



An Act Amending part VII chapter 61, of An Act Adopting a New Public Health Law Known As TITLE 33 of The Liberian code of law as revised (1977) and in lieu thereof establishing a Liberia Medical and Dental Council to be Autonomous with exclusive power and Authority to regulate and monitor medical practice within the Republic of Liberia

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AN ACT AMENDING PART VII CHAPTER 61, OF AN ACT ADOPTING A NEW PUBLIC HEALTH LAW KNOWN AS TITLE 33 OF THE LIBERIAN CODE OF LAW AS REVISED (1977) AND IN LIEU THEREOF ESTABLISHING A LIBERIA MEDICAL AND DENTAL COUNCIL TO BE AUTONOMOUS WITH EXCLUSIVE POWER AND AUTHORITY TO REGULATE AND MONITOR MEDICAL PRACTICE WITHIN THE REPUBLIC OF LIBERIA

It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled:

Section 1, Chapter 61, Part VII of an Act adopting a new Public Health Law known as Title 33 of the Liberian Code of Laws revised (1977) is hereby amended in its entirety, and in lieu thereof is enacted a New Chapter 61 establishing a Liberia Medical and Dental Council to be autonomous with exclusive powers and authority to regulate and monitor the practice of Medicine by its members within the Republic of Liberia.

SUB-CHAPTER (A) - DEFINITIONS

Section 61.0: Definitions:

1. **Allied Medical Practitioner:** health workers, (other than doctors, midwives and nurses), they including physician assistants, laboratory and X-rays technicians, ophthalmic assistants and others classified as allied medical practitioners by the Council.
2. **Council: Liberian Medical and Dental Council**
3. **Dental Surgeon:** A medical professional qualified to oral and dental surgery
4. **LMDA: Liberia Medical and Dental Association**
5. **Malpractice:** A professional's misconduct or failure to use adequate levels of care, skill or diligence in the performance of professional care
6. **Non-statutory Member:** A member of the Council not by virtue of a position; A non-statutory member is recommended by the LMDA
7. **Physician:** A medical professional, doctor of medicine, who practices medicine, study, diagnosis, and treatment of disease and injury
8. **Private Practitioner:** A medical professional who practices medicine and surgery in a private facility
9. **Surgeon:** A medical professional who performs surgery
10. **Statutory Member:** A member of the Council by virtue of his or her position in a Government Agency, e.g.. the CMO of the Ministry of Health and Social Welfare

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11. **Veterinary Surgeon:** A medical professional who provides medical and surgical care for animals
12. Professional misconduct includes the following:
 - Engaging in acts of gross incompetence or gross negligence on a single occasion, or negligence or incompetence on more than one occasion
 - Permitting or aiding an unlicensed person to perform activities requiring a license
 - Refusing a client or patient service because of race, creed, color, ethnicity, nationality and illness or infection
 - Practicing beyond the scope of the profession
 - Releasing confidential information without authorization
 - Being convicted of a crime
 - Failing to return or provide copies of records on request
 - Being sexually or physically abusive
 - Abandoning or neglecting a patient in need of immediate care
 - Performing unnecessary work or unauthorized services
 - Practicing under the influence of alcohol or other drugs

Sub-Chapter A. ESTABLISHMENT AND FUNCTIONS OF THE MEDICAL AND DENTAL COUNCIL

✓ **Section 61.1: Medical and Dental Council Established.** There is established a Liberia Medical and Dental Council which shall be autonomous and separate from the Ministry of Health and Social Welfare. The Council shall have the authority to regulate and monitor medical practice by its members to promulgate rules and procedure pursuant to this Act to examine and pass upon the qualifications of medical and health practitioner applying for license to practice medicine, dentistry and allied medical profession, to hold and conduct examinations for that purpose whenever necessary and recommend to the Minister of Health who shall approve same; to accredit medical institutions and other related professional schools and to act as hearing officers in disciplinary actions taken against licensee for professional misconduct.

Section 61.2: Composition of the Council. The Council shall comprise of eleven (11) members in good standing of the Medical and Dental Profession and a legal counsel who shall serve as legal advisor without voting powers.

The Membership of the Council shall be constituted as follows:

Section 61.2.1: Statutory Members.

1. The Chief Medical Officer/Deputy Minister of Health, Republic of Liberia
2. The President of the Liberia Medical and Dental Association
3. Dean of the A. M. Doglotti College of Medicine, University of Liberia

Section 61.2.2: Non-Statutory Members.

1. A Private Practitioner
2. A Dental Surgeon
3. A Specialized Physician or Surgeon
4. A representative from the Nursing Board
5. A representative selected together by physician assistants and the allied medical practitioners
6. A representative from the Pharmacy Board
7. Veterinarian
8. A Legal Advisor (Ex-officio)

Section 61.2.3: The Council may appoint additional members provided the total membership does not exceed thirteen (13).

Section 61.2.4: The Council shall elect a chairman who shall serve for a period of two (2) years; a treasurer who shall serve for four (4) years, and a full time registrar. A Chairman shall not serve for more than two consecutive terms. The Council shall formulate by-laws to govern its functions.

Section 61.3: The following Categories of the Medical Profession shall be under the jurisdiction of the Council:

1. Physicians
2. Surgeons
3. Dentists
4. Doctors of Osteopathy
5. Allied medical practitioners including Physician Assistants, Laboratory and X-Ray technicians and other practitioners as the Council may deem necessary.

SUB-CHAPTER B – FUNCTIONS OF THE COUNCIL

Section 61.4: Functions

1. The Council shall register all Physicians, Surgeons, Dental Surgeons and allied medical professionals within the Republic of Liberia.
2. The Council shall establish the procedure and set guidelines for licensure of Physicians, Surgeons, Dental Surgeons and allied medical professionals within the Republic of Liberia, and present to the Minister of health who shall approve same.
3. The Council shall issue licenses to qualified and deserving Physicians, Surgeons, Dental Surgeons and allied medical professionals within the Republic of Liberia, that have graduated from recognized and credible medical institutions.
4. The Council shall establish the procedure and requirements for the registration of medical and allied professionals within the Republic of Liberia.
5. The Council shall set procedure, guidelines and standards for the accreditation of medical services and health training institutions

SUB-CHAPTER C – PRIVILEGES AND DISCIPLINARY RESTRAINTS

Section 61.14: Admission

1. A License to practice entitles the individual to practice the professions as prescribed by the Act.
2. A License to practice entitles the individual practitioner use the professional title as provided in the Chapter for the Medical profession.
3. A License to practice subjects the individual practitioner to the sanctions of professional misconduct as prescribed in this Chapter.

Section 61.15: Professional Misconduct Defined

Each of the following subsections shall constitute professional misconduct and any practitioner or violator found guilty of any professional misconduct under the procedures prescribed in this Section shall be subject to the sanctions prescribed in Section 61.18 as follows:

1. Fraudulently obtaining a license by misrepresentation, or other unlawful means.
2. Fraudulently practicing as a Physician, Surgeon or other allied medical professional beyond his/her authorized scope.

4. Physical and/or Mental Impairment due to:
 - a) Incapacitating illness
 - b) Addiction to drugs and/or alcohol
 - c) Senility
5. Conviction of a Felony or Misdemeanor in a Court of Competent Jurisdiction

Section 61.18: Applicable Disciplinary Actions to be taken by the Council

1. In its discretion, the Council may discipline any medical practitioner for acts of professional misconduct:
 - a) Admonition: Written warning or serious rebuke.
 - b) Censure: Judgment condemning one's action as being professionally reprehensible to reprimand.
 - c) Probation: During probationary period of a prospective Physician, Surgeon or Allied Medical Professional, the Liberia Medical and Dental Council may take the following measures:
 - i. The candidate will be keenly observed for continuing eligibility to practice;
 - ii. The candidate may be permitted to retain his license;
 - iii. The candidate may be reconsidered and re-evaluated periodically at the end of the probationary period, which shall not exceed six months.
 - iv. Suspension: The Council may suspend for a stated time any professional who violates the Rules and Regulations of the Council, which shall include the surrender of his/her license.
 - v. Revocation of License
2. The Council shall revoke license of and remove from the register a medical professional for any of the following reasons:
 - a) Proved Professional Misconduct
 - b) Proved gross negligence and/or incompetence:
 - c) Continuing unsatisfactory (unprofessional) conduct while on probation; and
 - d) Failure to cooperate during an investigation on disciplinary matters,

SUB-CHAPTER E – UNAUTHORIZED PRACTICE OR MEDICAL CRIMINAL ACT

Section 61.19

1. Anyone not authorized to practice medicine under the provisions of this Chapter, but who practices or holds himself/herself out as being able to practice medicine in which a license is a pre-requisite, or who aids abets or facilitates an unlicensed person to practice medicine, or who fraudulently sells, files, furnishes, obtains or attempts to sell, file, furnishes or obtain a diploma, license, record or permit purporting to authorize the practice of medicine, has committed a felony of the second degree and upon conviction in a court of competent jurisdiction, is punishable by imprisonment for a period of five years and/or a fine of not less than US Dollars 1,500.00 (One Thousand Five Hundred US Dollars) and/or both.
2. In the event an expatriate violates Section 61.19(1) of this Chapter, upon conviction, the felon shall be subject to imprisonment for five years or a fine of not less than US Dollars 1,500.00 (One Thousand Five Hundred US Dollars) and/or both and immediately deported to the Country of his/her origin.

Section 61.20: Effective Date of Act

This Act shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

2009

FOURTH SESSION OF THE FIFTY-SECOND LEGISLATURE OF
THE REPUBLIC OF LIBERIA

SENATE'S ENGROSSED BILL NO.2 ENTITLED:

"AN ACT AMENDING PART VII CHAPTER 61 OF AN ACT ADOPTING A NEW PUBLIC HEALTH LAW KNOWN AS TITLE 33 OF THE LIBERIAN CODE OF LAWS AS AMENDED AS REVISED (1977) AND IN LIEU THEREOF ESTABLISHING A LIBERIA MEDICAL AND DENTAL COUNCIL TO BE AUTONOMOUS WITH EXCLUSIVE POWER AND AUTHORITY TO REGULATE AND MONITOR MEDICAL PRACTICE WITHIN THE REPUBLIC OF LIBERIA"

On motion, Bill read. On motion the Bill was adopted on its first reading and sent to committee room on Tuesday, June 4, 2009 @ 13:26 GMT.

On motion, Bill taken from Committee room for its second reading. On motion the Bill was sent back to Committee room on Tuesday, June 4, 2009 @ 13:26 GMT.

On motion, Bill was taken from Committee room for its third and final reading. On motion, the Bill was adopted, passed into the full force of law, and ordered engrossed today, Tuesday, August 18, 2009 @ 12:25 GMT.


SECRETARY, LIBERIAN SENATE

2010

FIFTH SESSION OF THE FIFTY-SECOND LEGISLATURE OF
THE REPUBLIC OF LIBERIA

HOUSE'S ENDORSEMENT TO SENATE'S ENGROSSED BILL NO. 2
ENTITLED:

"AN ACT AMENDING PART VII CHAPTER 61 OF AN ACT ADOPTING A NEW PUBLIC HEALTH LAW KNOWN AS TITLE 33 OF THE LIBERIAN CODE OF LAWS AS AMENDED AS REVISED (1977) AND IN LIEU THEREOF ESTABLISHING A LIBERIA MEDICAL AND DENTAL COUNCIL TO BE AUTONOMOUS WITH EXCLUSIVE POWER AND AUTHORITY TO REGULATE AND MONITOR MEDICAL PRACTICE WITHIN THE REPUBLIC OF LIBERIA"

On motion, Bill read. On motion the Bill was adopted on its first reading and sent to committee room on Tuesday, September 15, 2009 @ 14:56 GMT.

On motion, Bill taken from Committee room for its second reading. On motion the Bill was sent back to Committee room on Thursday, February 4, 2010 @ 11:15 GMT.

On motion, Bill was taken from Committee room for its third and final reading. On motion, the Bill was adopted, passed into the full force of law, and ordered engrossed today, Tuesday, February 8, 2010 @ 11:45 GMT.


CHIEF CLERK, HOUSE OF REPRESENTATIVES