



# 中华人民共和国执业医师法

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

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(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 1998年6月26日中华人民共和国主席令第5号公布 自1999年5月1日起施行)

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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。

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

(Adopted at the Third Meeting of the Standing Committee of the  
Ninth National People's Congress on June 26, 1998, and  
promulgated by Order No. 5 of the President of the  
People's Republic of China 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.

**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,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。

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

**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 1 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 2 年的;具有中等专业学校医学专业学历,在医疗、预防、保健机



**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 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,

构中工作满 5 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 1 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 3 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

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 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

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 30 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 2 年的;

(三)受吊销医师执业证书行政处罚,自处罚决定之

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 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

日起至申请注册之日止不满 2 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 30 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 15 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 30 日内报告准予注册的卫生行政部门，卫生行政部门应当注销注册，收回医师执业证书：

(一)死亡或者被宣告失踪的；

(二)受刑事处罚的；

(三)受吊销医师执业证书行政处罚的；

(四)依照本法第三十一条规定暂停执业活动期满，再次考核仍不合格的；

(五)中止医师执业活动满 2 年的；

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 healthcare institutions where he is working shall, within 30 days, report the matter to the administrative department for public health that allowed him to register, and the said department shall revoke the registration and withdraw the doctor's license:

- (1) being dead or being announced missing;
- (2) being imposed on a criminal penalty;
- (3) being imposed on administrative penalty which calls for the revocation of the doctor's license;
- (4) having failed in the reexaminations taken at the expiration of suspension of the practice of medicine which is imposed according to the provisions in Article 31 of this Law;
- (5) having stopped working as a doctor for at least two years; or

(六)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。

被注销注册的当事人有异议的,可以自收到注销注册通知之日起 15 日内,依法申请复议或者向人民法院提起诉讼。

**第十七条** 医师变更执业地点、执业类别、执业范围等注册事项的,应当到准予注册的卫生行政部门依照本法第十三条的规定办理变更注册手续。

**第十八条** 中止医师执业活动 2 年以上以及有本法第十五条规定情形消失的,申请重新执业,应当由本法第三十一条规定的机构考核合格,并依照本法第十三条的规定重新注册。

**第十九条** 申请个体行医的执业医师,须经注册后在医疗、预防、保健机构中执业满 5 年,并按照国家有关规定办理审批手续;未经批准,不得行医。

县级以上地方人民政府卫生行政部门对个体行医的



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

Any party who has objections to the revocation of his registration may, within 15 days from the date receiving the notification of the revocation, apply for a review or bring a suit to a People's Court according to law.

**Article 17** Where a doctor wishes to change to the registered items such as the place, the type of job and the scope of business, he shall, according to the provisions in Article 13 of this Law, go to the administrative department for public health that allowed him to register to complete the formalities for the change.

**Article 18** When a doctor who has stopped doing medical work for at least two years or who is no longer in any of the cases as prescribed in Article 15 of this Law applies to take up the job again, he shall take the examinations conducted by the institutions specified in Article 31 of this Law and, after passing the examinations, reregister according to the provisions in Article 13 of this Law.

**Article 19** Any licensed doctor who wishes to apply for self-employment need to have register and have worked for at least five years in a medical treatment, disease-prevention or healthcare institution and to go through the formalities of examination and approval according to relevant State regulations; he may not practise medicine on his own without such approval.

The administrative departments for public health of the local people's governments at or above the county level shall, according to