

Regulations for the discipline of physicians

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Articles 1 and 2

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Chapter 1 General rules

Article 1 These regulations are formulated in accordance with Article 25-2, Item 6, of the Physicians Act.

Article 2 The authorities in charge in special municipalities and counties (cities) shall set up a Committee on the Discipline of Physicians. However, in counties (cities) with less than 1,000 practicing physicians, doctors of Chinese medicine and dentists, the committee may be set up by the central authorities in charge.

The central authorities in charge shall set up a Review Committee on the Discipline of Physicians.

Article 3 The Committee on the Discipline of Physicians shall have between 7 and 15 members, among whom one member shall be the committee's chairman; the Review Committee on the Discipline of Physicians shall have between 7 and 11 members, among whom one member shall be the committee's chairman.

The committee chairman and members shall be appointed by the institution setting up the committee

Committee members appointed according to Item 1 shall be medical experts, (including physicians, doctors of Chinese medicine and dentists), legal experts or

non-governmental personalities that are not representatives of public opinion. The proportion of legal experts and non-governmental personalities shall not be less than one third.

Article 4 Length of term for members of the Committee on the Discipline of Physicians and the Review Committee on the Discipline of Physicians shall be two years.

A member of the Committee on the Discipline of Physicians may not concurrently serve on the Review Committee on the Discipline of Physicians.

Article 5 Meetings held by the Committee on the Discipline of Physicians and the Review Committee on the Discipline of Physicians shall be chaired by the committee chairman. Should the chairman be unable to attend, he should appoint a chairman from among the committee members.

Article 6 The institution setting up a Committee on the Discipline of Physicians or the Review Committee on the Discipline of Physicians shall appoint one executive secretary and several administrative secretaries to the committee from among its own staff.

Chapter Procedures for handling disciplinary measures

Article 7 When handling disciplinary matters, the medical association or the authority in charge should provide a document clearly stating facts and the reason for imposing disciplinary measures.

When a medical association already has punished someone prior to disciplinary measures, the explanatory document shall clearly state the fact that the medical association already has issued punishment.

Article 8 The Committee on the Discipline of Physicians shall notify the physician being disciplined about the measure, and allow the physician to submit a reply or appear before the committee to explain within 20 days from the day following receipt of the notice. If a reply has not been submitted within the stipulated time limit, the Committee on the Discipline of Physicians may proceed with its resolution.

Article 9 When handling disciplinary matters, two members of the Committee on the Discipline of Physicians should first investigate the matter and submit suggestions based on the investigation to the Committee on the Discipline of Physicians for review.

Article 10 The Committee on the Discipline of Physicians may invite relevant medical experts and scholars to participate as advisors when reviewing a disciplinary measure.

Article 11 Physicians appearing before the committee to present an explanation within the stipulated time limit shall leave the committee following his explanation.

Article 12 No less than half of the Committee on the Discipline of Physicians members must participate in person during review and resolution proceedings, and no less than half of those present must be in agreement with the decision. However, when canceling a professional license or a physicians credentials, two thirds of the committees members must be present in person, and two thirds of those present must be in agreement with the decision.

Article 13 Meetings of the Committee on the Discipline of Physicians are not open to the public, and meeting participants should regard the contents of discussions as strictly confidential.

Members of the Committee on the Discipline of Physicians should avoid participating in disciplinary measures where they have interests.

Article 14 When handling disciplinary matters, the Committee on the Discipline of Physicians shall consider punitive actions by the Medical Association before taking appropriate disciplinary action.

Article 15 Disciplinary resolutions by the Committee on the Discipline of Physicians shall be issued in the form of a resolution document.

This resolution document should state the following items:

1. Name, sex, birth date and ID number of the disciplined physician
2. Name, address and business license number of business organization

3. Reason for disciplinary action

4. Resolution text

5. Factual reason and legal basis

6. Participating committee members

7. Resolution date

8. Remedial measures in case of non-compliance, time limit for compliance, and organization handling non-compliance with the resolution

If the disciplined physician be a foreigner, the physicians passport number should be substituted for the ID number mentioned in the first clause of the previous item.

Article 16 The Committee on the Discipline of Physicians shall submit the resolution document to the disciplined physicians medical association, the authority in charge and the physician being disciplined.

Chapter 3 Procedure for reviewing disciplinary action

Article 17 A disciplined physician not complying with the Committee on the Discipline of Physicians' resolution may request a review of the resolution within 20 days from the day after receipt of the resolution document.

Disciplined physicians requesting a review should submit an explanatory document with a copy to the Committee on the Discipline of Physicians taking disciplinary action. If review is not requested before the expiry of the stipulated time period, the resolution will be confirmed.

Article 18 The Committee on the Discipline of Physicians should submit a copy of the document explaining the reasons for requesting a review to the authority or medical association taking the disciplinary action.

The recipient of the document in the previous item may submit an opinion document within 20 days.

Article 19 After receiving the opinion document or after the stipulated time period has expired, the Committee on the Discipline of Physicians shall hastily submit the document explaining the reason for requesting a review and the full disciplinary records to the Review Committee on the Discipline of Physicians.

Article 20 Apart from the particular regulations in this chapter, the review procedure of the Review Committee on the Discipline of Physicians may adopt the regulations in Chapter 2.

Chapter 4 Implementation procedures

Article 21 The disciplinary resolution by the Committee on the Discipline of Physicians and the Review Committee on the Discipline of Physicians shall be submitted to the following authorities for implementation:

1. Cancellation of the physicians credentials shall be submitted for implementation to the central authorities in charge
2. Remaining disciplinary procedures shall be submitted to the authorities in charge in the various special municipalities, counties (cities).

Article 22 When implementing the disciplinary resolution of the Committee on the Discipline of Physicians and the Review Committee on the Discipline of Physicians, the authorities in charge shall publicly announce the implementation order and resolution, and a copy shall be sent to each medical association under its jurisdiction.

Chapter 5 Bylaw

Article 23 No pecuniary compensation is attached to the position as committee chairman or member of the Committee on the Discipline of Physicians or the Review Committee on the Discipline of Physicians. However, compensation for investigation, participation and travel expenses may be paid according to regulations.

Article 24 Expenses required for handling matters of the Committee on the Discipline of Physicians and the Review Committee on the Discipline of Physicians shall be covered by the budget of the authority setting up the committee.

Article 25 These regulations are valid from the date of promulgation.