

(Draft)

Government of the People's Republic of Bangladesh

Medical Education and Family Welfare Division

Ministry of Health and Family Welfare

NOTIFICATION

Dated:

S.R.O. No.....-Law/2024.— In exercise of the powers conferred by section 35 of the Bangladesh Medical Education Accreditation Act, 2023, the Government is pleased to publish the following English text of the Act to be called the Authentic English Text of the Act:

(Authentic English Text of the original Bangla Act)

The Bangladesh Medical Education Accreditation Act, 2023

(Act No. XXX of 2023)

[18 September, 2023]

An Act to provide for issuing accreditation certificates to medical education institutions and educational programmes thereof for ensuring the standard of medical education

Whereas it is expedient and necessary to make provisions for establishing a Council to issue accreditation certificates to medical education institutions and educational programmes thereof, and to control and monitor the medical education providers for ensuring standard of medical education and for matters ancillary thereto;

Therefore it is hereby enacted as follows:-

CHAPTER I

Preliminary

1. **Short Title and commencement.**—(1) This Act may be called the Bangladesh Medical Education Accreditation Act, 2023.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint. *

*This Act has come into force on 2nd January, 2024 ED corresponding to 18th Poush, 1430 BE vide S.R.O. No. 02-Law/2024.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,-

- (1) “**accreditation**” means the recognition of a medical education institution that meets the prescribed standards;
- (2) “**accreditation certificate**” means the accreditation certificate issued by the Council under section 16;
- (3) “**committee**” means a committee constituted under this Act;
- (4) “**Council**” means the Bangladesh Medical Education Accreditation Council established under section 4 of this Act;
- (5) “**medical education institution**” means an institution engaged in providing diploma, undergraduate and postgraduate education to medical professionals including doctors, dental surgeons, nurses, and medical assistants;
- (6) “**Chairman**” means the Chairman of the Council;
- (7) “**prescribed standard**” means the standard prescribed by regulations;
- (8) “**regulation**” means regulations made under this Act;
- (9) “**rules**” means rules made under this Act;
- (10) “**Registrar**” means the Registrar of the Council; and
- (11) “**member**” means a member of the Council.

3. **Overriding effect of the Act.**—Notwithstanding anything to the contrary contained in any other law for the time being in force, in the matters of accreditation of medical education institutions the provisions of this Act shall have effect.

CHAPTER II

Establishment, functions, meetings, etc. of the Council

4. **Establishment of the Council.**—(1) Upon the commencement of this Act, the Government shall, by notification in the official Gazette, establish a Council to be called the Bangladesh Medical Education Accreditation Council.

(2) The Council shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of properties, both movable and immovable, and shall by the said name sue and be sued.

5. Office of the Council.—(1) The Head Office of the Council shall be in Dhaka.

(2) The Council may, with the prior approval of the Government, establish its regional or branch offices anywhere in Bangladesh.

6. Constitution of the Council.—(1) The Council shall consist of the following members, namely:-

- (a) a Chairman;
- (b) two (2) medical practitioners of the rank of Professor, involved in medical education, research and development, to be nominated by the Government;
- (c) the Director General, Directorate General of Medical Education;
- (d) the Director General, Directorate General of Health Services;
- (e) one (1) retired Professor from a Medical College, one (1) retired Professor from a Dental College or Institute, one (1) retired Principal from a Nursing College or Institute, one (1) retired Principal from the Institute of Health Technology and one (1) retired Principal from the Medical Assistant Training School having distinguished contributions to medical education, to be nominated by the Government;
- (f) Additional Secretary (Medical Education), Medical Education and Family Welfare Division;
- (g) Additional Secretary, Health Services Division;
- (h) the Director General, Directorate General of Nursing and Midwifery;
- (i) the President, Bangladesh College of Physicians and Surgeons;
- (j) the President, Bangladesh Medical and Dental Council;
- (k) one (1) Dean from the Medical Universities, to be nominated by the Government;
- (l) one (1) officer of the Legislative and Parliamentary Affairs Division at the rank of at least Joint Secretary to be nominated by the Division;

- (m) one (1) officer of University Grants Commission at the rank of Director;
- (n) Director, Medical Education, Directorate General of Medical Education;
- (o) one (1) Biomedical Engineer to be nominated by the Government;
- (p) one (1) retired teacher at the rank of Assistant Professor with expertise in alternative medicine, to be nominated by the Government; and
- (q) the Registrar, who shall also be its Member-Secretary.

(2) The members nominated under clauses (a), (e), (p), and (q) of sub-section (1) shall be full-time members, and the remaining members shall be part-time members.

7. Chairman.—(1) The Council shall have a Chairman, nominated by the Government, who shall be a senior medical professional of the rank of Professor.

(2) The terms and conditions of the appointment of the Chairman shall be determined by the Government, and the Chairman shall be the Chief Executive Officer of the Council and preside over the meetings of the Council.

(3) The Chairman shall hold office for a term of four (4) years from the date of his appointment.

(4) The Chairman may resign from his office by writing under his hand addressed to the Government, but shall hold his office until the resignation is accepted by the Government.

(5) If the office of Chairman becomes vacant or if the Chairman is unable to perform his duties due to absence, illness, or any other cause, the senior-most member from the whole-time members shall act as Chairman until a newly appointed Chairman takes over his charge or the Chairman is able to resume his office.

8. Term of office and resignation of members.—(1) The term of office of the members nominated under clauses (b), (e), (k), (o), and (p) of sub-section (1) of section 6 shall be four (4) years from the date of their nomination.

(2) Any member nominated under sub-section (1) may resign his office by writing under his hand addressed to the Government through the Council, and the concerned office shall be vacated from the date the resignation being accepted by the Government.

(3) The Chairman and the nominated members mentioned in sub-section (1) shall not hold their respective offices for more than two (2) consecutive terms.

(4) If the office of any nominated member becomes vacant for any reason, the Government may nominate a new person for the remaining period of the term.

9. Disqualification for the office of the Chairman and members and their removal.—

(1) A person shall be disqualified for being or holding office as a Chairman or a nominated member if he—

- (a) is not a citizen of Bangladesh;
- (b) has been discharged from government service;
- (c) has been convicted of an offence involving moral turpitude;
- (d) has been declared by a competent court to be of unsound mind;
- (e) has been declared insolvent by a competent court; and
- (f) has been declared a defaulter by any bank or financial institution.

(2) The Government may, by order, remove the Chairman or any member at any time.

10. Meetings of the Council.—(1) Subject to the other provisions of this section, the Council may determine the procedure of its meetings.

(2) The Chairman shall convene the meetings of the Council and the meetings shall be held at such places and times as may be determined by him:

Provided that at least one meeting of the Council shall be held every four (4) months.

(3) The quorum for a meeting of the Council shall require the presence of at least 50 (fifty) percent of the members.

(4) A decision at a meeting of the Council shall be taken by a majority of consents of the members present.

(5) In a Council meeting, the Chairman and each member shall have one vote, and in the event of equality of votes, the Chairman shall have a second or casting vote.

11. Powers and functions of the Council.— (1) For carrying out the purposes of this Act, the powers and functions of the Council shall be as follows, namely:—

- (a) to issue and renew accreditation certificates under this Act to domestic and foreign medical education institutions, and reject, suspend, and cancel certificates;
- (b) to determine conditions for granting accreditation certificates to medical education institutions according to internationally recognized standards and improve the standards of such conditions;

- (c) to review the standards of educational programme of medical education institutions in Bangladesh and undertake educational initiatives, studies and research to improve such programs;
- (d) to establish accreditation standards, prepare preliminary evaluation reports for medical education institutions applying for accreditation, seek advice, conduct training, make inspection, and carry out other activities relating thereto;
- (e) to prepare accreditation handbooks, guidelines, frameworks and create scope for medical education institutions and improve thereof;
- (f) to conduct preliminary surveys for granting accreditation certificates to medical education institutions;
- (g) to prepare and maintain a register containing all information and data related to the accreditation of medical education institutions;
- (h) to act as a “Center of Reference” in setting standards for granting accreditation certificates to medical education institutions;
- (i) to ensure recognized competencies nationally, regionally and internationally in accreditation activities;
- (j) to provide and receive national, regional, and international cooperation related to accreditation;
- (k) to encourage the persons concerned in accreditation activities, develop accreditation related activities, organize training, seminars and symposiums, improve research activities, and take necessary actions regarding accreditation-related information;
- (l) to appoint staff for the Council with approval of the Government and determine the duties, powers, remuneration, allowances, honoraria, benefits, conduct rules and disciplinary measures for employees, including the terms and conditions of their service;
- (m) to submit accreditation reports to the Government, seek and give advice if necessary, and perform such other duties as may be directed by the Government;
- (n) to receive and monitor reports, returns, statements, and information related to institutional audits and evaluations;
- (o) to conduct institutional audits; and

- (p) to perform such other activities as may be necessary, for carrying out the purposes of this Act.

(2) The Council shall be accountable to the Government for its overall activities.

12. **Advisory Council, etc.**—(1) For the purpose of providing general guidance to the Council and supervising its functions, there shall an Advisory Council consisting of the following members, namely:—

- (a) the Minister, State Minister, or Deputy Minister in charge of the Ministry of Health and Family Welfare, who shall also be its Chairperson; however, if the Minister, State Minister, and Deputy Minister hold office in the Ministry at the same time, the Minister shall be the Chairperson, and the other two or one, where applicable, shall be the vice-chairperson;
- (b) Secretary, Medical Education and Family Welfare Division;
- (c) Chairman, University Grants Commission;
- (d) Chairman, Bangladesh Medical Research Council;
- (e) Vice-Chancellor, Bangabandhu Sheikh Mujib Medical University;
- (f) Chairman, Bangladesh Accreditation Council; and
- (g) Chairman, Bangladesh Medical Education Accreditation Council, who shall also be its member-secretary.

(2) The Advisory Council may determine the procedure of its meetings.

(3) The meetings of the Advisory Council shall be held at such places and times as may be determined by its chairperson:

Provided that at least one (1) meeting of the Advisory Council shall be held every year.

(4) The Chairman of the Advisory Council shall preside over all its meetings, and in his absence, the vice-chairperson, and in the absence of the vice-chairperson, any member of the Advisory Council authorized by the Chairperson shall preside over the meeting.

13. **Committees.**—(1) The Council shall form a Technical Committee and an Accreditation Committee from among its members for examination of the applications for accreditation of medical education institutions and their courses, and investigation, inspection and preparing reports thereon and performing other activities related thereto:

Provided that the Council may, for carrying out the purposes of this Act, formulate such other committees as may be necessary consists of its members or employees, as the case may be:

Provided further that the Council may, if necessary, co-opt any expert as a member in any committee.

(2) The number of committee members, their qualifications, appointments, procedures and terms of reference shall be determined by regulations.

14. **Framework.**—The Council may, with the prior approval of the Government, formulate an accreditation framework for medical education institutions by regulations.

15. **Determination of standards.**—The Council shall, by regulations, determine the standards for granting accreditation certificates:

Provided that the Council may, subject to the approval of the Government, determine the standards until such regulations are made.

CHAPTER III

Accreditation certificates, etc.

16. **Issuing accreditation certificates.**—(1) A medical education institution shall have to complete its own survey first for accreditation and thereafter cause a preliminary and formal survey to be made by the Council and submit the report to the Council.

(2) For accreditation, a medical education institution shall make an application to the Council in such form and manner as may be prescribed by regulations.

(3) Upon receiving the application from medical education institution for accreditation, the Council—

- (a) shall review the formal survey report of the relevant medical education institution according to the prescribed standards, and if necessary, examine and investigate the medical educational programme of the institution and information relating thereto,;
- (b) may require additional information for accreditation, if necessary;
- (c) may reject the application if any inconsistency in the information, institutional weakness, failure to meet educational standard along with other disqualifications are found;
- (d) shall provide, if deemed appropriate, the applicant with such time as may be necessary to fulfill the conditions prescribed by regulations and improve the standards for accreditation; and
- (e) shall make decision regarding the accreditation of the medical education institution on the basis of fulfillment of the conditions and improvement of

standards, and issue an accreditation certificate to the institution concerned according to its competence.

(4) The matters related to application form, procedure of making applications, verification thereof, conditions for accreditation, issuance of certificates, renewal of certificates and term of the renewal, and withdrawal, suspension, or cancellation of certificates, and appeal and review of orders of cancellation, and other administrative measures shall be prescribed by regulations.

17. Duration and renewal of accreditation certificates.—(1) An accreditation certificate shall be valid for five (5) years.

(2) For the renewal of an accreditation certificate an application shall be made submitted to the Council in the prescribed form with the prescribed fee at least six (6) months prior to date of expiration of the certificate.

18. Accreditation fees and renewal fees.—The Council may, with the prior approval of the Government, determine and revise the accreditation and renewal fees by notification in the official Gazette.

19. Preservation and display of accreditation certificates.—A medical education institution which is issued an accreditation certificate shall preserve the certificate and, where applicable, it shall, on demand, present certificate to the relevant authorities and organizations.

20. Collection of information.—The Council may, if necessary, require any information from any medical education institution applying for accreditation or from a medical education institution having an accreditation certificate.

21. Prohibition and fine.—(1) No medical education institution shall, without obtaining an accreditation certificate, advertise or otherwise claim that it has obtained an accreditation certificate nor shall it publish any information, guidelines, or brochures regarding such a claim.

(2) If the accreditation certificate of a medical education institution is suspended, canceled or withdrawn, such institution shall be bound to surrender the certificate within the time specified by the Council.

(3) During any inspection of a medical education institution by a person appointed by the Council, no false information shall be presented to or concealed from the inspector.

(4) If any medical education institution contravenes any provision of this section, the Council may suspend, withdraw or cancel the accreditation certificate of such institution, and in addition, it may also impose administrative fine at such rate as may be determined by it.

22. Procedure for cancellation of accreditation certificate.—If any medical education institution obtained an accreditation certificate contravenes the conditions or standards prescribed or mentioned in this Act or rules and regulations made thereunder, or if it appears to

Council that such institutions are not complying with the conditions or standards, the Council may, subject to proper investigation, and giving the institution an opportunity of self-defence, cancel the accreditation certificate.

23. Application for revision and appeal against administrative orders.—(1) If an administrative order is issued against a medical education institution, the institution may, if it deems necessary, make an application to the Council for revision of the order within 30 (thirty) days of the issuance of the order, and the Council shall, upon consideration of the application and give its decision within 30 (thirty) days.

(2) If any medical education institution is aggrieved by the decision given under sub-section (1), it may, within 60 (sixty) days of the decision, file an appeal to the Appellate Board constituted under sub-section (3), and the Appellate Board shall dispose of the appeal within 60 (sixty) days, and the decision of the Appellate Board shall be final in the concerned matter.

(3) For the purposes of sub-section (2), an Appellate Board shall be constituted with the following members:-

- (a) Secretary, Medical Education and Family Welfare Division, who shall also be its chairperson;
- (b) one (1) retired Vice-Chancellor of a medical university, to be nominated by the Government; and
- (c) one (1) physician of the rank of Professor engaged in medical education and services, to be nominated by the Government.

(4) The matters related to the tenure of the members of the Appellate Board, the disposal of appeals, and other matters ancillary thereto shall be prescribed by rules.

24. Confidentiality of information.—Any statement, information, evidence, or inspection report provided under this Act by any member or employee or committee of the Council shall be deemed to be confidential:

Provided that the provision of this section shall not prevent the disclosure of any information in connection with any proceeding under this Act.

CHAPTER IV

Appointment of staff, etc.

25. Appointment of Registrar.—(1) The Council shall have one (1) Registrar.

(2) If a vacancy occurs in the office of the Registrar or if the Registrar is unable to discharge the functions of his office on account of illness or any other cause, the officer of higher

rank within the Council's organogram shall discharge the functions of the Registrar until a newly appointed Registrar takes over the charge or the Registrar resumes the functions of his office.

(3) The Registrar shall be a whole-time employee of the Council, and he shall—

- (a) be responsible for implementing the decisions of the Council;
- (b) perform the duties and functions assigned by the Council;
- (c) conduct the administration of the Council; and
- (d) maintain and execute the overall standards of the Council as directed by the Chairman.

26. Appointment of employees, etc.—(1) The Council may, subject to the organogram approved by the Government, appoint such number of employees as may be necessary for the efficient performance of its affairs.

(2) The terms and conditions of service of the employees mentioned in sub-section (1) shall be prescribed by regulations.

CHAPTER V

Agreements, Funds, Accounts, etc.

27. Agreements.—The Council may enter into such agreements as may be necessary for the performance of its functions:

Provided that in case of entering into any agreement with any domestic institution or organization, and foreign government, or foreign or international institution and organization, prior approval of the Government shall be required.

28. Funds.—(1) There shall be a fund of the Council.

(2) The money received from the following sources shall be credited to the fund, namely:—

- (a) grants made by the Government;
- (b) income from services provided by the Council;
- (c) money received as fees imposed by the Council;
- (d) profits received from the investment of money the fund; and
- (f) income from any valid source.

(3) The money of the fund shall be deposited in a Scheduled Bank with the approval of the Council and the accounts of the fund shall be operated with the joint signatures of the Chairman and the Registrar.

Explanation.— For the purposes of sub-section (3), “Scheduled Bank” means a scheduled bank as defined in Article 2(j) of the Bangladesh Bank Order, 1972 (President’s Order No. 127 of 1972).

(4) The Council may invest the money of the fund or any part of it in any valid sector recognized by the Government.

(5) The necessary expenditures of the Council shall be met from the fund, but all expenditures shall be approved at the next meeting of the Council.

29. Annual budget statement.—(1) The Council shall submit an annual budget to the Government by 31st January for the next financial year, specifying the amount of money required by the Council from the Government for the next financial year.

(2) The budget shall be prepared in accordance with the procedure prescribed by the Government.

30. Accounts and audit.—(1) The Council shall maintain proper accounts of its income and expenditure and prepare an annual statement of accounts.

(2) The Comptroller and Auditor General of Bangladesh, hereafter referred to as the Auditor General, shall audit the accounts of the Council each year and submit an audit report in accordance with the provisions of the existing law.

(3) In addition to the audit under sub-section (2), the accounts of the Council may be audited by a Chartered Accountant as defined in Article 2(1)(b) of the Bangladesh Chartered Accountants Order, 1973 (President's Order No. 2 of 1973), and for this purpose, the Council may appoint one or more Chartered Accountants.

(4) The Chartered Accountants appointed under sub-section (3) shall be entitled to remuneration at such rate as may be specified by the Council in this behalf.

(5) For the purposes of auditing under sub-sections (2) and (3), the Auditor General or any person authorised by him in this behalf or, as the case may be, the Chartered Accountant, shall have access to all records, documents, cash or bank deposits, securities, stocks, and other properties of the Council and may examine the Chairman, any member and any employee of the Council.

31. Annual report.—(1) The Council shall, within 1 (one) month after the end of each financial year, submit to the Government a report on the conduct of its affairs during the previous financial year and arrange for its publication.

(2) The Government may, if necessary, require a report or statement on any activity of the Council at any time, and the Council shall be bound to submit it to the Government.

CHAPTER VI

Miscellaneous

32. **Delegation of Powers.**— (1) The Council may, by special or general order, delegate any of its powers to the Chairman, any member or employee of the Council subject to such conditions as may be prescribed.

(2) The Chairman may, if necessary and subject to such conditions as may be determined thereby, delegate any power or duty assigned to him under this Act, except the power delegated to him under subsection (1), to any employee of the Council by written order.

33. **Power to make rules.**—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

34. **Power to make regulations.**— For carrying out the purposes of this Act, the Council may, with the prior approval of the Government, by notification in the official Gazette, make regulations not inconsistent with this Act or the rules made thereunder.

35. **Publication of English Text.**—(1) After the commencement of this Act, the Government may, by notification in the official Gazette, publish an Authentic English Text of this Act.

(2) In the event of any conflict between the Bangla and the English text of this Act, the Bangla text shall prevail.

By order of the President