Law of the PRC on Medical Practitioners

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Examination and Registration 2

Chapter III — Practice Rules 3

Chapter IV — Examination and Training 3

Chapter V — Legal Liability 4

Chapter VI — Supplementary Provisions 4

Adopted at the 3rd Session of the Standing Committee of the Ninth National People's Congress on June 26, 1998

Amended in accordance with the Decision on Amending the Law of the People's Republic of China on Medical Practitioners adopted at the 30th Session of the Standing Committee of the Eleventh National People's Congress on August 27, 2009

Effective: May 1, 1999 (as amended, effective August 27, 2009)

Table of Contents

- Chapter I — General Provisions
- Chapter II — Examination and Registration
- Chapter III — Practice Rules
- Chapter IV — Examination and Training
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

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

Article 2 — This Law shall apply to medical practitioners who, having obtained the qualification to engage in the medical profession in accordance with law, practice medicine at medical institutions through registration. For the purposes of this Law, "medical practitioners" include licensed physicians and licensed assistant

physicians.

Article 3 — Medical practitioners shall possess good professional ethics and competence in medical practice, promote humanitarianism, and fulfill the sacred duty of preventing and curing diseases and saving lives and providing relief.

Article 4 — The administrative department of health under the State Council shall be responsible for the work relating to medical practitioners nationwide. The administrative departments of health of the local people's governments at or above the county level shall be responsible for the management and supervision of medical practitioners within their respective administrative areas.

Article 5 — The state shall commend and reward medical practitioners who have made outstanding contributions in the practice of medicine.

Article 6 — Medical practitioners associations shall be established in accordance with law to conduct self-disciplinary management of medical practitioners in the industry. Medical practitioners associations shall protect the lawful rights and interests of medical practitioners.

Chapter II — Examination and Registration

Article 7 — The state shall implement a system of national examination for the qualification of medical practitioners. The national examination for the qualification of medical practitioners shall be divided into the licensed physician qualification examination and the licensed assistant physician qualification examination.

Article 8 — Persons meeting one of the following conditions may take the licensed physician qualification examination:

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

(2) — Having obtained the qualification of a licensed assistant physician, having obtained a specialized diploma in the medical specialty from an institution of higher learning, and having practiced in a medical institution for at least two years; or having obtained a secondary specialized school diploma in medicine and having practiced in a medical institution for at least five years.

Article 9 — Persons having obtained a specialized diploma or above or a secondary specialized school diploma in the medical specialty from an institution of higher learning, who have completed a probation period of one year in a medical institution under the guidance of a licensed physician, may take the licensed assistant physician qualification examination.

Article 10 — Persons who have passed the medical practitioner qualification examination shall obtain the qualification of medical practitioners. Persons who have obtained the qualification of medical practitioners may apply to the administrative department of health of the local people's government at or above the county level for registration.

Article 11 — Applications for registration by medical practitioners shall be examined by the administrative departments of health. The administrative departments of health shall make a decision on whether to approve the registration within 30 days from the date of receipt of the application. Where registration is approved, a medical practitioner practice certificate shall be issued.

Article 12 — A medical practitioner shall practice medicine in a medical institution in accordance with the registered location, category and scope of practice. Without a physician's practice certificate, no one may engage in medical practice.

Article 13 — Registration of medical practitioners shall be cancelled by the administrative department of health in any of the following circumstances:

Source: https://www.danyoungcpa.com/law-medical-practitioners-prc-2009-amendment/

(1) — Death or declaration of disappearance;

(2) — Criminal punishment having been imposed;

(3) — Revocation of the physician's practice certificate having been imposed as a penalty;

(4) — Suspension of practice activities for more than two years as a result of an examination;

(5) — Cessation of practice for more than two years.

Chapter III — Practice Rules

Article 14 — In their practice, medical practitioners shall enjoy the following rights:

(1) — To conduct medical examination, disease investigation, medical treatment and issue corresponding medical certificates within the registered scope of practice;

(2) — To obtain the equipment and basic conditions necessary for practice in accordance with the standards set by the health administrative department of the State Council;

(3) — To engage in medical research and academic exchanges, and to join professional academic associations;

(4) — To participate in professional training and receive continuing medical education;

(5) — Not to have their personal dignity and personal safety infringed upon in the course of their practice.

Article 15 — In their practice, medical practitioners shall fulfill the following obligations:

(1) — To abide by laws and regulations and observe the technical operating specifications for diagnosis and treatment;

(2) — To establish the spirit of dedication to work, observe professional ethics, and fulfill the duties of a medical practitioner to serve patients;

(3) — To show concern, love and respect for patients, and protect the privacy of patients;

(4) — To work hard in studying the professional knowledge, update knowledge, and improve professional skills;

(5) — To disseminate health care knowledge, and provide health education to patients.

Article 16 — When a medical practitioner practices medicine, he or she shall use the physician's practice certificate in accordance with the provisions, and shall not lend, lease, transfer, alter, or forge the same.

Article 17 — Medical practitioners shall truthfully introduce the state of illness, diagnosis and treatment to patients or their family members, but care shall be taken to avoid causing adverse consequences to the patients. Where experimental clinical diagnosis or treatment is carried out, the approval of the hospital shall be obtained and the consent of the patient or his or her family member shall be obtained.

Article 18 — Where a medical practitioner causes an accident in medical treatment, he or she shall report to the medical institution where he or she works and the administrative department of health in accordance with relevant provisions. Where a medical practitioner discovers an infectious disease epidemic, a disease of unknown cause, food poisoning occupational poisoning or other public health emergencies, he or she shall report in accordance with relevant provisions.

Chapter IV — Examination and Training

Article 19 — The administrative departments of health and medical institutions shall conduct regular examinations of medical practitioners. The examination results shall be entered in the physician's practice certificate and shall serve as the basis for re-registration, appointment, and rewards and punishments of the

Source: https://www.danyoungcpa.com/law-medical-practitioners-prc-2009-amendment/

medical practitioners.

Article 20 — The administrative departments of health at or above the county level shall formulate training plans for medical practitioners and conduct various forms of training for medical practitioners, focusing on clinical application and appropriate techniques, procedures and methods.

Article 21 — Medical institutions shall formulate training plans for their own medical practitioners to ensure that medical practitioners receive continuing medical education. Medical practitioners shall, during their practice, participate in regular examinations and training as provided for.

Chapter V — Legal Liability

Article 22 — Where a medical practitioner commits any of the following acts in his or her practice, the administrative department of health shall issue a warning or order the suspension of practice for not less than six months but not more than one year; where the circumstances are serious, the physician's practice certificate shall be revoked; where the case constitutes a crime, criminal liability shall be pursued in accordance with law:

(1) — Violating health administrative rules and regulations or technical operating specifications, causing serious consequences;

(2) — Causing delayed rescue and treatment of a critical patient as a result of irresponsible conduct;

(3) — Causing a medical malpractice accident;

(4) — Using narcotic drugs, psychotropic substances for medical use, radioactive drugs or toxic drugs for medical use without authorization;

(5) — Failing to use drugs, disinfection supplies and medical instruments in accordance with provisions;

(6) — Disclosing patient privacy, causing serious consequences.

Article 23 — Where an entity practices medicine without authorization, the administrative department of health of the local people's government at or above the county level shall ban it, confiscate its drugs and instruments, and impose a fine of not more than RMB 100,000; the physician's practice certificate of the medical practitioner shall be revoked; where damage is caused to the patient, it shall bear compensation liability in accordance with law; where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 24 — Where a person who has not obtained a physician's practice certificate or has had his or her physician's practice certificate cancelled engages in medical practice activities, the administrative department of health of the local people's government at or above the county level shall ban him or her, confiscate his or her drugs and instruments and illegal gains, and impose a fine of not more than RMB 100,000; where damage is caused to the patient, he or she shall bear compensation liability in accordance with law; where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 25 — Where any staff member of the administrative department of health or medical institution violates this Law and the case constitutes a crime, criminal liability shall be pursued in accordance with law; where the case is not serious enough to constitute a crime, administrative sanctions shall be imposed in accordance with law.

Chapter VI — Supplementary Provisions

Article 26 — This Law shall apply to medical practitioners of traditional Chinese medicine in accordance with the relevant provisions of the state. The qualification examination and practice registration of medical practitioners of traditional Chinese medicine and practitioners of integrated traditional Chinese and Western medicine shall be governed by separate provisions.

Source: https://www.danyoungcpa.com/law-medical-practitioners-prc-2009-amendment/

Article 27 — Clinical practice by medical students and interns at teaching hospitals shall be conducted under the guidance of licensed physicians in accordance with relevant provisions.

Article 28 — Provisions on the administration of physicians and health technicians in the armed forces shall be formulated by the State Council and the Central Military Commission in accordance with this Law.

Article 29 — This Law shall come into force on May 1, 1999.

Disclaimer: This English translation is provided for informational and reference purposes only. It is not an official translation and has no legal effect. In the event of any discrepancy between this English version and the original Chinese text, the Chinese text shall prevail. Readers should consult qualified legal professionals for advice on specific legal matters. Dan Young Business Consultancy makes no representations or warranties as to the accuracy or completeness of this translation and assumes no liability for any reliance placed upon it.