

Regulations on the Prevention and Handling of Medical Disputes of the PRC

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

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Article 1 — These Regulations are formulated for the purposes of preventing and properly handling medical disputes, protecting the lawful rights and interests of both medical institutions and patients, maintaining medical order, and safeguarding medical safety.

Article 2 — The term "medical disputes" as used in these Regulations means disputes between medical institutions and patients and their close relatives arising from medical treatment activities. The prevention and handling of medical disputes shall be conducted on the principles of putting prevention first, balancing prevention and handling, fair handling, and timely resolution.

Article 3 — The health administrative departments under the people's governments at or above the county level shall be responsible for guiding and supervising the prevention and handling of medical disputes within their respective administrative areas. The public security organs, judicial administrative departments, insurance regulatory authorities, and other relevant departments shall, in accordance with their respective functions and duties, carry out the work related to the prevention and handling of medical disputes.

Article 4 — Medical institutions shall strengthen the management of medical quality and safety, regulate medical service activities, respect the right to information and privacy of patients, and prevent and reduce the occurrence of medical disputes. Medical institutions shall establish sound medical dispute reporting systems and medical dispute handling mechanisms.

Article 5 — Medical personnel shall abide by professional ethics and practice norms, and improve their professional skills and service levels. Medical personnel shall provide timely explanations and responses to the questions raised by patients and their close relatives regarding the medical treatment.

Article 6 — Patients and their close relatives shall abide by the rules and regulations of medical institutions, respect medical personnel, cooperate with medical treatment activities, and truthfully state their conditions. Patients shall pay medical expenses in accordance with the law and shall not disrupt the normal medical order of medical institutions.

Article 7 — The State shall establish a medical dispute people's mediation system. Medical dispute people's mediation committees shall be established in accordance with the law to mediate medical disputes. Medical dispute people's mediation shall not charge any fees. The working funds of medical dispute people's mediation committees and the subsidies for people's mediators shall be guaranteed by the people's governments at or above the county level.

Article 8 — Medical institutions shall establish a medical dispute complaint reception system, set up a complaint reception department, and designate persons responsible for receiving complaints and inquiries from patients and their close relatives. For complaints received, the medical institution shall promptly investigate and verify the situation, provide feedback, and guide patients and their close relatives to resolve disputes in accordance with the law.

Article 9 — Where a medical dispute occurs, the parties may resolve it through the following means: voluntary negotiation between the parties; application for mediation to a medical dispute people's mediation committee; application for administrative mediation to the health administrative department; filing a lawsuit with the people's court; or through other means prescribed by laws and administrative regulations.

Article 10 — Where a medical dispute involves a patient fatality or a major dispute, medical institutions shall report to the health administrative department at the place where they are located, and the health administrative department shall promptly report to the people's government at the same level. The health administrative department shall guide and supervise medical institutions in properly handling medical disputes.

Article 11 — Where a medical dispute requires a medical appraisal, an application shall be entrusted to a medical association or a judicial appraisal institution for a medical damage appraisal in accordance with the provisions of the State. Appraisal institutions shall independently conduct appraisals in accordance with the law, and no unit or individual may interfere with the appraisal.

Article 12 — Medical institutions shall truthfully provide the appraisal institutions and mediators with the medical records and other materials relating to the medical dispute. Patients and their close relatives shall have the right to access and make copies of their objective medical records. Where medical records are suspected of being falsified or tampered with, the relevant departments shall investigate and deal with the matter in accordance with the law.

Article 13 — Medical institutions shall establish a medical risk sharing mechanism by purchasing medical liability insurance. The State encourages patients to purchase personal accident insurance and other commercial health insurance products to diversify medical risks.

Article 14 — No unit or individual may implement the following acts: illegally gathering in the diagnosis and treatment premises of medical institutions or setting up funeral halls or placing bodies; insulting, intimidating, or threatening medical personnel in medical institutions; illegally restricting the personal freedom of medical personnel or patients; illegally carrying dangerous articles, controlled instruments, or prohibited articles into medical institutions; occupying, damaging, or seizing the property of medical institutions; or other acts that disrupt the normal order of medical institutions.

Article 15 — Where an act specified in Article 14 of these Regulations occurs, the public security organ shall dispatch police to the scene in a timely manner to deal with the matter in accordance with the law. Where the case is serious and constitutes a violation of public security administration, public security administration penalties shall be imposed in accordance with the law; where the violation constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 16 — Where medical institutions, in violation of the provisions of these Regulations, fail to establish a medical dispute complaint reception system or fail to properly handle medical disputes, the health administrative department shall order them to make corrections and may impose penalties in accordance with the law.

Article 17 — These Regulations shall take effect as of October 1, 2018.

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