Law of the PRC on Licensed Physicians

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Effective: May 1, 1999

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening the construction of the physician contingent, improving the professional ethics and professional quality of physicians, safeguarding the lawful rights and interests of physicians, and protecting the health of the people.

Article 2 — This Law shall apply to medical personnel who have obtained the qualification of licensed physicians or licensed assistant physicians in accordance with the law, have been registered and are practicing in medical, preventive and healthcare institutions.

Article 3 — Physicians shall have good professional ethics and shall practice medicine in accordance with the law, and shall be respected and protected by the whole society.

Article 4 — The health administrative department under the State Council shall be responsible for the work of physicians nationwide. The health administrative departments of the local people's governments at or above the county level shall be responsible for the work of physicians within their respective administrative regions.

Chapter II — Examination and Registration

Article 5 — The state shall implement a physician qualification examination system. The physician qualification examination shall consist of the licensed physician qualification examination and the licensed assistant physician qualification examination.

Article 6 — Persons who meet the following conditions may take the licensed physician qualification examination:

(1) Having a bachelor's degree or above in medicine from an institution of higher learning, and having completed a probationary period of one year in a medical, preventive or healthcare institution under the guidance of a licensed physician;

(2) Having obtained the qualification of a licensed assistant physician, having a degree at or above the junior college level from an institution of higher learning in medicine, and having practiced for at least two years in a medical, preventive or healthcare institution.

Article 7 — Persons who have obtained the qualification of licensed physicians may apply to the local health administrative department at or above the county level for registration. The department shall, within 30 days from the date of receiving the application, grant registration to those who meet the requirements.

Article 8 — Physicians who have been registered may practice in medical, preventive or healthcare institutions in accordance with the registered category of practice, scope of practice and place of practice.

Article 9 — Physicians shall not be registered under any of the following circumstances:

(1) Not having full civil capacity;

(2) Being subject to criminal punishment and less than two years having elapsed from the date of completion of sentence to the date of application for registration;

(3) Having had their physician practice certificate revoked and less than two years having elapsed.

Chapter III — Practice Rules

Article 10 — In practicing medicine, physicians shall abide by laws and regulations, observe the technical operation norms of medical practice, and treat patients with care and respect.

Article 11 — Physicians shall truthfully introduce the patient's condition to the patient or the patient's family members, and pay attention to avoiding adverse consequences to the patient. Where surgical operations, special examinations or special treatments in the course of medical practice require the patient to sign a consent form, the physician shall truthfully explain the medical risks, alternative medical treatment plans and other information to the patient, and obtain the patient's written consent.

Article 12 — Physicians shall not use their positions to solicit or illegally accept money or property from patients, or seek other improper benefits.

Article 13 — In the event of a natural disaster, epidemic of an infectious disease, sudden major casualties or other emergencies seriously threatening the lives and health of the people, physicians shall obey the deployment of the health administrative departments of the people's governments at or above the county level.

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Article 14 — Physicians shall truthfully and promptly fill in and properly keep medical documents such as medical records, prescriptions and test reports.

Chapter IV — Assessment and Training

Article 15 — Medical, preventive and healthcare institutions shall conduct regular assessments of their physicians based on their professional level, work performance and professional ethics.

Article 16 — The health administrative departments of the people's governments at or above the county level shall formulate physician training plans and conduct various forms of training for physicians.

Article 17 — Physicians shall continuously update their knowledge and improve their professional skills through continuing medical education and other means.

Chapter V — Legal Liability

Article 18 — Where a physician causes a medical accident during practice, the health administrative department shall give a warning or order suspension of practice for a period of six months to one year; where the circumstances are serious, the physician's practice certificate shall be revoked.

Article 19 — Where a person practices medicine without obtaining a physician practice certificate, the health administrative department of the local people's government at or above the county level shall ban the practice, confiscate the illegal income, medicines and equipment, and impose a fine of not more than 100,000 yuan.

Article 20 — Where a physician practices beyond the scope of practice or place of practice registered, the health administrative department shall give a warning, order suspension of practice, and may impose a fine.

Article 21 — Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VI — Supplementary Provisions

Article 22 — Foreigners who apply to take the physician qualification examination, apply for registration and practice in China shall be governed by the relevant provisions of the state.

Article 23 — This Law shall come into effect on May 1, 1999.

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