from:

- a) the entering fee;
- b) the monthly membership fees;
- c) the equivalent value of the services rendered to the members or individuals and legal entities;
- d) donations and sponsorships from individuals or legal entities;
- e) bequests;
- f) publishing rights;
- g) funds originating from the cultural and scientific events;
- h) organising continuous medical education programmes;
- i) other sources.

Art.138 - (1) The membership fees owed and unpaid within the period set by the territorial college council, by the members of the Romanian College of Physicians, results in penalties, the amount of which is prescribed by the legal provisions applicable to public institutions.

(2) The same penalties will be applied to the territorial colleges which do not funnel to the national bodies the share of contributions set by the National Council.

Art.139 - (1) The amount of the membership fee in the Romanian College of Physicians is set by the National Council.

(2) The share of contributions for the operation of the national bodies will be funnelled at the latest until the end of the month following the one for which the membership fee was levied.

Art.140 - (1) The share of membership fees owed to the National Council, not representing incomes of the territorial college, will be funnelled to the National Council before any other payments are made.

(2) The obligation to track and funnel the owed share to the National Council belongs to the president of the territorial college council.

Art.141 The incomes may be used for expenses regarding organisation and operation, personnel expenses, material expenses and services, professional training advancement, granting of scholarships to physicians through contests, aiding physicians with low wages, founding charitable and scientific institutions, other expenses, approved by the territorial college council, and the National Council.

Art.142 - (1) The Romanian College of Physicians, at the central level, will have a bank account. The right of signature for the bank account belongs to the president of the Romanian College of Physicians. He can authorise another person to have the right of signature for the bank accounts.

(2) The provisions of Par. (1) also apply to the territorial colleges.

Art.143 - (1) The presidents of the territorial college councils will send, each year, by the end of March, copies of the current year budget, approved by the territorial college council, and copies of the balance sheet and the accounting execution for the incomes and expenditures budget for the previous year.

(2) Copies will be certified as true copies by the president of the territorial college council.

Art.144 Members of the Romanian College of Physicians who are expelled cannot have any claims regarding any part of the college assets or incomes, nor can they have any claims regarding the entering fees, membership fees or other possible financial or material contributions, funnelled to the Romanian College of Physicians.

Annex to the Statute

EMBLEM of the Romanian College of Physicians