



中华人民共和国执业医师法

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

中华人民共和国药品管理法

Drug Control Law of
the People's Republic of China

(中英对照)

(Chinese-English)

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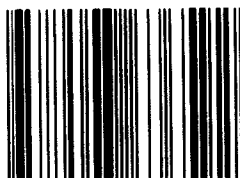
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中华人民共和国主席令

第五号

《中华人民共和国执业医师法》已由中华人民共和国第九届全国人民代表大会常务委员会第三次会议于 1998 年 6 月 26 日通过,现予公布,自 1999 年 5 月 1 日起施行。

中华人民共和国主席 江泽民

1998 年 6 月 26 日

Order of the President of the People's Republic of China

No.5

The Law on Licensed Doctors of the People's Republic of China, adopted at the 3rd Meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on June 26, 1998, is hereby promulgated and shall go into effect as of May 1, 1999.

Jiang Zemin

President of the People's Republic of China

June 26, 1998

中华人民共和国执业医师法

(1998年6月26日第九届全国人民代表大会常务委员会第三次会议通过)

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第一章 总 则

第一条 为了加强医师队伍的建设,提高医师的职业道德和业务素质,保障医师的合法权益,保护人民健康,制定本法。

第二条 依法取得执业医师资格或者执业助理医师资格,经注册在医疗、预防、保健机构中执业的专业医务人员,

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

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

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Chapter I General Provisions

Article 1 This Law is enacted for the purpose of raising the level of the doctors in general, improving their professional ethics and caliber, safeguarding their lawful rights and interests and protecting the people's health.

Article 2 This Law shall apply to medical workers who have, in accordance with the law, obtained the licenses of qualified doctors or

适用本法。

本法所称医师,包括执业医师和执业助理医师。

第三条 医师应当具备良好的职业道德和医疗执业水平,发扬人道主义精神,履行防病治病、救死扶伤、保护人民健康的神圣职责。

全社会应当尊重医师。医师依法履行职责,受法律保护。

第四条 国务院卫生行政部门主管全国的医师工作。

县级以上地方人民政府卫生行政部门负责管理本行政区域内的医师工作。

第五条 国家对在医疗、预防、保健工作中作出贡献的医师,给予奖励。

第六条 医师的医学专业技术职称和医学专业技术职务的评定、聘任,按照国家有关规定办理。

第七条 医师可以依法组织和参加医师协会。

第二章 考试和注册

第八条 国家实行医师资格考试制度。医师资格考试

qualified assistant doctors and registered and are employed in medical treatment, disease-prevention or healthcare institutions.

“The Doctors” referred to in this Law include licensed doctors and licensed assistant doctors .

Article 3 Doctors shall observe good professional ethics and possess proficiency in medical work, display the spirit of humanitarianism and perform the sacred duties of preventing and curing diseases, healing the wounded and rescuing the dying and protecting the people’s health.

Everybody in the community shall show respect for doctors. Every doctor shall fulfill his duties according to law and be protected by law.

Article 4 The administrative department for public health under the State Council shall be in charge of the affairs of doctors throughout the country.

The administrative departments for public health of the local people’s governments at or above the county level shall be in charge of the affairs of doctors within their own administrative regions.

Article 5 The State shall reward the doctors who have made contributions to medical treatment, disease-prevention or health care .

Article 6 technical titles for doctors in the field of medicine shall be assessed and conferred in accordance with the relevant State regulations and so shall doctors be appointed to positions commensurate with their technical titles.

Article 7 Doctors may form or join doctors’ associations.

Chapter II Examination and Registration

Article 8 The State applies the system of examination to determine the qualifications of doctors. The system consists of

分为执业医师资格考试和执业助理医师资格考试。

医师资格统一考试的办法,由国务院卫生行政部门制定。医师资格考试由省级以上人民政府卫生行政部门组织实施。

第九条 具有下列条件之一的,可以参加执业医师资格考试:

(一)具有高等学校医学专业本科以上学历,在执业医师指导下,在医疗、预防、保健机构中试用期满一年的;

(二)取得执业助理医师执业证书后,具有高等学校医学专科学历,在医疗、预防、保健机构中工作满二年的;具有中等专业学校医学专业学历,在医疗、预防、保健机构中工作满五年的。

第十条 具有高等学校医学专科学历或者中等专业学校医学专业学历,在执业医师指导下,在医疗、预防、保健机构中试用期满一年的,可以参加执业助理医师资格考试。

第十一条 以师承方式学习传统医学满三年或者经多年实践医术确有专长的,经县级以上人民政府卫生行政部门确定的传统医学专业组织或者医疗、预防、保健机构考核

examinations to determine the qualifications of licensed doctors and examinations to determine the qualifications of licensed assistant doctors.

Measures for the uniform examinations determine the qualifications of doctors shall be formulated by the administrative department for public health under the State Council. Such examinations shall be arranged by the administrative departments for public health of the people's governments at or above the provincial level.

Article 9 Whoever meets one of the following requirements may take the examinations for the qualifications of a licensed doctor:

(1) having, at least, graduated from the faculty of medicine of a university and, under the guidance of a licensed doctor, worked on probation for at least one year in a medical treatment, disease-prevention or healthcare institution; or

(2) after obtaining the license for an assistant doctor, having reached the level of a graduate from the faculty of medicine of a university and worked for at least two years in a medical treatment, disease-prevention or healthcare institution; or having reached the level of a graduate from the specialty of medicine of a polytechnic school and worked for at least five years in a medical treatment, disease-prevention or healthcare institution.

Article 10 Anyone who has reached the level of a graduate from the faculty of medicine of a university or a polytechnic school and, under the guidance of a licensed doctor, worked on probation for at least one year in a medical treatment, disease-prevention or healthcare institution, may take the examinations for the qualifications of an assistant doctor.

Article 11 Anyone who in the way of apprenticeship, has studied traditional Chinese medicine for three years or, through years

合格并推荐,可以参加执业医师资格或者执业助理医师资格考试。考试的内容和办法由国务院卫生行政部门另行制定。

第十二条 医师资格考试成绩合格,取得执业医师资格或者执业助理医师资格。

第十三条 国家实行医师执业注册制度。

取得医师资格的,可以向所在地县级以上人民政府卫生行政部门申请注册。

除有本法第十五条规定的情形外,受理申请的卫生行政部门应当自收到申请之日起三十日内准予注册,并发给由国务院卫生行政部门统一印制的医师执业证书。

医疗、预防、保健机构可以为本机构中的医师集体办理注册手续。

第十四条 医师经注册后,可以在医疗、预防、保健机构中按照注册的执业地点、执业类别、执业范围执业,从事

of practice in this field, proves to have mastered specialized knowledge of this field, has passed the examinations conducted by an organization specialized in traditional Chinese medicine or by a medical treatment, disease-prevention or healthcare institutions that is recognized as such by the administrative department for public health of a local government at or above the county level, and is recommended by such an organization or institution, may take the examinations for the qualifications of a licensed doctor or a licensed assistant doctor. The contents of and measures for such examinations shall be specified by the administrative department for public health under the State Council separately.

Article 12 Anyone who has passed the examinations for the qualifications of a licensed doctor or a licensed assistant doctor shall be certified as such.

Article 13 The State applies the system of registration for licensed doctors.

A certified doctor may apply for registration to the administrative department for public health of the local people's government at or above the county level.

With the exception of the cases as provided for in Article 15 of this Law, the administrative department for public health that is in charge of dealing with such application shall, within 30 days from the date of receiving the application, allow the applicant to register and grant the applicant a doctor's license which is exclusively printed by the administrative department for public health under the State Council.

The medical treatment, disease-prevention and healthcare institutions may go through the registration procedure for all the doctors working for them.

Article 14 Doctors, upon registration, may work for medical

相应的医疗、预防、保健业务。

未经医师注册取得执业证书,不得从事医师执业活动。

第十五条 有下列情形之一的,不予注册:

(一)不具有完全民事行为能力的;

(二)因受刑事处罚,自刑罚执行完毕之日起至申请注册之日止不满二年的;

(三)受吊销医师执业证书行政处罚,自处罚决定之日起至申请注册之日止不满二年的;

(四)有国务院卫生行政部门规定不宜从事医疗、预防、保健业务的其他情形的。

受理申请的卫生行政部门对不符合条件不予注册的,应当自收到申请之日起三十日内书面通知申请人,并说明理由。申请人有异议的,可以自收到通知之日起十五日内,依法申请复议或者向人民法院提起诉讼。

第十六条 医师注册后有下列情形之一的,其所在的医疗、预防、保健机构应当在三十日内报告准予注册的卫生

treatment, disease-prevention or healthcare institutions at the places, for the types of job and within the scopes of business as registered and engage in medical treatment, disease-prevention or healthcare in such institutions.

No one may work as a doctor without a doctor's license obtained through registration.

Article 15 No one who is found in one of the following cases shall be registered:

(1) having limited capacity for civil conduct;

(2) having applied for registration before the expiration of two years beginning from the date when his punishment has been executed to the date when application for registration is made;

(3) having been imposed on administrative penalty with his doctor's license revoked and less than two years beginning from the date when the penalty decide on to the date when application for registration is made; or

(4) Any other cases which, according to the regulations of the administrative department for public health under the State Council, considered unsuited for conducting medical treatment, disease-prevention or healthcare.

Where the administrative department for public health that deals with application for registration finds that an application does not meet the requirements and thus refuses to allow the applicant to register, it shall, within 30 days from the date of receiving the application, the applicant of the matter in writing and state the reasons why. If the applicant has any objections, he may, within 15 days from the date receiving the notification, apply for a review or bring a suit to a People's Court according to law .

Article 16 Where a registered doctor is found in any of the following cases, the medical treatment, disease-prevention or