

**THE GOVERNMENT  
NAM**

**SOCIALIST REPUBLIC OF VIET**

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**Happiness**

**No. 49/2003/NÑ-CP**

**Independence – Freedom -**

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*Ha Noi, 15 May 2003*

**GOVERNMENT DECREE**

**Defining the Function, Responsibility, Authority, and Framework of  
Organization of the Ministry of Health**

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**THE GOVERNMENT**

In pursuance to the Law on the Organization of the Government promulgated on the 25<sup>th</sup> of December 2001;

Based on the Resolution No. 02/2002/QH11 on the 5<sup>th</sup> of August 2002 of the 11<sup>th</sup> National Assembly of the Socialist Republic of Vietnam, the first meeting on defining a list of Ministries and ministerial-level agencies of the government;

Based on the Government Decree No. 86/2002/NÑ-CP on the 5<sup>th</sup> of November 2002 defining the functions, responsibilities, authority, and the framework of organization of the Ministries, ministerial-level agencies;

Considering the proposal made by the Minister of Health and the Minister of the Interior,

**HEREBY DECREES:**

**Article 1: Position and function**

The Ministry of Health is a government body, administers the State's management of people's healthcare, consisting of the following areas: preventive medicine, diagnoses and treatments of diseases, rehabilitations, traditional medicine, human preventive medications, cosmetics that affect people's health, food safety and medical equipments; managing the public services under the Ministry's management and carrying out the proprietorship of the State's funds in businesses that have government capital under the Ministry's management in accordance with the laws.

**Article 2: Responsibilities and authority**

The Ministry of Health is responsible for the responsibilities and authority stipulated in the government's decree No. 86/2002/ND-CP on the 5<sup>th</sup> of November 2002 regulating the functions, responsibilities, authority and framework of organization of the Ministry, ministerial-level agency, and the following specific responsibilities and authority:

1. Submitting to the Government, the Prime Minister legal proposals, regulations and other drafts of legal documents regarding people's healthcare;
2. Submitting to the Government, the Prime Minister strategies, schemes, five-year and annual plans regarding people's healthcare and the Ministry's important projects;
3. Promulgating decisions, instructions, and circular letters within the Ministry's management;
4. Directing, guiding, inspecting and being responsible for carrying out legal documents, strategies, schemes, plans and national programs that have been approved and other legal documents within the Ministry's management; advocating, disseminating, and educating the law and information regarding healthcare;
5. Guiding other Ministries, ministerial-level agencies, government bodies and the People's committees in the cities and provinces under central authority regarding the implementations of guidelines, policies, and regulations relating to healthcare.
6. Regarding preventive medicine:
  - a) Submitting to the Prime Minister for approvals the plans, the technical divisions of the system of preventive medicine, and the system of border medical quarantine.
  - b) Regulating professional and technical standards in the following areas: infectious diseases, non-infectious diseases, HIV/AIDS; injuries, school health, labor health and occupational hazards; community nutrition; water safety; vaccines and medical biological products; chemicals, anti-bacterial and insect-termination medical products; primary healthcare and IEC healthcare; conditions for producing, commercializing vaccines and biological products. Directing and inspecting the practices;
  - c) Submitting to the Prime Minister decisions or regulations in the Ministry's jurisdiction and arrange to carry out special measures to exterminate epidemics;
  - d) Playing the lead role in collaboration with other Ministries and related departments in regulating the classifications of preventive medicine centers;
  - dd) Playing the lead role in collaboration with other Ministries and related departments on prevention, emergency aid and treatments to victims of natural catastrophes.

- e) Playing the lead role in collaboration with the Ministry of Finance to submit to the Prime Minister for approval the list of national reserves and to conduct the implementation of national reserve of medications, vaccines, biological products and medical equipments;
- f) Acting as the standing office on HIV/AIDS for the National Committee for HIV/AIDS, Drugs, and Prostitution Prevention and Control.

7. Regarding diagnosis and therapy, rehabilitations:

- a) Submitting to the Prime Minister plans, technical divisions of the healthcare, rehabilitation and examination (medical, forensic medicine, mental examination) networks;
- b) Submitting to the Prime Minister criteria, processes, procedures for the merger, disintegration of public hospitals;
- c) Playing the lead role in collaboration with other Ministries, related departments to appraise and submit to the Prime Minister decisions regarding the establishment, merging, and disintegration of central general and specialized hospitals;
- d) Playing the lead role in collaboration with other Ministries, departments and provincial People's committees under central authority to examine plans to establish and renovate hospitals belonging to the Ministries, departments and cities and provinces under central authority in accordance with the laws so that those Ministries, departments, People's Committees in cities and provinces can decide
- dd) Stipulating conditions, standards, technical regulations regarding diagnoses, treatments of diseases, rehabilitations, orthopedics, cosmetics, evaluations (medical evaluations, medical procedure evaluations, psychiatric evaluations), traditional medicine, healthcare for preferred targets in accordance with the laws; reproductive healthcare and family planning. Directing, guiding, and inspecting diagnosis, treatment and rehabilitation centers;
- e) Playing the lead role in collaboration with other Ministries, related departments in regulating the classifications of public centers for diagnosis and therapy;
- f) Stipulating conditions, standards of private medical practices. Unifying the management of awarding and invoking medical practice certificates, certificates of satisfying conditions to practice medicine for private, and foreign investment medical centers in accordance with the laws;

Collaborating with the Ministry of Culture-Information in regulating information, advertisements about diagnoses, therapies, rehabilitations, traditional medicine, food and medical equipments affecting people's health;

- g) Regulating categories: medications, surgery, operations, laboratory tests paid for by people with mandatory medical insurances, poor people's medical insurances and people who have served the country when diagnose, treat diseases.  
Playing the lead role in collaboration with the Ministry of Finance in regulating voluntary medical insurance policy and payments.

8. Regarding traditional medicine:

- a) Regulating methods to strengthen the network of traditional medicine services, combining traditional and modern medicine in diagnosis, therapies, rehabilitation, training centers, scientific research and production of traditional medications;
- b) Stipulating professional, technical regulations of healthcare by traditional medicine;
- c) Regulating conditions, standards to practice traditional medicine. Unifying the management of awarding and invoking certificates for practicing traditional medicine, certificates of satisfying conditions to practice medicine for private, foreign investment medical centers;

9. Regarding human medications and cosmetics:

- a) Regulating standards and conditions for organizations and private citizens to produce, transport and import drugs, materials to make drugs;
- b) Regulating systems of production, transportation, usage, storage of poisons, drugs and addictive substances, stimulants and depressants;
- c) Directing, guiding and inspecting the management of cosmetics that affect people's health;
- d) Building national pharmacopoeia and library of pharmacy;
- dd) Collaborating with the Ministry of Culture-Information in regulating information, advertisements about drugs, vaccines, biological products and cosmetics that directly affect people's health;

- e) Unifying the management of awarding and invoking private pharmacy certificates, certificates of satisfying conditions to practice pharmacy for centers that produce, transport and distribute drugs.

10. Regarding food safety:

- a) Promulgating food safety standards, processes and technical norms to ensure food safety;
- b) Unifying the management of awarding and invoking certificates of meeting food safety standards;
- c) Being responsible in directing, guiding, and inspecting food safety practices.

11. Regarding medical equipments and constructions:

- a) Regulating nomenclatures, technical standards of equipments at medical centers, medical schools, pharmaceutical schools and technical schools of medical equipments;
- b) Collaborating with the Ministry of Construction to promulgate models for medical constructions according to technical divisions;
- c) Examining medical construction projects;
- d) Deciding on investment plans under the Ministry's jurisdiction;
- dd) Regulating the conditions of production of medical equipments.

12. Regarding training of medical officers:

- a) Directing the writing of programs, curricula to train medical officers including the contents, the technical curricula of local medical colleges and managing the unity of that program's content according to the regulations of the Ministry of Education;
- b) Managing Medical Universities, Pharmaceutical Universities according to the regulations of the Government and the Prime Minister.

13. Organizing and directing the implementations of plans for scientific research, applications of scientific research, technologies in areas of medicine, pharmacy, and medical equipments;

14. Carrying out international co-operations in healthcare areas according to legal regulations;

15. Appraising and inspecting the implementations of investment plans under the management of the Ministry in accordance with the laws;
16. Deciding specific policies, methods and directing the activities of public healthcare services;
17. Managing, directing activities of the Ministry's organizations;
18. Carrying out specific function and authority belonging to the representative proprietorship of the State's funds in businesses that have government capital under the Ministry's management in accordance with the laws.
19. Managing the activities of associations and non-governmental organizations in healthcare areas in accordance with the laws.
20. Inspecting the works of preventive medicine, diagnosis, therapies, rehabilitations, medical equipments and constructions, implement regulations regarding food safety; resolve grievances, accusations; oppose corruptions, wasting of resources and process violations in healthcare areas under the Ministry's jurisdiction;
21. Deciding and directing implementations of the Ministry's Public Administrative Reform in accordance with the goal and content of the Public Administrative Reform approved by the Prime Minister;
22. Managing the staff; appoint, relieve of duty, award, reprimand cadres and government officers under the Ministry's jurisdiction; training, educating cadres and government officers in technical knowledge in healthcare areas;
23. Managing entrusted finance, possessions, and organizing executions of distributed funds in accordance with the laws.

### **Article 3: Framework of organization of the Ministry of Health**

- a) The bodies that help the Minister to carry out management function:
  1. Department of Treatments;
  2. Department of Traditional Medicine;
  3. Department of Reproductive Health;
  4. Department of Medical equipments and constructions;
  5. Department of Science and training;
  6. Department of International co-operations;
  7. Department of Planning-Finance;
  8. Department of Legislation;
  9. Department of Organizing officers;
  10. Offices;
  11. Inspectors;
  12. Office of Preventive Medicine and HIV/AIDS Prevention and Control;

13. Office of Vietnam pharmacy management;
14. Office of Food safety.
- b) Units under the Ministry's management:
  1. Huu Nghi Hospital;
  2. Thong Nhat Hospital;
  3. C Hospital in Da Nang;
  4. E Hospital;
  5. Thai Nguyen Central general hospital;
  6. Hue Central general hospital;
  7. Cho Ray hospital;
  8. Bach Mai hospital;
  9. Viet-Duc (Germany) Huu nghi hospital;
  10. K hospital;
  11. Endocrine hospital;
  12. Central Psychiatric hospital 1 (Thuong Tin – Ha Tay);
  13. Central Psychiatric hospital 2 (Bien Hoa – Dong Nai);
  14. Central Rehabilitation hospital (Sam Son – Thanh Hoa);
  15. Central Pediatric hospital;
  16. Central Obstetric-Gynecologic hospital;
  17. Central Traditional Medicine hospital;
  18. Acupuncture hospital;
  19. Central Tuberculosis and Lung diseases hospital;
  20. Central Ophthalmology hospital;
  21. Central Ear – Nose – Throat hospital;
  22. HCMC Teeth – Jaw – Face hospital;
  23. Oceanic medicine Institute;
  24. Central Epidemic and Hygiene Institute;
  25. HCMC Institute of Public Health;
  26. Tay Nguyen Epidemic and Hygiene Institute;
  27. HCMC Pasteur Institute;
  28. Nha Trang Pasteur Institute;
  29. Central Malaria – Parasites – Insects Institute;
  30. Quy Nhon Malaria – Parasites – Insects Institute;
  31. HCMC Malaria – Parasites – Insects Institute;
  32. Institute of Labor medicine and Environmental hygiene;
  33. Institute of Nutrition;
  34. Institute of Pharmacy;
  35. Institute of Medical evaluations;
  36. Central Institute of Medical procedures;
  37. Institute of medical strategy and policy;
  38. Hanoi Medical University;
  39. Hanoi Pharmaceutical University;
  40. HCMC Medical – Pharmaceutical University;
  41. Thai Binh Medical University;
  42. Hai Phong Medical University;
  43. Public Health University;

44. Teeth – Jaw – Face University;
45. Can Tho Medical – Pharmaceutical University;
46. Informatics Center;
47. Health and Life Newspaper;
48. Applied Medicine Magazine;
49. Pharmacy Magazine.

The Minister of Health shall play the lead role in collaboration with the Minister of the Interior in proposing plans to reorganize other units to submit to the Prime Minister.

#### **Article 4: Implementation**

This decree is effective after 15 days, from the day of publication in the Gazette and replaces the government's decree No. 68/CP on the 11<sup>th</sup> of October 1993 on the functions, responsibilities, authority and the framework of organization of the Ministry of Health and previous regulations that differ from this decree.

#### **Article 5: Implementation responsibility**

The Minister of Health, other Ministers, leaders of ministerial-level departments, leaders of offices under central authority and the presidents of People's Committees in cities and provinces under central authority are responsible to implement this decree.

**FOR THE GOVERNMENT  
PRIME MINISTER**

**To:**

**(Signed)**

- Secretariat of the Party Central Committee,
- Prime Minister and Deputy Prime Ministers,
- Ministries, ministerial-level agencies and Government departments,
- People's Councils and People's Committees of provinces and centrally managed cities,
- Office of the National Assembly,
- President's Office,
- Party Central Committee Office and Party Commissions,
- Supreme People's Procuracy,
- Supreme People's Court,
- Central bodies of civil organizations,
- Government's gazettes,
- Office of the Government: Minister-Chairman, Deputy Chairmen and its departments,
- Filed, the Registry.

**Phan Van Khai**

