

Law Nr. 278/2015 of November 12, 2015 amending and supplementing the Government Emergency Ordinance no. 144/2008 on the profession of nurses, midwives and medical assistants, and the organization and functioning of the Order of Nurses, Midwives and Medical Assistants in Romania; Issued by the Romanian Parliament; Published in the Official Gazette No. 884 of November 25, 2015

**The Romanian Parliament** adopts this law.

ART. I

The Government Emergency Ordinance no. 144/2008 on the profession of nurses, midwives and medical assistants, and the organization and functioning of the Order of Nurses, Midwives and Medical Assistants in Romania, published in the Official Gazette of Romania, Part I, no.785 of November 24, 2008, approved with amendments by law no 53/2014, is amended and supplemented as follows:

**1. After article 1, a new article is inserted, article 1<sup>1</sup>, as follows:**

"ART. 1<sup>1</sup>

(1) By exception to the provisions of art. 1 and 3, nurses, midwives and medical assistants, citizens of a third country, may temporarily exercise professional activities in Romania, with the approval of The Order of Nurses, Midwives and Medical Assistants in Romania.

(2) The provisions of para. (1) apply in cases where professional activities are exercised occasionally and with a teaching purpose, within humanitarian actions, emergency situations, exchange of experience, bilateral agreements concluded by Romania with the third countries of origin of providers. In these cases, the duration of the professional activities is 3 months, with the possibility of extension for a further period not exceeding 3 months per year.

(3) The authorization methodology is approved by decision of the National Council of The Order of Nurses, Midwives and Medical Assistants in Romania and is published in the Official Gazette of Romania, Part I."

**2. Article 3,(2) is repealed.**

**3. Article 4 is amended as follows:**

"ART. 4

Control and supervision of the profession of nurses, midwives and medical assistants is the responsibility of The Ministry of Health and of The Order of Nurses, Midwives and Medical Assistants in Romania, in accordance with the tasks set by the regulations in force."

**4. Article 6 is amended as follows:**

"ART. 6

Activities exercised under the professional title of nurse, following the acquiring of basic skills during the training at post-secondary or university level are:

a) determining general care needs and providing general, preventive, curative and rehabilitation care services, based on the acquired competence in independently determine the need for healthcare, planification, organization and performing of these services;

b) protecting and improving health by administration of treatment as prescribed by the doctor;

c) developing programs and conducting educational activities for health, based on the competence in providing individuals, families and groups with information empowering them to self care and have a healthy lifestyle;

d) first aid based on the competence in independently initiating immediate life-saving actions and applying these measures in crisis or calamity situations;

e) facilitating actions to protect the health of risk groups, as well as organizing and providing community healthcare, based on the competence in working effectively with other factors in the health sector and providing independent advice, guidance and support to individuals who need care and their close ones;

f) research activities of graduated nurses, in the field of general healthcare;

g) participation of nurses authorized as trainers in theoretical and practical training of nurses within the continuing education programs, based on the competence in ensuring a comprehensive professional communication and cooperation with members of other health professions;

h) reporting specific undertaken activities and independent analysis of the quality of the healthcare provided, in order to improve the professional practice of nurses;

i) conducting theoretical and practical training activities in educational institutions, for the training of future nurses, as well as training activities for auxiliary staff.

**5. Article 18 (1) is amended as follows:**

"ART. 18

(1) If nurses, midwives or medical assistants do not exercise their profession effectively, legally and continuously for at least one year, during the last 5 years after their graduation, The Order of Nurses, Midwives and Medical Assistants in Romania recertifies their professional competence, upon request, in order to exercise their profession."

**6. Article 24 is amended as follows:**

"ART. 24

(1) In case of establishment in Romania, the requests of nurses, midwives and medical assistants of a EU Member State, a state of the European Economic Area or the Swiss Confederation, on the access to one of the professional activities, shall be solved by the Order of Nurses, Midwives and Medical Assistants in Romania.

(2) Applicants under para. (1) shall submit a dossier containing:

a) proof of citizenship;

b) copies of documents certifying their professional training and qualification titles, respectively, providing access to the profession of nurses, midwives and medical assistants, as well as proof of their professional experience, if appropriate;

c) a certificate issued by the competent authority of the member state of origin, for those nurses, midwives and medical assistants who meet the training requirements provided by the community rules, stating that the official qualification titles are set out in the Directive 2005/36/EC of the European Parliament and Council of September 7, 2005 on the recognition of professional qualifications;

d) proof issued by the home Member State or the state of origin, on the honorable and moral character or the absence of situations suspending or prohibiting the exercise of the profession in the event of serious professional misconduct, or a certificate confirming the non-existence of a temporary or permanent suspension from the profession or criminal convictions;

e) a document proving physical or mental health, issued by the home Member State or the state of origin;

f) a certificate issued by banks, including the insurance companies of one of the Member States set out in para. (1) attesting that the holder is insured against financial risks arising from professional liability, in accordance with the Romanian legal provisions in force, as well as with the regulations on terms and extent of cover.

(3) If the recognition of qualifications of nurses, midwives and medical assistants falls under the general system for the recognition of professional qualifications, The Order of Nurses Midwives and Medical Assistants in Romania is entitled to request from the applicant, information on their training, necessary to establish the differences from the national training in the same profession, in order to organize the aptitude test. If the applicant is unable to provide this information, The Order of Nurses, Midwives and Medical Assistants in Romania shall address the contact point, the competent authority or any other relevant body in the home Member State of the applicant.

(4) The documents referred to in para. (2) lit. b) - f) shall be accompanied by Romanian certified translations.

(5) The documents referred to in para. (2) lit. d) - f) are valid 3 months from the date of issue

(6) The competent authorities of the Member State of origin shall send the documents requested at para. (2) lit. d) within 60 days.

(7) If the home Member State or the Member State of origin does not issue to its citizens the document referred to in para. (2) lit. d), The Order of Nurses, Midwives and Medical Assistants in Romania shall

accept the certificate issued based on the declaration on oath or solemn declaration of the applicant, issued by the competent judicial or administrative authority, or by the notary or professional organization authorized to do so by that state, as appropriate.

(8) If the home Member State or the Member State of origin does not issue to its citizens the document referred to in para (2) lit.e), for the access and exercise of activities referred to in para (1), The Order of Nurses, Midwives and Medical Assistants in Romania shall accept a document issued by a competent authority of that state. In this case, the competent authorities of the Member State of origin shall submit the document requested by The Order of Nurses, Midwives and Medical Assistants in Romania, within 60 days."

**7. After Article 24, three new articles are inserted, Articles 24<sup>1</sup> - 24<sup>3</sup>, as follows:**

**ART. 24<sup>1</sup>**

If Romania is the home Member State or the Member State of origin of nurses, midwives and medical assistants requesting the recognition of professional qualifications in another EU Member State, The Order of Nurses, Midwives and Medical Assistants in Romania, as the Romanian competent authority, shall comply with the terms of art. 24 para (6) and (8), to respond to these requests.

**ART. 24<sup>2</sup>**

(1) The Order of Nurses, Midwives and Medical Assistants in Romania confirms receiving the application within one month of receipt and informs the applicant on the documents necessary to complete the file, if applicable.

(2) The procedure of examining the application for authorization to practice the profession in Romania, submitted by the nurses, midwives and medical assistants referred to in art. 24 para. (1), must lead to a reasoned decision of the Order of Nurses, Midwives and Medical Assistants in Romania, in all cases, as appropriate, and must be completed within 90 days from the submission of the complete file of the applicant.

(3) The deadline provided in para. (2) may be extended with 30 days for nurses and if the recognition of qualifications of nurse and midwife, respectively, is covered by the General System for the recognition of professional qualifications, provided by law.

(4) The Certificate of Membership of The Order of Nurses, Midwives and Medical Assistants in Romania shall be issued following the procedure for the recognition of professional qualifications.

**ART. 24<sup>3</sup>**

(1) In case of reasonable suspicion, The Order of Nurses, Midwives and Medical Assistants in Romania may request from the competent authorities of the issuing Member State, a confirmation of the authenticity of the certificates and qualifications issued in the respective Member State, and a confirmation that the nurse, midwife or medical assistant meets the minimum training conditions provided by the community regulations for the professional qualification acquired by them in the issuing Member State, where applicable.

(2) In case of reasonable suspicion, when a competent authority of another Member State has issued a formal qualification of nurse, midwife or medical assistant, including a training conducted in full or in part in an institution legally established in another Member State, Romania, as the host Member State, has the right to verify with the competent body of the Member State of origin where the qualification was issued, in cases where:

a) the training offered by the respective institution was officially attested by the educational institution in the Member State of origin where the qualification was issued;

b) the qualification title is the same as the one that would have been issued if the training was the same in the Member State of origin where it was issued;

c) the qualifications offer the same rights to access the profession in the Member State of origin where they were issued.

(3) In case of reasonable suspicion, The Order of Nurses, Midwives and Medical Assistants in Romania, as the competent authority of the host Member State, may request from the competent authorities of other Member States, a confirmation that the applicant nurse, midwife or medical assistant, is not suspended or prohibited from practicing their profession, as a result of serious professional misconduct or a conviction for offenses related to the exercise of their professional activities."

**8. Article 25 is amended as follows:**

"ART. 25

(1) The Order of Nurses, Midwives and Medical Assistants in Romania collaborates with the competent authorities of the EU Member States, states of the European Economic Area and The Swiss Confederation respectively, with bodies and other legal entities, ensuring confidentiality of information.

(2) Exchange of any information, including those on disciplinary or criminal sanctions imposed in case of serious matters likely to have consequences on the activities of nurses, midwives and medical assistants, shall be subject to the provisions of Law no.506/2004, as amended and supplemented, and Law no. 677/2011, as amended and supplemented.

(3) The home Member State shall examine the veracity of facts, and its authorities shall decide on the nature and extent of the investigations to be conducted, and communicates the conclusions drawn from the information submitted, to the host Member State."

**9. After article 25 a new article is inserted, article 25<sup>1</sup>, as follows:**

"ART. 25<sup>1</sup>

The exchange of information referred to in Art. 24<sup>3</sup> and Art. 25 shall be done via the Internal Market Information System of the European Union (IMI)."

**10. Article 27 is amended as follows:**

"ART. 27

The temporary or occasional nature of the provision of activities as a nurse, midwife and medical assistant is determined by the Order of Nurses, Midwives and Medical Assistants in Romania, on a case by case basis, depending on their duration, frequency, regularity and continuity."

**11. Article 28, para. (2) is amended as follows:**

"(2) Individuals referred to in para. (1) are automatically registered with The Order of Nurses Midwives and Medical Assistants in Romania during the provision of the respective services, based on the documents of the providers, referred to in art. 31, para. (1) and are exempt from paying membership fee."

**12. Article 30 is amended as follows:**

"ART. 30

The applications on the provision of temporary or occasional services in Romania, of nurses, midwives and medical assistants, citizens of a EU Member State, a state of the European Economic Area or the Swiss Confederation established in one of these states, shall be settled by The Order of Nurses Midwives and Medical Assistants in Romania."

**13. Article 31, para. (1) is amended as follows:**

"ART. 31

(1) If the applicants are providing temporary or occasional services for the first time in Romania, they will submit the following documents to the Order of Nurses, Midwives and Medical Assistants in Romania:

a) a prior written declaration, specifying the insurance field or other means of personal or collective protection regarding the professional liability that the applicant benefits from in the Member State of establishment;

b) copy of the citizenship document;

c) a statement regarding knowledge of Romanian language, necessary to practice the profession in Romania;

d) evidence that the competent authorities of the Member State of establishment certify that the holder did not suffer temporary or permanent suspension from exercising the profession, or criminal convictions;

e) diplomas, certificates or other titles of nurse, midwife and medical assistant, as provided by law or the EU rules, for the provision of those activities;

f) Romanian certified translation of documents referred to in subparagraphs c) -e)."

**14. At Article 31, after para. (2) a new paragraph is inserted, para. (2<sup>1</sup>), as follows:**

"(2<sup>1</sup>) Submission of declaration referred to in para. (1) a) is mandatory and ensures the access of nurses, midwives and medical assistants to service activity or the right to exercise that activity throughout Romania."

**15. At Article 31, paragraphs (4) and (5) are amended as follows:**

"(4) Within up to 30 days from the receipt of declaration and accompanying documents referred to in para. (1), The Order of Nurses, Midwives and Medical Assistants in Romania shall inform the applicant on its decision of:

- a) not checking their professional qualifications;
- b) requesting them to take an aptitude test or allowing them to provide those services.

(5) Where there is a situation that could lead to a delay in making a decision due to the verification of the applicant's qualification, The Order of Nurses, Midwives and Medical Assistants in Romania notifies them the reasons for the delay, within the period referred to in para (4). The cases found shall be solved within 30 days of the notification, and the final decision shall be completed within 60 days of their settlement."

**16. At Article 31, after para. (5) three new paragraphs are inserted, paragraphs (6) - (8), as follows:**

"(6) In case of a substantial difference between the professional qualifications of the service provider and the training required in Romania for the same profession, to the extent that this difference is likely to adversely affect public health and can not be compensated with the professional experience of the service provider or with their knowledge, skills and competences acquired by continuing learning, officially attested in this respect by a relevant body, The Order of Nurses, Midwives and Medical Assistants in Romania offers to these professionals the possibility to prove that they have acquired the respective knowledge, skills and competences, by taking an aptitude test.

(7) After the service provider has taken the aptitude test, The Order of Nurses, Midwives and Medical Assistants in Romania decides on their provision of services, which must be possible within 30 days of the decision.

(8) If the Order of Nurses, Midwives and Medical Assistants in Romania did not act within the terms established in this article, the services may be provided."

**17. After article 35, two new articles are inserted, Article 35<sup>1</sup> and 35<sup>2</sup>, as follows:**

"ART. 35<sup>1</sup>

For nurses mentioned in art. 26, The Order of Nurses, Midwives and Medical Assistants in Romania may grant partial access to a professional activity throughout Romania, respecting the rules in force, on a case by case basis.

ART. 35<sup>2</sup>

Twice a year, The Order of Nurses, Midwives and Medical Assistants in Romania informs the Ministry Of Health on the number of nurses, midwives and medical assistants benefiting from the provisions regarding the temporary and occasional exercise of the profession or under establishment in Romania."

**18. Article 36 is amended as follows:**

"ART. 36

(1) Nurses, midwives and medical assistants, citizens of a EU Member State, a state of the European Economic Area or the Swiss Confederation who exercise their profession following the recognition of the professional qualifications, must hold linguistic knowledge necessary for exercising their professional activities in Romania.

(2) The Order of Nurses, Midwives and Medical Assistants in Romania is designated as the competent authority to verify the compliance with the obligation provided in paragraph (1).

(3) Language testing is confined at knowing Romanian language as the official language or other native language in Romania, provided that it is one of the EU official languages.

(4) The Order of Nurses, Midwives and Medical Assistants in Romania may test the language skills only after the issuing of the European Professional Card, in accordance with the community rules, or only after the recognition of the professional qualifications, as appropriate. The testing is proportional to the activity to be performed by the holder.

(5) The decisions of The Order of Nurses Midwives and Medical Assistants in Romania regarding the testing of language skills may be appealed to the competent administrative court, according to law."

**19. After article 36 a new article is inserted, article 36<sup>1</sup>, as follows:**

"ART. 36<sup>1</sup>

(1) Nurses, midwives and medical assistants, citizens of the European Union, a state of the European Economic Area or the Swiss Confederation, who are established and exercising their profession in

Romania, have an obligation to know the law on health and social security, as well as the provisions of the Code of Ethics and Conduct of Nurses, Midwives and Medical Assistants.

(2) In order to access the information provided in paragraph (1), The Order of Nurses, Midwives and Medical Assistants in Romania shall establish Legislative Information Offices, within its territorial and central structures."

**20. After Article 37 a new section is inserted, section 4, including articles 37<sup>1</sup> - 37<sup>4</sup>, as follows:**

"SECTION 4

Alert Mechanism

ART. 37<sup>1</sup>

The Order of Nurses, Midwives and Medical Assistants in Romania informs the competent authorities of all other Member states of the European Union, The European Economic Area and Swiss Confederation, on the nurses, midwives and medical assistants who have been restricted or prohibited by authorities or national courts to exercise their professional activities in Romania, fully, partially or even temporarily.

ART. 37<sup>2</sup>

(1) The Order of Nurses, Midwives and Medical Assistants in Romania shall send the information referred to in art. 37<sup>1</sup> by IMI alert, no later than 3 days from the date of the decision of restricting or prohibiting the exercise of a professional activity, in whole or in part, information confined to:

- a) identity of the nurse, midwife or medical assistant concerned;
- b) professional qualification;
- c) authority or national court adopting the decision on the restriction or prohibition of the exercise of the profession;
- d) the scope of the restriction or prohibition;
- e) the period during which the restriction or prohibition applies.

(2) The Order of Nurses, Midwives and Medical Assistants in Romania shall inform, by IMI alert, the competent authorities of all other EU member States, the states of the European Economic Area and Swiss Confederation, on the identity of the professionals who requested the recognition of their qualification as nurse, midwife and medical assistant, under these provisions, and on the cases where the Romanian courts have found that the professionals made use of forged evidence of professional qualification, for this purpose, no later than 3 days from the date of the adoption of the court decision.

(3) Processing of personal data for the exchange of information referred to in art. 37<sup>1</sup> shall comply with the provisions of Law no. 506/2004, as amended and supplemented, and of Law no. 677/2001, as amended and supplemented.

ART. 37<sup>3</sup>

(1) When a prohibition or restriction referred to in Art. 37 1 expires, The Order of Nurses, Midwives and Medical Assistants in Romania shall immediately notify the competent authorities of other EU Member States, the states of the European Economic Area and Swiss Confederation, indicating the expiring date as well as any other change subsequent to that date.

(2) In the event that alerts are sent to other EU Member States, states of the European Economic Area and Swiss Confederation, nurses, midwives and medical assistants shall be informed in writing by the Order of Nurses, Midwives and Medical Assistant in Romania on the decision regarding the alert, at the same time with the alert itself.

ART. 37<sup>4</sup>

(1) Nurses, midwives and medical assistants referred to in Art. 37<sup>3</sup> para. (2) have the opportunity to appeal the decision to the competent administrative court, according to the law, or may request the correction of such decision.

(2) Nurses, midwives and medical assistants referred to in art. 37<sup>3</sup> para. (2) have the possibility to obtain compensations related to any damage caused by false alerts sent to other EU Member State, states

of the European Economic Area and Swiss Confederation, and in such cases, the decision regarding the alert may contain the specification that it is subject to procedures initiated by the professional.

(3) Information on alerts may be processed within IMI, as long as they are valid. Alerts shall be removed within 3 days from the date of the adoption of the revocation decision or from the expiry of prohibition referred to in Art 37<sup>1</sup>."

**21. At Article 39, paragraphs (2) - (4) are amended as follows:**

"(2) The county branches and Bucharest City branch have legal personality and they benefit from organizational and functional autonomy, within the limits provided by the Statute of The Order of Nurses, Midwives and Medical Assistants in Romania.

(3) Within The National Council of The Order of Nurses, Midwives and Medical Assistants in Romania, departments, sections, a special committee for nurses, a special committee for midwives and medical assistants, a National Commission for the recognition of qualifications of nurses midwives and medical assistants, acquired in The European Union, the European Economic area and the Swiss Confederation, The National Commission for Continuous Professional Education, The National Commission of Ethics and Conduct, The National Commission for financial control, as well as other commissions, approved by decision of The National Council, are in place.

(4) The organizational structure of the county branches and Bucharest City branch respectively, shall be adopted by decision of the National Council."

**22. At article 40 paragraph (1), after letter a) 4 new letters are inserted, letters a<sup>1</sup>) - a<sup>4</sup>), as follows:**

a<sup>1</sup>) authorizes or, as appropriate, approves the practice of nurses, midwives and medical assistants throughout Romania;

a<sup>2</sup>) certifies the qualifications as nurse, midwife and medical assistant acquired in Romania and issues the documents necessary for the professional recognition in other EU member States, states of the European Economic Area and the Swiss Confederation;

a<sup>3</sup>) elaborates and, as appropriate, issues the European Professional Card for its members, according to the EU regulations;

a<sup>4</sup>) recognizes the professional qualifications as nurse, midwife and medical assistant acquired in other EU Member State, states of the European Economic Area and the Swiss Confederation;"

**23. In article 40 paragraph(1), letters b), d), l) and n) are amended as follows:**

"b) authorizes the temporary and occasional exercise of the profession of nurses, midwives and medical assistants for citizens of third countries in emergency situations, experience exchange, bilateral agreements between Romania and those countries; .....

d) certifies the respectability and professional conduct of its members and issues the certificate of current professional status. The methodology for preparing and issuing the certificate of current professional status is established by decision of the National Council of The Order of Nurses, Midwives and Medical Assistants in Romania and shall be published in the Official Gazette of Romania, Part I.  
.....

l) registers the members in the National Unique Register of nurses, midwives and medical assistants in Romania, constantly updating it and administrating the website where it is published;  
.....

n) assures the exchange of information with the competent authorities of other states, for the exercise of the profession of nurses, midwives and medical assistants, thorough IMI;"

**24. At Article 40 paragraph (1), after letter x) a new letter is inserted, letter x<sup>1</sup>), as follows:**

"x<sup>1</sup>) organizes the advanced practice exam for nurses, midwives, medical assistants and auxiliary staff, and issues the advanced practice certificates for the applicants who have passed this exam;"

**25. In Article 40, after paragraph (1), two new paragraphs are inserted, (1<sup>1</sup>) and (1<sup>2</sup>), as follows:**

"(1<sup>1</sup>) The methodology for organizing and conducting the advanced practice exam is by The Order of Nurses, Midwives and Medical Assistants in Romania and shall be approved developed by Order of the Minister of Health.

(1<sup>2</sup>) The advanced practice certificates issued by The Order of Nurses, Midwives and Medical Assistants in Romania grants the holder the same rights and obligations as the advanced practice certificates issued by The Ministry of Health to the applicants who have passed the advanced practice exam organized in sessions previous to the entry into force of this Emergency Ordinance."

**26. After article 42 a new article is inserted, article 42<sup>1</sup>, as follows:**

"ART. 42<sup>1</sup>

By derogation from the provisions of art. 42, auxiliary staff and health officials have the obligation to register with The Order of Nurses, Midwives and Medical Assistants in Romania, in order to acquire authorization for the specific activities. Upon registration they become associate members of The Order of Nurses, Midwives and Medical Assistants in Romania. The conditions for authorization, as well as the rights and obligations shall be established by decision of the National Council of The Order of Nurses, Midwives and Medical Assistants in Romania."

**27. In Article 47, para.(3) is amended as follows:**

"(3) The county branches and Bucharest City branch have legal personality and benefit from organizational and functional autonomy, within the limits provided by the Statute of The Order of Nurses, Midwives and Medical Assistants in Romania."

**28. In Article 47, after paragraph (3), five new paragraphs are inserted, paragraphs (3<sup>1</sup>) - (3<sup>5</sup>), as follows:**

"(3<sup>1</sup>) The county branches and Bucharest City branch can not operate outside the Order of Nurses, Midwives and Medical Assistants in Romania.

(3<sup>2</sup>) The county branches and Bucharest City branch, respectively, under penalty of nullity, can not issue decisions and resolutions in conflict with the documents issued by the governing bodies of the Order of Nurses, Midwives and Medical Assistants in Romania, at national level.

(3<sup>3</sup>) The National Council of The Order of Nurses, Midwives and Medical Assistants in Romania decides how to establish the budgets for the county branches and Bucharest City branch, as well as the budget for the central body.

(3<sup>4</sup>) The county branches and Bucharest City branch, respectively, have the obligation to biannually submit a report to the Executive Board of The Order of Nurses, Midwives and Medical Assistants in Romania, on how the decisions of the National Council, The County Council and Bucharest City Council respectively, as well as the decisions of the National Council Office and Bucharest City Office respectively, were carried out, as well as the income and expenditure budget.

(3<sup>5</sup>) The Executive Board of The Order of Nurses, Midwives and Medical Assistants in Romania shall inform the National Council on how to meet the obligations provided by para. (3<sup>4</sup>)."

**29. At article 48, after paragraph (1) a new paragraph is inserted, paragraph (2), as it follows:**

"(2) The attributions of the county branches and Bucharest City branch of The Order of Nurses, Midwives and Medical Assistants in Romania shall be established by the Statute of The Order of Nurses, Midwives and Medical Assistants in Romania."

**30. At article 49, paragraph (1) is amended as follows:**

"ART. 49

(1) The County General Assembly consists of elected representatives of all nurses, midwives and medical assistants authorized to practice, registered with the respective county branch, according to the norm of representation of 1 to 100."

**31. At article 50, paragraph (1) is amended as follows:**

"ART. 50

(1) The number of members of the County Councils of The Order of Nurses, Midwives and Medical Assistants in Romania is proportional to the number of nurses, midwives and medical assistants registered with the Order of Nurses, Midwives and Medical Assistants in Romania, as follows:



a) up to 2.000 registered nurses, midwives and medical assistants – 9 members, elected from among representatives of the County General Assembly;

b) between 2.001 - 4.000 registered nurses, midwives and medical assistants- 11 members, elected from among representatives of the County General Assembly;

c) between 4.001 - 6.000 registered nurses, midwives and medical assistants - 13 members, elected from among representatives of the County General Assembly;

d) between 6.001 - 10.000 registered nurses, midwives and medical assistants - 15 members, elected from among representatives of the County General Assembly;

e) over 10.000 registered nurses, midwives and medical assistants - 17 members, elected from among representatives of the County General Assembly."

**32. At Article 50, paragraph (2) is repealed.**

**33. At Article 50, paragraph (4) is amended as follows:**

"(4) The Board of the County Council of The Order of Nurses, Midwives and Medical Assistants in Romania consists of: a president, 2 vice-presidents and a secretary, elected by the County Council from among its members, and the Board of the Bucharest City Council of The Order of Nurses, Midwives and Medical Assistants in Romania consists of: a president, 3 vice-presidents and a secretary, elected by the Bucharest City Council from among its members."

**34. Article 51 is amended as follows:**

"ART. 51

(1) The Order of Nurses, Midwives and Medical Assistants in Romania comprises all nurses, midwives and medical assistants registered with the County Branches and Bucharest City Branch, respectively.

(2) The Order of Nurses, Midwives and Medical Assistants in Romania has legal personality and its own patrimony and budget. The budget also includes the contributions of the County Branches and Bucharest City Branch, a fix odds of 25% of the monthly contributions received. The patrimony may be used according to the law and for revenue producing activities, establishment of associations, foundations, education units.

(3) The governing bodies of the Order of Nurses, Midwives and Medical Assistants in Romania, at national level, are:

- a) National Council;
- b) Executive Board;
- c) President.

(4) The governing bodies referred to in para. (3) operate in accordance with the provisions of this Emergency Ordinance."

**35. Article 52 is repealed.**

**36. At Article 53, paragraph(1) is amended as follows:**

"ART. 53

(1) The National Council consists of the presidents of each County Branch and Bucharest City branch respectively, and the representative of the state authority."

**37. At article 53, after paragraph (3) a new paragraph is inserted, paragraph (4), as follows:**

"(4) The National Council of The Order of Nurses, Midwives and Medical Assistants in Romania adopts The Code of Etichs and Conduct for Nurses, Midwives and Medical Assistants in Romania, The Rules of Organization and Functioning of the Order of Nurses, Midwives and Medical Assistants in Romania and The Statute of The Order of Nurses Midwives and Medical Assistants in Romania."

**38. At article 55, paragraph (3) is repealed.**

**39. At Article 56, paragraph (2) is amended as follows:**

"(2) Incompatibilities between the leading positions within the Order of Nurses, Midwives and Medical Assistants in Romania and those within other organizations and associations shall be established by the Statute of The Order of Nurses, Midwives and Medical Assistants in Romania."

**40. At article 57, paragraph (1) is amended as follows:**

"ART. 57

- (1) The elections at county level, national level and Bucharest city level, respectively, are conducted at different dates for each of the governing bodies referred to in art. 48 and 51, every five years. Elections are held no later than 6 months after expiry of the mandate of the governing bodies, according to the Electoral Regulation developed by the Executive Board of The Order of Nurses, Midwives and Medical Assistants in Romania and approved by the National Council."

**41. At article 58, letter h) is amended as follows:**

"h) other sources, including those referred to in art. 51 para. (2), in compliance with the legal provisions."

**42. Articles 60 and 61 are repealed.**

**43. After article 66 a new section is inserted, section 7, including articles 66<sup>1</sup> - 66<sup>7</sup>, as follows:**

"SECTION 7

**Disciplinary responsibility of the governing bodies at local and national level**

ART. 66<sup>1</sup>

For the members elected in leading positions referred to in art. 48 and art.51 para (3) who do not comply with the provisions of this Emergency Ordinance and of the Statute, as well as with the decisions of the National Council or The Executive Board of The Order of Nurses, Midwives and Medical Assistants in Romania, disciplinary sanctions shall apply.

ART. 66<sup>2</sup>

(1) The disciplinary sanctions applied in the cases referred to in art. 66<sup>1</sup> are as follows: a) written warning;

b) suspension from the leading position, from one month to one year;

c) revocation from the leading position.

(2) The sanctions / penalties referred to in para (1) letter a) are applied by the Executive Board of The Order of Nurses, Midwives and Medical Assistants in Romania.

(3) The sanctions referred to in para. (1) b) and c) are applied by the National Council of The Order of Nurses, Midwives and Medical Assistants in Romania.

ART. 66<sup>3</sup>

(1) Not paying the dues owed by the branches of The Order of Nurses Midwives and Medical Assistants in Romania for a period of 3 consecutive months shall be sanctioned with the suspension of the president of the branch, by decision of the Executive Board, until full payment of the amount due.

(2) During the suspension of the president, their attributions are performed by a vice-president of the Branch Council Board, designated by the Executive Board of The Order of Nurses Midwives and Medical Assistants in Romania.

(3) Failure to pay the fee due after the term of 6 months, attracts dismissal of the members of the County Council Board and Bucharest City respectively, by decision of the National Council.

(4) Lifting of sanction referred to in para (1) shall be implemented by decision of the Executive Board of The Order of Nurses, Midwives and Medical Assistants in Romania.

(5) Lifting of sanction referred to in para. (3) shall be implemented by decision of the National Council of The Order of Nurses, Midwives and Medical Assistants in Romania.

ART. 66<sup>4</sup>

The disciplinary responsibility of the governing bodies of the Order of Nurses, Midwives and Medical Assistants in Romania, at local and national level, does not exclude civil, administrative, criminal or material responsibility, as appropriate, according to the law.

ART. 66<sup>5</sup>

(1) The appeals against the sanction referred to in art. 66<sup>2</sup> para. (1) a) shall be addressed to the Executive Board of the Order of Nurses, Midwives and Medical Assistants in Romania, within 30 days from the notification of the sanction.

(2) Sanctions referred to in art. 66<sup>2</sup>para. (1) lit. b) and c) may be appealed to courts under whose territorial jurisdiction the sanctioned person exercise their activity, within 30 days from the notification of the sanction.

ART. 66<sup>6</sup>

The procedure for disciplinary investigation, finding the disciplinary offense, applying and prescription of disciplinary sanctions, shall be established by the Statute of The Order of Nurses, Midwives and Medical Assistants in Romania.

ART. 66<sup>7</sup>

The medical or forensic units have an obligation to provide the Commission of Ethics and Conduct with the required medical documents, as well as any other data and information necessary to settle the case."

**44. Article 69 is amended as follows:**

"ART. 69

The activities of recognition of professional qualification of nurses, midwives and medical assistants acquired across the European Union, are conducted by The Order of Nurses, Midwives and Medical Assistants in Romania, under guidance and supervision of the Ministry of Health. In this respect, The Order of Nurses, Midwives and Medical Assistants in Romania shall submit biannual reports to the Ministry of Health, on the activities regarding the recognition of professional qualification."

**45. Article 74 is repealed.**

**46. I Annex 1, letter d) is amended as follows:**

"d) diplomas, certificates, titles or other evidence of qualification as nurse, issued to its citizens by a EU Member State, a state of the European Economic Area or the Swiss Confederation, or the certificate of equivalence issued by The Ministry of Education and Scientific Research respectively, where the evidence of qualification as nurse is acquired in a third country."

**47. In Annex. 2, letter c) is amended as follows:**

"c) diplomas, certificates, titles or other evidence of qualification as midwife, issued by a EU Member State, a state of the European Economic Area or the Swiss Confederation, or the certificate of equivalence issued by The Ministry of Education and Scientific Research respectively, where the evidence of qualification as midwife is acquired in a third country."

**48. In Annex. 3, letter d) is amended as follows:**

"d) diplomas, certificates, titles or other evidence of qualification as medical assistant , issued by a EU Member State, a state of the European Economic Area or the Swiss Confederation, or the certificate of equivalence issued by The Ministry of Education and Scientific Research respectively, where the evidence of qualification as medical assistant is acquired in a third country;

ART. II

(1) The county branches and Bucharest City branch who have acquired legal personality shall take over the rights and obligations of the reorganized branches and shall subrogate in rights and obligations arising from their relations with third parts, including disputes in progress.

(2) delivering – taking over of assets and liabilities shall be done by protocol concluded within 30 days from the entry into force of this law.

ART. III

(1) Within 30 days from the entry into force of this law, The Order of Nurses, Midwives and Medical Assistants in Romania shall take over from the Ministry of Health, the activities of certifying the Romanian titles of qualification of nurses, midwives and medical assistants, provided by the Government Emergency Ordinance no. 144/2008 on the profession of nurses, midwives and medical assistants, as well as the organizing and functioning of The Order of Nurses, Midwives and Medical Assistants in Romania, approved with amendments by Law no.53/2014, as amended and supplemented.

(2) Within 60 days from the date of the entry into force of this law, The Ministry of Health shall deliver to the Order of Nurses, Midwives and Medical Assistants in Romania the archive of the documents resulting from activities referred to in para. (1), based on a protocol.

(3) Amending and supplementing the rules on the recognition of qualifications of nurses, midwives and medical assistants, issued to their citizens by another EU Member state, a state of the European Economic Area or the Swiss Confederation, effective at the date of entry into force of this law, shall be developed by the Ministry of Health in collaboration with The Order of Nurses, Midwives and Medical Assistants in Romania and shall be approved by Government decision.

**ART. IV**

Within the Government Emergency Ordinance no.144/2008, approved with amendments by Law no. 53/2014, as amended and supplemented, the text “Ministry of Public Health” shall be replaced with „Ministry of Health”, the text “Romanian competent authorities” shall be replaced with „The Order of Nurses, Midwives and Medical Assistants in Romania”, and the text „honorary president” is removed.

**ART. V**

Government Emergency Ordinance no. 144/2008 on the profession of nurses, midwives and medical assistants as well as the organizing and functioning of the Order of Nurses, Midwives and Medical Assistants in Romania, published in the Official Gazette of Romania, Part I, no. 785 of 2008, November 24, approved with amendments by Law no. 53/2014, as amended and supplemented, and amended and supplemented by this law, shall be republished in the Official Gazette of Romania, Part I, with a new numbering of the texts.

This law was adopted by the Romanian Parliament in compliance with the provisions of art. 75 and art. 76 para. (2) of the republished Romanian Constitution.

**PRESIDENT OF THE CHAMBER OF DEPUTIES  
VALERIU-ȘTEFAN ZGONEA**

**PRESIDENT OF THE SENATE  
CĂLIN-CONSTANTIN-ANTON POPESCU-TĂRICEANU**

Bucharest, November 12, 2015.  
No. 278.

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