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Federal law of establishment of private health institutions

No. (25) Of 2015

قانون تأسيس المؤسسات الصحية الخاصة الاتحادية

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Laws

In the name of people

Presidency council

In accordance with what had been approved by the parliament pursuant to the provisions of item (first) of article (61) and item (third) of article (73) of the constitution.

The president decided on 29/12/2015

Issuing the following law:

Law No. (25) Of 2015

The Federal Law of Establishment of Private Health Institutions

Chapter One

Objectives and Establishment

Article 1

For the purposes of this law, the following terms shall have the opposite meanings:

First: Private health institution: The primary health center, hospital, charitable health, specialized center or surgical clinic.



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Second: Technical manager: The Doctor, who has a work experience of at least (10) years and responsible for technical management of private health institution.

Third: The doctor: A graduate of one of the human medicine faculties and has a recognized certification degree.

Article 2

This law aims to:

- a. Organizing the establishment of private health institutions
- b. Expanding the provision of medical and health services and benefiting from the Iraqi and non-Iraqi experiences of doctors and health staffs whose services in advanced health institutions.

Second: The aims shall be achieved by the followings meanings:

- a. Investing capitals in the establishment of private health institutions.
- b. Encouraging the initiatives and competition in order to develop medical services.
- c. Providing all kinds of support to encourage the development of work in private health institutions.

Article 3

First: The license of private health institution shall be granted by the ministry of health in accordance with the conditions set out by the federal minister of health.

Second: Specifications of the health institution building, its numbers of the rooms, wards and the devices and equipment shall be specified by instructions published by the federal minister of health.



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Article 4

First: Natural or legal person shall submit an application for the ministry of health to agree on the establishment of private health institution.

Second: With the agreement of the ministry of health, more than one natural or legal person may establish private health institution in the form of company in accordance with the law of companies no.(21) of 1997.

Chapter Two Private Company

Article 5

The state shall put a piece of land in the possession of the natural or legal person free of charge for the purpose of the private health institution established under the law in a suitable location after obtaining the approval of the Ministry of Health.

Article 6

First: The state, through governmental and non-government banks, shall lend the company an amount no more than 30% thirty percent of the building construction cost, provided that the loan shall be refunded with its interest within (15) fifteen years from the end date of the second year of the receipt of the loan with its interest for hospitals only .



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Second: The Iraqi company and private institution shall commit to providing guarantees in return for acquiring the piece of land and the loan given in accordance with the provisions of this law.

Article 7

The company shall be liquidated at the request of the federal ministry of health in accordance with the provision of the law of companies No.(21) of 1997 in one of the following cases :

First: If the private health institution ceases providing health services continuously for one year without lawful excuse.

Second: If the company changes the purpose for which it was established for.

Article 8

If it is decided to liquidate the company in accordance with the provisions of article (7) of this law, the rest of the loan amount shall be refunded at once, in addition to an amount representing the differences between the interest rate at which the loan was given and its legal interest rate with the value of the land estimated by the implementation committee of the law of estimating the value of the property and its benefits No. (85) Of 1978 from the date of the company liquidation .



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Chapter Three General Provisions

Article 9

The health institution shall be run technically by a technical manager in accordance with controls published by the ministry of health.

Article 10

The founders and the technical managers may not combine between work in public and mixed sector departments and the work in the private health institution.

Article 11

The private health institution founded under the provisions of this law shall be exempted from income tax for (3) three years from date of actual commencement of providing health services and the confirmation of ministry of health.

Article 12

foreigners may be employed by more than (%60) sixty percent of the medical professions, (50%) fifty percent of health professions and (40%) forty percent of technicians and service workers.



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Article 13

First: a. Control and inspection methods on private health institutions shall be specified in accordance with the provision of the amended public health law no. (89) Of 1981 or any other alternative law.

b. Anything is not mentioned in this law or its instructions shall be observed in applying the control and inspection procedures on the health institutions related to the amended Public Health law No.(89) of 1981.

Second: A person who carried on an activity in the name of a private health institution without a foundation certificate and license shall be punished with imprisonment and fine no less than

(2000000) two million IDs and no more than (5000000) five million IDs for each day, or one of the two penalties.

Third: Each agreement between hospital and the beneficiary of its services based on exemption of liability caused by doctor or workers shall be deemed null and void.

Article 14

The administration of the private hospital may open outpatient clinic with the approval of the ministry of health.

Article 15

The federal ministry of health and the region may establish hospitals and health investment institutions in coordination with the National Investment body.



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Article 16

The private hospitals establishment law no. (25) Of 1984 shall be repealed.

Article 17

The articles (83), (84), (85), (86), (87), of health law No. (89) Of 1981 shall be repealed.

Article 18

The federal minister of health may issue instructions to facilitate the implementation of the provisions of this law.

Article 19

This law shall be entered into force from date of its publishing in the gazette.

Fuad Ma'soum

President of the Republic