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Law of the People's Republic of China on Licensed Physicians

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Adopted at the third meeting of the Standing Committee of the Ninth National People's Congress

on June 26, 1998, and promulgated by the Order No. 5 of the President of the People's Republic of China on June 26, 1998 and effective as of May 1, 1999

Chapter 1 General Provisions

Article 1 This Law is formulated in order to strengthen the construction of the team of doctors, improve the professional ethics and professional quality of doctors, protect the legitimate rights and interests of doctors, and protect the health of the people.

Article 2 This Law shall apply to professional medical personnel who have obtained the qualifications of practicing physicians or assistant practicing physicians in accordance with the law and have been registered and practiced in medical, preventive and health care institutions.

The term "physician" as used in this Law includes licensed physicians and licensed assistant physicians.

Article 3 Physicians shall have good professional ethics and medical practice level, carry forward the spirit of humanitarianism, and perform the sacred duties of preventing and treating diseases, saving the dying and helping the wounded, and protecting people's health.

The whole society should respect doctors. Physicians perform their duties in accordance with the law and are protected by law.

Article 4 The administrative department of health under the State Council shall be in charge of the work of physicians throughout the country.

The health administrative department of the local people's government at or above the county level shall be responsible for managing the work of physicians within its administrative area.

Article 5 The state shall reward physicians who have made contributions in medical treatment, prevention and health care.

Article 6 The evaluation and appointment of doctors' medical professional technical titles and medical professional technical positions shall be handled in accordance with relevant state regulations.

Article 7 Physicians may organize and participate in medical associations according to law.

Chapter 2 Exams and Registration

Article 8 The state implements a physician qualification examination system. Physician qualification examination is divided into licensed physician qualification examination and licensed assistant physician qualification examination.

The measures for the unified examination of physician qualifications shall be formulated by the health administrative department of the State Council. Physician qualification examinations shall be organized and implemented by the health administrative departments of the people's governments at or above the provincial level.

Article 9 Anyone who has one of the following conditions may take the qualification examination for practicing physicians:

(1) Those who have a bachelor's degree or above in the medical specialty of an institution of higher learning, and have completed a one-year probationary period in a medical, preventive or health care institution under the guidance of a licensed physician;

(2) After obtaining the practicing certificate of a practicing assistant physician, have a medical college degree in an institution of higher learning, and have worked in a medical, preventive or health care institution for two years; five years.

Article 10 Those who have a medical college degree from an institution of higher learning or a medical professional degree from a secondary professional school, and who have completed one year of probation in a medical, preventive or health care institution under the guidance of a licensed physician, may take the qualification examination for a licensed assistant physician.

Article 11 Those who have studied traditional medicine for three years or have real expertise after years of practice in traditional medicine shall be assessed and recommended by traditional medicine professional organizations or medical, preventive and health care institutions determined by the health administrative department of the people's government at or above the county level. You can take the examination for the qualification of a licensed physician or the qualification of an assistant licensed physician. The content and methods of the examination shall be formulated separately by the health administrative department of the State Council.

Article 12 Those who pass the physician qualification examination shall obtain the qualification of practicing physician or the qualification of practicing assistant physician.

Article 13 The state implements a physician practice registration system.

Those who have obtained the qualifications of doctors may apply for registration to the health administrative department of the people's government at or above the county level where they are located.

Except for the circumstances specified in Article 15 of this Law, the administrative department of health that accepts the application shall approve the registration within 30 days from the date of receipt of the application, and issue a doctor's practice certificate uniformly printed by the administrative department of health under the State Council.

Medical, preventive and health care institutions may go through the registration formalities for the physicians in their institutions collectively.

Article 14 After being registered, physicians may practice in medical, preventive and health care institutions in accordance with the registered practice location, practice category, and practice scope, and engage in corresponding medical treatment, prevention, and health care services.

Those who have not registered as a physician and obtained a practicing certificate shall not engage in the practice of physicians.

Article 15 Registration will not be granted under any of the following circumstances:

- (1) Those who do not have full capacity for civil conduct;
- (2) Due to the criminal punishment, it is less than two years from the date when the punishment is completed to the date of application for registration;
- (3) Those who have received the administrative penalty of revoking the doctor's practice certificate, and it is less than two years from the date of the penalty decision to the date of application for registration;
- (4) There are other circumstances under which the health administrative department of the State Council stipulates that it is not suitable to engage in medical, preventive and health care services.

The administrative department of health that accepts the application shall notify the applicant in writing within 30 days from the date of receipt of the application and explain the reasons if the registration is not approved if the conditions are not met. If the applicant has any objection, he or she may, within 15 days from the date of receipt of the notice, apply for reconsideration according to law or file a lawsuit in the people's court.

Article 16 If a physician falls under any of the following circumstances after registration, the medical, preventive or health care institution where he works shall report to the health administration department that approved the registration within 30 days, and the health administration department shall cancel the registration and withdraw the physician practice certificate:

- (1) Dead or declared missing;
- (2) Those who are subject to criminal punishment;
- (3) Subject to administrative punishment of revocation of the physician's practice certificate;
- (4) The period of suspension of practicing activities in accordance with Article 31 of this Law expires and the re-assessment is still unqualified;

(5) Suspending the practice of physicians for two years;

(6) There are other circumstances under which the health administrative department of the State Council stipulates that it is not suitable to engage in medical, preventive and health care services.

If the party whose registration has been cancelled has any objection, he or she may, within 15 days from the date of receipt of the notice of cancellation of registration, apply for reconsideration according to law or file a lawsuit in the people's court.

Article 17 Physicians who change their practice location, practice category, practice scope and other registration matters shall go through the registration modification formalities in accordance with the provisions of Article 13 of this Law at the health administrative department that approved the registration.

Article 18 If a physician has been suspended from practicing for more than two years and the circumstances stipulated in Article 15 of this Law have disappeared, the application for re-practice shall be assessed by the institution stipulated in Article 31 of this Law, and shall be approved in accordance with Article 13 of this Law. re-registered in accordance with the provisions of Article 1.

Article 19 Practicing physicians who apply for individual practice of medicine must have practiced in medical, preventive and health care institutions for five years after registration, and go through the examination and approval procedures in accordance with relevant state regulations; without approval, they are not allowed to practice medicine.

The administrative department of health of the local people's government at or above the county level shall, in accordance with the provisions of the administrative department of health under the State Council, conduct regular supervision and inspection of physicians who practice medicine. If any of the circumstances specified in Article 16 of this Law are found, the registration shall be cancelled in a timely manner, and the practice of physicians shall be withdrawn. Certificate.

Article 20 The health administrative department of the local people's government at or above the county level shall announce the list of persons approved for registration and deregistration, which shall be compiled by the health administrative department of the provincial people's government and

reported to the health administrative department of the State Council for the record.

Chapter III Practice Rules

Article 21 Physicians enjoy the following rights in practicing activities:

(1) Within the registered scope of practice, conduct medical examinations, disease investigations, and medical treatment, issue corresponding medical certification documents, and choose reasonable medical treatment, prevention, and health care plans;

(2) Obtaining the basic conditions of medical equipment equivalent to their own practice activities in accordance with the standards prescribed by the health administrative department of the State Council;

(3) Engage in medical research, academic exchanges, and participate in professional academic groups;

(4) Participate in professional training and receive continuing medical education;

(5) In practicing activities, personal dignity and personal safety are not violated;

(6) Obtaining wages, remunerations and allowances, and enjoying welfare benefits stipulated by the state;

(7) To put forward opinions and suggestions on the medical treatment, prevention, health care work of the institution and the work of the health administrative department, and participate in the democratic management of the institution in accordance with the law.

Article 22 Physicians shall perform the following obligations in practicing activities:

(1) Comply with laws, regulations, and technical operation specifications;

(2) Establish a professional spirit, abide by professional ethics, perform the duties of a physician, and serve patients with due diligence;

(3) Caring, loving and respecting patients and protecting their privacy;

(4) Make efforts to study business, update knowledge, and improve professional and technical level;

(5) Publicize health care knowledge and conduct health education for patients.

Article 23 Physicians who implement medical, preventive and health care measures and sign relevant medical certification documents must conduct medical examinations and investigations in person, and fill in medical documents in a timely manner in accordance with regulations, and must not conceal, forge or destroy medical documents and related materials.

Physicians are not allowed to issue medical certification documents that are irrelevant to their scope of practice or inconsistent with their practice category.

Article 24 For critically ill patients, physicians shall take emergency measures for diagnosis and treatment; they shall not refuse first aid treatment.

Article 25 Physicians shall use medicines, disinfectants and medical instruments approved by relevant state departments.

Except for proper diagnosis and treatment, narcotic drugs, toxic drugs for medical use, psychotropic drugs and radioactive drugs shall not be used.

Article 26 Physicians should truthfully introduce the condition to patients or their families, but should take care to avoid adverse consequences for the patients.

Physicians conducting experimental clinical medical treatment shall obtain the approval of the hospital and the consent of the patient himself or his family.

Article 27 Physicians shall not take advantage of their positions to solicit or illegally accept patients' property or seek other illegitimate interests.

Article 28 In the event of natural disasters, epidemics of infectious diseases, sudden serious casualties, and other emergencies that seriously threaten people's lives and health, physicians should obey the dispatch of the health administrative department of the people's government at or above the county level.

Article 29 When a physician has a medical accident or discovers an epidemic situation of an infectious disease, he shall promptly report to the institution where he works or the health administrative department in accordance with relevant regulations.

When a physician discovers that a patient is suspected of injury or abnormal death, he shall report to the relevant department in accordance with relevant regulations.

Article 30 Practicing assistant physicians shall, under the guidance of licensed physicians, practice according to their practice categories in medical, preventive and health care institutions.

Practising assistant physicians working in medical, preventive and health care institutions in townships, ethnic townships and towns may independently engage in general practice activities according to the situation and needs of medical diagnosis and treatment.

Chapter IV Assessment and Training

Article 31 Institutions or organizations entrusted by the health administrative departments of the people's governments at or above the county level shall conduct regular assessments on the professional level, work performance and professional ethics of doctors in accordance with the standards for practicing doctors.

Regarding the examination results of doctors, the examination institution shall report to the health administrative department that approved the registration for the record.

For physicians who fail the assessment, the health administrative department of the people's government at or above the county level may order them to suspend their practice for three to six months, and receive training and continuing medical education. When the period of suspension of practice activities expires, the assessment will be conducted again. Those who pass the assessment are allowed to continue to practice; for those who fail the assessment, the health administrative department of the people's government at or above the county level will cancel the registration and withdraw the doctor's practice certificate.

Article 32 The administrative department of health of the people's government at or above the county level is responsible for guiding,

inspecting and supervising the assessment of physicians.

Article 33 If a physician falls under any of the following circumstances, the health administrative department of the people's government at or above the county level shall commend or reward:

(1) Those who have noble medical ethics and outstanding deeds in their practice activities;

(2) Those who have made major breakthroughs in medical professional technology and have made significant contributions;

(3) In the event of natural disasters, epidemics of infectious diseases, sudden heavy casualties, or other emergencies that seriously threaten people's lives and health, outstanding performance in saving the dead, helping the wounded, and first-aid diagnosis and treatment;

(4) Those who have worked hard for a long time in remote and poverty-stricken areas or in ethnic minority areas in grass-roots units with harsh conditions;

(5) Other circumstances that should be commended or rewarded as stipulated by the health administrative department of the State Council.

Article 34 The health administrative department of the people's government at or above the county level shall formulate a training plan for physicians, conduct various forms of training for physicians, and provide conditions for physicians to receive continuing medical education.

The health administrative department of the people's government at or above the county level shall take effective measures to train medical personnel engaged in medical treatment, prevention and health care in rural areas and ethnic minority areas.

Article 35 Medical, preventive and health care institutions shall ensure the training and continuing medical education of their physicians in accordance with regulations and plans.

The medical and health institutions entrusted by the health administrative departments of the people's governments at or above the county level to undertake the task of evaluating doctors shall provide and create conditions for the training and continuing medical education of doctors.

Chapter V Legal Liability

Article 36 Anyone who obtains a doctor's practice certificate by illegitimate means shall be revoked by the health administrative department that issued the certificate; the person in charge who is directly responsible and other persons who are directly responsible shall be given administrative sanctions according to law.

Article 37 If a physician violates the provisions of this Law and commits any of the following acts in his practice activities, the health administrative department of the people's government at or above the county level shall give a warning or order to suspend his practice activities for not less than six months but not more than one year; if the circumstances are serious, revoke its practice certificate; if a crime is constituted, criminal responsibility shall be investigated according to law:

- (1) Violating health administrative rules and regulations or technical operation norms, causing serious consequences;
- (2) Serious consequences are caused by irresponsibly delaying the rescue, diagnosis and treatment of critically ill patients;
- (3) causing medical liability accidents;
- (4) Signing certificates of diagnosis, treatment, epidemiology, etc., or certificates of birth, death, etc., without personal diagnosis and investigation;
- (5) concealing, forging or destroying medical documents and related materials without authorization;
- (6) Using unapproved drugs, disinfectants and medical devices;
- (7) Not using narcotic drugs, toxic drugs for medical use, psychotropic drugs and radioactive drugs in accordance with regulations;
- (8) Performing experimental clinical medical treatment on the patient without the consent of the patient or his family;
- (9) divulging the privacy of patients and causing serious consequences;
- (10) Taking advantage of their positions to solicit or illegally accept property from patients or seek other illegitimate interests;
- (11) Failure to obey the dispatch of the health administrative department in the event of natural disasters, epidemics of infectious diseases, sudden

heavy casualties, and other emergencies that seriously threaten people's lives and health;

(12) Failure to report in accordance with regulations when a medical accident occurs or an infectious disease epidemic is discovered, and the patient is suspected of injury or abnormal death.

Article 38 If a physician causes an accident in the medical treatment, prevention or health care work, it shall be dealt with in accordance with the law or relevant state regulations.

Article 39 Anyone who sets up a medical institution to practice medicine or practice medicine for a non-physician without approval shall be banned by the health administrative department of the people's government at or above the county level, its illegal income and its medicines and equipment shall be confiscated, and a fine of not more than 100,000 yuan shall be imposed; Physicians shall have their practice certificates revoked; if they cause damage to patients, they shall be liable for compensation according to law; if a crime is constituted, they shall be investigated for criminal responsibility according to law.

Article 40 Whoever obstructs doctors from practicing lawfully, insults, slanders, threatens, or beats doctors, or violates the personal freedom of doctors, or interferes with doctors' normal work and life, shall be punished in accordance with the Regulations on Administrative Penalties for Public Security; if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 41 If a medical, preventive or health care institution fails to perform its reporting duties in accordance with the provisions of Article 16 of this Law, resulting in serious consequences, the health administrative department of the people's government at or above the county level shall give a warning; Administrative sanctions shall be given in accordance with the law.

Article 42 If the staff of the health administrative department or the staff of medical, preventive or health care institutions violates the relevant provisions of this Law, commits fraud, neglects their duties, abuses their powers, or engages in favoritism, if it does not constitute a crime, they shall be given administrative sanctions according to law; , investigate criminal responsibility according to law.

Chapter VI Supplementary Provisions

Article 43 Persons who have obtained medical professional technical titles and medical professional technical positions in accordance with relevant state regulations before the date of the promulgation of this law shall be reported to the health administrative department of the people's government at or above the county level by the institution where they belong to obtain the corresponding physician qualifications. Among them, medical personnel engaged in medical treatment, prevention and health care services in medical treatment, prevention and health care institutions shall, in accordance with the conditions stipulated in this Law, be reported to the health administrative department of the people's government at or above the county level by the institution, for registration and issuance of a doctor's practice certificate. The specific measures shall be formulated by the health administrative department of the State Council in conjunction with the personnel administrative department of the State Council.

Article 44 This Law shall apply to physicians in family planning technical service institutions.

Article 45 A village doctor who provides preventive, health care and general medical services to villagers in a village medical and health institution may obtain the qualification of a practicing doctor or an assistant practicing doctor according to the law if it conforms to the relevant provisions of this Law; The State Council shall separately formulate administrative measures for rural doctors with the qualifications of practicing physicians or practicing assistant physicians.

Article 46 The implementation measures for military physicians to implement this Law shall be formulated by the State Council and the Central Military Commission in accordance with the principles of this Law.

Article 47 Foreign personnel who apply for medical examination, registration, practice or engage in clinical teaching, clinical research and other activities within the territory of China shall be handled in accordance with relevant state regulations.

Article 48 This Law shall come into force on May 1, 1999.

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