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The Central People's Government of the People's Republic of China

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## Law of the People's Republic of China on Practising Physicians

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The third meeting of the Standing Committee of the Ninth National People's Congress was adopted

on June 26, 1998. Proclamation No. 5 of the President of the People's Republic of China on June 26, 1998 was promulgated.

Effective as of May 1, 1999.

### Chapter I General Provisions

Article 1 This Law is enacted in order to strengthen the construction of doctor teams, 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 practicing assistant physicians according to law and who are registered to practice in medical, preventive, and health care institutions.

Physicians referred to in this law include licensed physicians and licensed assistant physicians.

Article 3 Physicians shall possess good professional ethics and medical practice standards, carry forward the humanitarian spirit, and perform the sacred duties of preventing and treating diseases, saving lives, helping the people, and protecting people's health.

The whole society should respect doctors. Physicians perform their duties according to law and are protected by law.

Article 4 The health administrative department of the State Council is in charge of the work of physicians across the country.

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

Article 5 The State rewards doctors who have made contributions in medical, preventive and health care work.

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

Article 7 Physicians may organize and participate in physician associations in accordance with law.

## Chapter II Examinations and Registration

Article 8 The State implements a physician qualification examination system. The qualification examination for physicians is divided into the qualification examination for practicing physicians and the qualification examination for practicing assistant physicians.

The measures for uniform examination of doctors' qualifications shall be formulated by the health administrative department of the State Council. The physician qualification examination shall be organized and implemented by the health administrative department of the people's government at or above the provincial level.

Article 9 Those who meet one of the following conditions may participate in the qualification examination for medical practitioners:

(1) Those who have a bachelor's degree or higher in medical science from a college and have a probationary period of one year in medical, prevention, and health care institutions under the guidance of a licensed physician;

(2) After obtaining the practicing certificate of a licensed assistant physician, who has a medical college degree in a college and has worked in a medical, preventive, or health care institution for two years; a medical professional degree in a secondary professional school, has worked in a medical, prevention, or health care institution Five years.

Article 10 Those who have a medical degree in a college or a medical school in a junior professional school, and under the guidance of a licensed physician, have completed a one-year probationary period in a medical, preventive, or health care institution may participate in the qualification examination for licensed assistant physicians.

Article 11 If you have studied traditional medicine in a teacher-trained manner for three years or have expertise in practicing medicine for many years, the traditional medical professional organization or medical, prevention, and health care institution determined by the health administrative department of the people's government at or above the county level shall pass the assessment and recommend it You can take the qualification examination of practicing doctor or assistant assistant doctor. The content and measures of the examination shall be formulated separately by the health administrative department of the State Council.

Article 12 The doctors' qualifications pass the examination, and they obtain the qualifications of practicing doctors or assistant physicians.

Article 13 The State implements a registration system for medical practitioners.

Those who have obtained the doctor's qualification may apply to the health administrative department of the people's government at or above the county level for registration.

Except in the circumstances provided for in Article 15 of this law, the administrative department of health that accepts the application shall grant registration within 30 days from the date of receipt of the application, and issue a medical practice certificate uniformly printed by the administrative department of health under the State Council.

Medical, preventive, and health care institutions may collectively register for the physicians in the institution.

Article 14 After registration, doctors can practice in the medical, prevention, and health care institutions in accordance with the registered practice location, practice category, and scope of practice, and engage in corresponding medical, prevention, and health care businesses.

Obtaining a practicing certificate without the registration of a physician shall not engage in the practice activities of a physician.

Article 15 Registration is not allowed under any of the following circumstances:

- (1) not having full capacity for civil conduct;
- (2) Due to criminal penalties, the period of less than two years from the date of execution of the penalty to the date of application for registration;
- (3) Being subject to administrative punishment of revoking a doctor's practice certificate, and less than two years from the date of the decision on punishment to the date of application for registration;
- (4) There are other circumstances in which the health administrative department of the State Council stipulates that it is not appropriate to engage in medical, prevention, and health care business.

The administrative department of health that accepts the application shall not notify the applicant in writing within 30 days from the date of receiving the application, and explain the reasons. If the applicant has an objection, it may apply for reconsideration or file a lawsuit in a people's court within 15 days of receiving the notice.

Article 16 If a physician has any of the following circumstances after registration, the medical, preventive, or health care institution to which he or she belongs shall report to the administrative department of health that has approved the registration within 30 days, and the administrative department of health shall cancel the registration and withdraw the medical practice certificate:

- (1) being dead or being reported missing;

(2) Being subject to criminal punishment;

(3) Being punished for administrative punishment by revoking a doctor's practice certificate;

(4) in accordance with the provisions of Article 31 of this Law, the suspension of practice activities expires, and the re-evaluation still fails;

(5) Suspension of physician practice for two years;

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

If the party who has been deregistered has an objection, he may, within 15 days from the date of receiving the notice of deregistration, apply for reconsideration or file a lawsuit in a people's court.

Article 17 If a physician changes registration matters such as the practice location, practice category, and practice scope, he shall go to the health administrative department that has approved the registration to complete the registration change procedure in accordance with the provisions of Article 13 of this Law.

Article 18 If the practice of a physician is suspended for more than two years and the circumstances provided for in Article 15 of this Law have disappeared, an application for re-practice shall be qualified by the institution specified in Article 31 of this Law and shall be in accordance with Article 13 of this Law. Re-registration.

Article 19 Practitioners who apply for individual practice must be registered 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; they cannot practice medicine without approval.

The health administrative department of the local people's government at or above the county level shall regularly supervise and inspect physicians in accordance with the provisions of the health administrative department of the State Council. In the event that any of the conditions specified in Article

16 of this law is found, it shall promptly cancel the registration and take back the practice of physician certificate.

Article 20 The public health administrative department of the local people's government at or above the county level shall publish the list of persons approved for registration and deregistration, which shall be compiled by the public 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 Doctors shall enjoy the following rights in their practice activities:

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

(2) Obtaining basic conditions of medical equipment equivalent to their own professional activities in accordance with the standards set 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 the practice activities, personal dignity and personal safety shall not be violated;

(6) Get wages and allowances, and enjoy the benefits provided by the state;

(7) To provide opinions and suggestions on the medical, preventive, health care and health administrative departments of their institutions, and to participate in the democratic management of their institutions according to law.

Article 22 Physicians perform the following obligations in their practice activities:

- (1) abiding by laws and regulations, and complying with technical operation specifications;
- (2) Establish professionalism, abide by professional ethics, perform doctors' duties, and serve patients with due diligence;
- (3) Caring, loving and respecting patients, protecting patients' privacy;
- (4) diligently study business, update knowledge, and improve professional technical level;
- (5) Publicize health care knowledge and provide health education to patients.

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

Physicians cannot produce medical certification documents that are irrelevant to their scope of practice or incompatible with the type of practice.

Article 24 For emergency patients, doctors shall take emergency measures for diagnosis and treatment; they shall not refuse emergency treatment.

Article 25 Physicians shall use drugs, disinfectants and medical devices approved for use by the 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 The physician shall truthfully introduce the condition to the patient or his family members, but he shall pay attention to avoid adverse consequences for the patient.

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

Article 27 Physicians shall not take advantage of their positions to solicit, illegally receive patients' property or obtain other improper benefits.

Article 28 In the event of natural disasters, epidemic diseases, sudden major 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 medical accident occurs or an epidemic situation of infectious diseases is discovered, a physician shall report to the institution or the health administrative department in time in accordance with relevant regulations.

When a doctor discovers that a patient is suspected of being injured or died abnormally, he shall report to the relevant department in accordance with relevant regulations.

Article 30 A practicing assistant physician shall, under the guidance of a practicing physician, practise according to his practice category in medical, preventive and health care institutions.

Assistant physicians working in medical, preventive, and health care institutions in townships, ethnic townships, and towns can independently engage in general practice activities according to the conditions and needs of medical diagnosis and treatment.

#### Chapter IV Assessment and Training

Article 31: Institutions or organizations entrusted by the health administrative department of the people's government at or above the county level shall conduct periodic assessments of doctors' professional level, work performance, and professional ethics in accordance with the practice standards of doctors.

As for the results of the physician's assessment, the assessment agency shall report to the registered health administrative department for the record.

For doctors 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 activities for three to six months, and receive training and continuing medical education. At the end of the period of suspension of practice activities, the assessment will be conducted again. Those who pass the assessment will be allowed to continue practicing; those who fail the assessment shall be deregistered by the health administrative department of the people's government at or above the county level and the physician's practice certificate shall be withdrawn.

Article 32 The health administrative department of the people's government at or above the county level is responsible for guiding, inspecting and supervising the evaluation of physicians.

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

(1) In the practice activities, the medical ethics is noble and the deeds are outstanding;

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

(3) In the case of natural disasters, epidemics of epidemics, sudden major casualties and other emergencies that seriously threaten people's lives and health, the performance of life-saving rescue and rescue treatment is outstanding;

(4) Working hard in grass-roots units in remote and poverty-stricken areas and ethnic minority areas for a long time;

(5) In other circumstances that the health administrative department of the State Council requires to be commended or rewarded.

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 implement training for medical personnel engaged in medical, prevention, and health care operations in rural and minority areas.

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

Medical and health institutions entrusted with the task of physician evaluation entrusted by the health administrative department of the people's government at or above the county level shall provide and create conditions for the training and continued medical education of physicians.

## Chapter V Legal Liability

Article 36 Whoever obtains a doctor's practice certificate by improper means shall be revoked by the health administrative department that issued the certificate; the person in charge and other persons who are directly responsible shall be given administrative sanctions in accordance with law.

Article 37 If a physician violates the provisions of this Law in his practice activities and commits one of the following acts, the health administrative department of the people's government at or above the county level shall give a warning or order the suspension of his practice activities for more than six months and less than one year; , Revoke his practice certificate; if a crime is constituted, criminal responsibility shall be investigated in accordance with the law:

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

(2) causing serious consequences due to irresponsible delays in the rescue and diagnosis and treatment of critically ill patients;

- (3) causing medical liability accidents;
- (4) Signing the certificate of diagnosis, treatment, epidemiology, etc., or the certificate of birth, death, etc. without personal diagnosis and investigation;
- (5) Concealing, forging or destroying medical documents and related materials without authorization;
- (6) The use of unapproved drugs, disinfectants and medical devices;
- (7) Failure to use narcotic drugs, medical toxic drugs, psychotropic drugs and radioactive drugs in accordance with regulations;
- (8) conducting experimental clinical medical treatment on patients without the consent of the patients or their families;
- (9) leaking the privacy of patients and causing serious consequences;
- (10) Taking advantage of the post, soliciting or illegally receiving patients' property or seeking other improper benefits;
- (11) Disobeying the dispatch of the health administrative department in the event of natural disasters, epidemic diseases, sudden major casualties and other emergency situations that seriously threaten people's lives and health;
- (12) Failure to report in accordance with regulations when a medical accident occurs or an epidemic situation of infectious diseases is discovered, the patient is suspected of being injured or died abnormally.

Article 38 Physicians who cause accidents in medical treatment, prevention and health care shall be dealt with in accordance with laws or relevant state regulations.

Article 39 Whoever runs a medical institution without authorization to practice medicine or is a non-physician shall be banned by the health administrative department of the people's government at or above the county level, confiscate its illegal income, its drugs, and equipment, and impose a fine of less than 100,000 yuan; If a doctor revokes his practice certificate, he shall be liable for compensation if he causes damage to a patient; if he

constitutes a crime, he shall be investigated for criminal responsibility according to law.

Article 40 Whoever obstructs a doctor's practice in accordance with the law, insults, slanders, threatens, beats the doctor or violates the doctor's personal freedom and interferes with the normal work and life of the doctor shall be punished in accordance with the regulations on public security administrative penalties; if a crime is constituted, criminal responsibility shall be investigated according to law.

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

Article 42 If a staff member of a health administrative department or a staff member of a medical, prevention, or health care institution violates the relevant provisions of this Law, falsifies, neglects his duties, abuses his authority, or engages in malpractices for personal gain, but does not constitute a crime, he 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 and technical titles and medical professional and technical positions in accordance with relevant state regulations before the date of promulgation of this law shall be reported by their institutions to the health administrative department of the people's government at or above the county level for certification and to obtain corresponding physician qualifications. Among them, medical personnel engaged in medical, prevention, and health care operations in medical, prevention, and health care institutions shall, in accordance with the conditions stipulated in this Law, report collectively to the health administrative department of the people's government at or above the county level, register them, and issue 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 applies to physicians in family planning technical service institutions.

Article 45 Rural doctors who provide prevention, health care, and general medical services to villagers in rural medical and health institutions may meet the relevant provisions of this law and may obtain the qualifications of practicing doctors or practicing assistant doctors according to law; For rural doctors qualified as licensed doctors or licensed assistant doctors, the State Council shall separately formulate administrative measures.

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

Article 47. Overseas personnel applying for examinations, registrations, practising or engaging 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 enter into force on May 1, 1999.

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