Law on Basic Medical and Health Care Promotion of the PRC

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Contents

Table of Contents 1

Chapter I — General Provisions 2

Chapter II — Basic Medical and Health Services 2

Chapter III — Medical Institutions 3

Chapter IV — Medical and Health Personnel 4

Chapter V — Security for the Supply of Drugs 4

Chapter VI — Health Promotion 5

Chapter VII — Funding Guarantee 5

Chapter VIII — Supervision and Administration 6

Chapter IX — Legal Liability 6

Chapter X — Supplementary Provisions 7

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Basic Medical and Health Services
- Chapter III — Medical Institutions
- Chapter IV — Medical and Health Personnel
- Chapter V — Security for the Supply of Drugs
- Chapter VI — Health Promotion
- Chapter VII — Funding Guarantee
- Chapter VIII — Supervision and Administration
- Chapter IX — Legal Liability
- Chapter X — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of developing medical and health undertakings, safeguarding the right of citizens to basic medical and health services, improving the health of citizens, and promoting the construction of a Healthy China.

Article 2 — This Law shall apply to activities relating to the promotion of basic medical and health services and health promotion and their supervision and administration within the territory of the PRC. The term “medical and health services” as used in this Law includes disease prevention, diagnosis, treatment, nursing, rehabilitation, and other services.

Article 3 — Medical and health services shall adhere to the people-centered approach and serve the health of the people. The State shall prioritize the protection of the people’s health, integrate health into all policies, and establish and improve the medical and health service system. The State shall vigorously develop medical and health undertakings, uphold the principle of public welfare, and adhere to the orientation of serving the people’s health.

Article 4 — The State and society shall respect and protect the right of citizens to health. The State shall implement the Healthy China strategy, popularize healthy lifestyles, optimize health services, improve health security, build a healthy environment, and develop the health industry, thereby improving the health level of citizens throughout their life cycle. The State shall establish a health education system to ensure that citizens have access to health education and improve their health literacy.

Article 5 — The State shall establish a basic medical and health system, establish and improve a medical and health service system, and provide citizens with safe, effective, convenient, and affordable public health services and basic medical services. Citizens shall, in accordance with the law, have the right to receive basic medical and health services from the State and society. The State shall establish a basic public health service program and a basic drug system, and improve the medical security system.

Article 6 — People’s governments at all levels shall incorporate the cause of people’s health into their national economic and social development plans, increase financial investment in medical and health undertakings, and establish a mechanism for the steady growth of funding for medical and health services commensurate with economic and social development. The State shall establish a health impact assessment system to assess the impact of major economic and social development planning and major projects on people’s health.

Article 7 — The health authority under the State Council shall be responsible for the overall coordination of the national health work, while other relevant authorities under the State Council shall be responsible for health-related work within the scope of their respective functions. Local people’s governments at or above the county level shall be responsible for the medical and health work within their own administrative areas.

Article 8 — Medical and health institutions, medical and health personnel, and other relevant organizations and individuals shall abide by laws and regulations, respect and protect the right to health of citizens, and shall not harm the physical and mental health of citizens. Citizens shall be the first persons responsible for their own health, establish and practice the concept of health management for their own health, actively acquire health knowledge, and improve their health literacy.

Chapter II — Basic Medical and Health Services

Article 9 — The State shall provide citizens with free basic public health services. The basic public health service program shall be determined by the health authority under the State Council in conjunction with the departments of finance and traditional Chinese medicine under the State Council and other relevant departments. People’s governments of provinces, autonomous regions, and municipalities directly under the Central Government may, on the basis of the national basic public health service program and in light of the

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actual conditions of their respective regions, supplement and determine the basic public health service programs of their respective administrative areas and report them to the health authority under the State Council for the record.

Article 10 — The State shall establish a basic medical service system. The basic medical service system shall be funded mainly by the government, with the participation of the whole society, and with citizens paying a reasonable share. Basic medical services shall be commensurate with the level of economic and social development. The State shall establish a graded diagnosis and treatment system, guide patients with non-emergency conditions to first seek medical treatment at primary-level medical and health institutions, and implement two-way referral.

Article 11 — The State shall strengthen the construction of primary-level medical and health institutions and the training of primary-level medical and health personnel, and adopt various measures to give priority to supporting the development of medical and health institutions in counties and below. The State shall establish a system in which urban medical and health institutions provide counterpart support to rural medical and health institutions, and shall strengthen the construction of the medical and health workforce in remote and impoverished areas.

Article 12 — The State shall encourage and support the use of appropriate technologies and appropriate equipment in basic medical and health services, promote the equalization of basic public health services, and improve the quality and efficiency of basic medical and health services. The State shall encourage and guide social forces to establish medical and health institutions in accordance with the law.

Article 13 — The State shall establish a system for the protection of health information. Citizens' health information shall be kept confidential in accordance with the law. No organization or individual may illegally collect, use, process, or transmit citizens' personal health information, nor may they illegally trade, provide, or disclose citizens' personal health information. Medical and health institutions and their medical and health personnel shall respect the right of patients to informed consent and to privacy.

Chapter III — Medical Institutions

Article 14 — The State shall establish a medical institution system consisting of public medical institutions as the mainstay, with non-public medical institutions as supplements. The State shall take various measures to give priority to supporting the development of public medical institutions. The establishment of medical institutions shall comply with the regional health plan and the medical institution setup plan. The examination and approval of medical institutions shall be carried out in accordance with the law.

Article 15 — Public medical institutions shall uphold the public welfare nature and shall not take profit-making as their purpose. The government shall provide financial subsidies for public medical institutions to undertake the tasks of providing basic medical services and public health services. Public medical institutions shall implement a modern hospital management system and establish and improve internal management systems, including systems for legal person governance, personnel management, financial management, performance appraisal, and quality management.

Article 16 — Medical institutions shall practice within the scope of practice approved or filed, and shall provide medical services in accordance with the provisions of laws, regulations, and diagnostic and treatment standards. Medical institutions shall, in accordance with the law, formulate and implement their own rules and regulations, and strengthen internal management.

Article 17 — Medical institutions shall strengthen the management of medical quality and ensure medical safety. Medical institutions shall establish and improve medical quality management and control systems, implement systems such as preoperative discussion, intraoperative confirmation, and postoperative evaluation, and ensure medical quality and safety. Medical institutions shall establish and improve pre-examination and triage systems, infectious disease reporting systems, and hospital infection

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management systems.

Article 18 — Medical institutions shall establish medical risk sharing mechanisms such as medical liability insurance or medical risk funds. The State shall encourage medical institutions to participate in medical liability insurance and encourage patients to purchase medical accident insurance.

Article 19 — Non-public medical institutions shall have access to the same policies on medical insurance designation, scientific research and teaching access, professional title evaluation, and professional training as public medical institutions. The State shall encourage non-public medical institutions to provide basic medical services and specialized medical services.

Chapter IV — Medical and Health Personnel

Article 20 — The State shall implement a qualification examination and practice registration system for medical and health personnel such as physicians and nurses. Medical and health personnel shall practice within the scope of their practice registration, comply with diagnostic and treatment standards and operational procedures, and safeguard the physical and mental health of patients. Medical and health personnel shall have the appropriate professional knowledge and skills and shall receive continuing education and training.

Article 21 — Medical and health personnel shall abide by professional ethics such as saving lives and treating the wounded, being willing to contribute, caring for patients, and upholding medical ethics. It is prohibited for medical and health personnel to use their positions to seek improper benefits. Medical and health personnel shall respect patients, protect patients' privacy, and shall not discriminate against patients.

Article 22 — The State shall establish a salary system for medical and health personnel that is commensurate with the characteristics of the medical and health industry. The benefits and working conditions of medical and health personnel shall be protected in accordance with the law. The State shall give commendations and awards to medical and health personnel who have made outstanding contributions. The personal dignity and personal safety of medical and health personnel shall not be infringed upon, and their lawful rights and interests shall be protected by law. Any organization or individual that threatens or endangers the personal safety of medical and health personnel or infringes upon their personal dignity shall bear legal liability in accordance with the law.

Article 23 — The State shall strengthen the construction of the primary-level medical and health workforce and adopt measures such as targeted training, counterpart support, and remote re-education to improve the professional quality and service capacity of primary-level medical and health personnel. The State shall establish a training system for general practitioners, improve the incentive mechanism for general practitioners, and guide general practitioners to provide services at the primary level.

Chapter V — Security for the Supply of Drugs

Article 24 — The State shall implement a basic drug system and shall dynamically adjust the basic drug catalog. Drugs included in the basic drug catalog shall give priority to being included in the medical insurance drug catalog and shall be given priority in procurement and use. Basic drugs shall be supplied with guaranteed quality, reasonable prices, and adequate quantities. The State shall encourage the production and supply of drugs for the prevention and treatment of major diseases, rare diseases, and diseases specific to children.

Article 25 — The State shall improve the drug supply guarantee system, establish a dynamic monitoring, early warning, and response mechanism for drug shortages, and ensure the supply of drugs for clinical use. Production and distribution enterprises of drugs in short supply and low-priced drugs shall be given appropriate support in terms of registration, procurement, and pricing. The State shall strengthen the supervision and administration of the quality of drugs to ensure drug safety.

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Article 26 — Medical institutions shall give priority to the use of drugs included in the national essential drug list and the medical insurance drug list. Medical institutions shall use drugs in accordance with the principles of safety, efficacy, and economy, and shall follow the instructions for use in clinical application. Medical institutions shall, in accordance with the provisions, establish a system for the evaluation and management of clinical drug use.

Chapter VI — Health Promotion

Article 27 — The State shall implement the Healthy China strategy, carry out health promotion activities, and popularize health knowledge among citizens. People's governments at all levels shall incorporate health promotion work into their national economic and social development plans and establish a health promotion work mechanism. The State shall include health education in the national education system. Primary and secondary schools shall offer health education courses. Citizens shall establish the concept that they are the first persons responsible for their own health.

Article 28 — The State shall organize and carry out patriotic health campaigns, improve urban and rural environmental sanitation, strengthen the prevention and control of environmental pollution, and create a healthy and livable environment. The State shall establish a nutrition monitoring system, implement nutrition intervention programs, and promote residents' balanced diet. The State shall implement a national fitness program, improve the national fitness public service system, and encourage and support citizens to participate in fitness activities.

Article 29 — The State shall vigorously develop traditional Chinese medicine, uphold the principle of equal emphasis on traditional Chinese medicine and Western medicine, inherit and innovate the development of traditional Chinese medicine, and give full play to the unique role of traditional Chinese medicine in medical and health undertakings. The State shall encourage and support the use of traditional Chinese medicine in disease prevention, treatment, and rehabilitation, and promote the application of appropriate techniques of traditional Chinese medicine.

Article 30 — The State shall establish a system for the surveillance and early warning of health risk factors, strengthen the prevention and control of infectious diseases, chronic non-communicable diseases, occupational diseases, endemic diseases, and other diseases, and reduce the incidence of diseases. The State shall implement an immunization program system, and residents shall receive immunization in accordance with the provisions.

Article 31 — The State shall develop mental health services, establish and improve a mental health service system, strengthen the prevention and treatment of mental disorders, and improve the mental health of citizens. The State shall develop maternal and child health care services, strengthen the construction of maternal and child health care service system, and safeguard the health of women and children.

Article 32 — The State shall develop elderly health care services, promote the integration of medical care and elderly care, improve the health service system for the elderly, and meet the health needs of the elderly. The State shall develop health services for persons with disabilities, safeguard the right of persons with disabilities to basic rehabilitation services, and improve the quality of life of persons with disabilities.

Chapter VII — Funding Guarantee

Article 33 — The State shall establish a multi-channel investment mechanism for medical and health undertakings with government leadership, social participation, and individual contribution. People's governments at all levels shall include the funds for medical and health undertakings into their fiscal budgets and establish a mechanism for the steady growth of funding that is commensurate with economic and social development and government financial capacity.

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Article 34 — The State shall establish a multi-level medical security system consisting mainly of basic medical insurance, supplemented by medical assistance, commercial health insurance, charitable donations, and medical mutual aid. Citizens shall participate in basic medical insurance in accordance with the law. The State shall establish a system for the transfer and continuation of basic medical insurance relationships.

Article 35 — The State shall improve the basic medical insurance system and steadily improve the level of basic medical insurance protection. The scope of payment and the payment standards of the basic medical insurance fund shall be commensurate with the level of economic and social development and the affordability of the fund. The State shall gradually establish a system for the direct settlement of medical expenses for medical treatment in places other than the place of insurance participation.

Article 36 — The State shall establish a medical assistance system to provide subsidies for the medical expenses of key assistance recipients such as low-income population, extremely impoverished persons, and other persons in financial difficulty. The State shall encourage and support commercial health insurance, charitable donations, and medical mutual aid activities to meet diverse health security needs.

Chapter VIII — Supervision and Administration

Article 37 — People's governments at or above the county level and their relevant departments shall, in accordance with the law, strengthen the supervision and administration of medical and health services, standardize medical service practices, ensure medical quality and safety, and safeguard the lawful rights and interests of citizens. The health authority under the State Council shall establish a comprehensive supervision system for the medical and health industry.

Article 38 — The health authority shall, in accordance with the law, supervise and administer the practice of medical institutions and medical and health personnel, and investigate and deal with illegal practices. Medical institutions shall, in accordance with the law, accept the supervision and inspection by the health authority and other relevant authorities, and shall not refuse or impede such supervision and inspection.

Article 39 — The State shall establish a medical quality monitoring, evaluation, and information disclosure system. The health authority shall regularly monitor, analyze, and evaluate the medical quality of medical institutions and disclose the relevant information to the public. Medical institutions shall disclose their medical service items, fee standards, medical quality, and other information to the public.

Article 40 — The State shall establish a mechanism for the prevention and mediation of medical disputes, and properly handle medical disputes in accordance with the law. Any organization or individual that fabricates or disseminates false medical information, disrupts the normal medical order, or otherwise violates the administration of public security shall bear legal liability in accordance with the law.

Chapter IX — Legal Liability

Article 41 — Where a medical institution practices without a license or beyond the scope of practice, it shall be ordered to cease the practice, the illegal gains shall be confiscated, and a fine of not less than one time but not more than 10 times the illegal gains shall be imposed. Where there are no illegal gains, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed. Where a medical institution, in violation of the provisions of this Law, causes medical accidents or other harm to patients, it shall bear liability for compensation in accordance with the law.

Article 42 — Where medical and health personnel practice without obtaining a practice qualification or beyond their scope of practice, they shall be ordered to cease the practice, the illegal gains shall be confiscated, and a fine of not less than one time but not more than five times the illegal gains shall be imposed. Where there are no illegal gains, a fine of not less than 5,000 yuan but not more than 50,000 yuan shall be imposed. Where the circumstances are serious, the practice certificate shall be revoked.

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Article 43 — Where a medical institution or any of its medical and health personnel, in violation of the provisions of this Law, illegally collects, uses, processes, or transmits citizens' personal health information, or illegally trades, provides, or discloses citizens' personal health information, it shall be ordered to make corrections, a warning shall be given, and a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed. Where the circumstances are serious, the relevant persons directly in charge and other persons directly responsible shall be sanctioned in accordance with the law.

Article 44 — Where any staff member of a government department responsible for the supervision and administration of medical and health services commits any act of neglecting duties, abusing powers, or engaging in malpractice for personal gain, sanctions shall be imposed in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 45 — Where any violation of the provisions of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law. Where any violation of the provisions of this Law causes personal injury or property damage, civil liability shall be borne in accordance with the law.

Chapter X — Supplementary Provisions

Article 46 — Where laws provide otherwise regarding medical and health services and health promotion, those provisions shall prevail. The specific measures for the administration of traditional Chinese medicine and the administration of medical security shall be separately prescribed by the State Council in accordance with the provisions of relevant laws.

Article 47 — This Law shall come into force on June 1, 2020.

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