

Federal Law No. (5) of 2019

Regulating the Practice of the Medical Profession

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,

Having Reviewed:

- The Constitution;
- Federal Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (7) of 1975 on the Practice of the Medical Profession, as amended;
- Federal Law No. (8) of 1980 Regulating Labor Relations, as amended;
- Federal Law No. (28) of 1981 Concerning the Detention and Treatment of People with a Mental Disorder;
- Federal Law No. (4) of 1983 on the Practice of Pharmacy Profession and Pharmaceutical Institutions;
- Federal Law No. (5) of 1984 on the Practice of Some Medical Professions by Non-Physicians and Pharmacists;
- Federal Law No. (5) of 1985 Promulgating the Civil Transactions Law, as amended;
- Federal Law No. (3) of 1987 Promulgating the Penal Code, as amended;
- Federal Law No. (10) of 1992 Promulgating the Law of Evidence in Civil and Commercial Transactions, as amended,
- Federal Law No. (11) of 1992 Promulgating the Civil Procedure Code, as amended;
- Federal Law No. (35) of 1992 Promulgating the Criminal Procedure Code, as amended;
- Federal Law No. (20) of 1995 on Medicines and Preparations Derived from Natural

Sources;

- Federal Law No. (6) of 2007 Establishing the Insurance Authority and Regulating its Operations, as amended;
- Federal Law No. (11) of 2008 Licensing Fertilization Centers in the State;
- Federal Decree-Law No. (11) of 2008 Concerning Human Resources in the Federal Government, as amended;
- Federal Law No. (14) of 2014 Concerning the Control of Communicable Diseases;
- Federal Law No. (2) of 2015 on Commercial Companies, as amended;
- Federal Law No. (4) of 2015 on Private Health Facilities;
- Federal Law No. (4) of 2016 on Medical Liability;
- Federal Decree-Law No. (5) of 2016 regulating Transfusion and Transplantation of Human Organs and Tissues;
- Federal Law No. (14) of 2016 on Violations and Administrative Penalties in the Federal Government;
- Federal Decree-Law No. (16) of 2016 Establishing Emirates Health Services Establishment; and
- Upon the proposal of the Minister of Health and Prevention as approved by the Cabinet and the Federal National Council, and as ratified by the Federal Supreme Council,
- **Have enacted the following Law:**

Chapter I

Preliminary Provisions

Article (1)

Definitions

The following terms and expressions, wherever mentioned herein, shall bear the meanings assigned thereto respectively, unless the context requires otherwise:

The State : The United Arab Emirates.

The Ministry : The Ministry of Health and Prevention.

The Minister : The Minister of Health and Prevention.

The Health Authority : The Ministry or any governmental federal or local authority in charge of health affairs in the State, each within its respective area of competence.

The Health Facility : A facility providing persons with health services, including services in the fields of prevention, treatment and convalescence, whether owned or managed by a natural or person.

The Physician : Any human doctor, including a dentist.

The Profession : The profession of human medicine, including the dentistry profession.

Internship : The approved compulsory training period to be performed

before or after holding the bachelor's degree or an equivalent degree in human medicine, including dentistry.

- Intern** : Includes the following:
1. A trainee during the internship period after holding the bachelor's degree or an equivalent degree in human medicine, including dentistry; and
 2. A student of human medicine, including dentistry, who is spending the internship period in order to hold the bachelor's degree in medical schools or colleges that require so before holding the said degree.
- The Resident Physician** : A doctor joining higher specialist training programs accredited by the Health Authority.
- The Visiting Physician** : A doctor licensed in a health facility in the State and permitted to work on a part-time basis in another health facility or a doctor coming from outside the State to practice the profession therein for a definite period pursuant to the conditions and controls set forth in the present Law and the Executive Regulations thereof.
- The License** : The permit issued by the Health Authority for practicing the profession.

Article (2)

Applicability of the Law

The present Law shall apply to any person practicing or requesting to practice the profession inside the State, including the free zones.

Article (3)

Objectives of the Law

The present Law aims at the following:

1. Regulating the practice of the profession and protecting the society from unlawful medical practices;
2. Laying the legal bases for practicing the profession to ensure the elevation of the profession and the provision of the best health services for individuals; and
3. Setting the required occupational standards and criteria to limit the medical wrongful, unlawful, indecent and unethical practices.

Chapter II

Licenses

Article (4)

Necessity for License

No person shall practice the profession unless he is licensed by the Health Authority.

Article (5)

Conditions to be Met by the License Applicant

The license applicant shall meet the following conditions:

1. He shall hold a bachelor's degree or an equivalent degree in human medicine, including dentistry, provided that the said degree is recognized in the State;
2. He shall complete the internship period;
3. He shall be a person of good conduct and has not been convicted in a crime or an offense involving moral turpitude or dishonesty, unless being rehabilitated;
4. He shall be medically fit to perform the duties of his profession; and
5. He shall meet any other conditions or controls set forth in the Executive Regulations of the present Law.

Article (6)

Procedures for Licensing and Filing a Complaint against the Rejection of the Application

1. The Health Authority shall be competent to consider the license application pursuant to the conditions and controls set forth in the Executive Regulations hereof.
2. The Health Authority shall decide on the license application within thirty (30) days from the date of submission of the application and shall notify the license applicant of the decision. In case of rejection of the application, the decision shall be substantiated. The lapse of the said period without receiving a reply from the licensing department shall be deemed an implicit rejection of the application.
3. Any person, whose application is rejected, may file a written complaint against the rejection decision to the head of the Health Authority within thirty (30) days from the date on which he was notified of the rejection decision or from the elapse of the time limit set forth in Clause (2) of the present Article without receiving a reply. The head of the Health Authority shall issue a substantiated decision on the complaint within fifteen

(15) days from the submission date thereof. The lapse of the said time limit without receiving a reply shall be deemed an implicit rejection of the complaint and the decision issued on the complaint shall be final.

Article (7)

Creating a Register

1. A national register shall be created in the Ministry to enter the data of physicians licensed to practice the profession in the State.
2. Other Health Authorities shall create their own register to enter the data of physicians licensed thereby to practice the profession.
3. The Executive Regulations hereof shall set forth the conditions and procedures for entering and updating data in such registers.

Article (8)

Cases of Revocation of the License

The license shall be revoked in the following cases:

1. If any licensing condition is no longer met;
2. If a final judgment is issued to deprive the licensed physician from practicing the profession;
3. If a final judgment is issued in a crime or an offence involving moral turpitude or dishonesty; and
4. If the profession is not practiced for the period prescribed in the Executive Regulations hereof.

A new license may be granted to the person whose license was revoked pursuant to the conditions and controls prescribed in the Executive Regulations hereof.

Article (9)

Reinstatement of a Physician who Temporarily Suspended the Practice of the Profession

A physician may be reinstated to practice the profession after he has temporarily suspended the practice of the same, pursuant to the conditions and procedures set forth in the Executive Regulations hereof.

Article (10)

Obtainment of other Necessary Licenses

Obtaining the license pursuant to the provisions of the present Law shall not exempt from obtaining other licenses required under the legislation in force.

Article (11)

Visiting Physician

1. The visiting physician may practice the profession pursuant to the conditions and controls set forth in the Executive Regulations hereof.
2. The visiting physician coming from outside the State shall meet the following conditions:
 - a. He shall have a valid license to practice the profession or an equivalent license from another state; and
 - b. Any other conditions and controls prescribed in the Executive Regulations of the present Law.

Article (12)

Resident Physician

The licensing conditions prescribed in the present Law and the Executive Regulations thereof shall apply to the resident physician who shall have all powers, rights and duties of physicians.

Chapter III

Intern

Article (13)

Spending the Internship Period

The intern shall spend his internship period in the Health Facility licensed for such purpose by the Health Authority. The Executive Regulations hereof shall set the conditions and controls to be met by the said facility.

Article (14)

Training of the Intern

The intern shall begin his training to complete the internship period under the technical and administrative supervision of the physicians or a committee assigned for such purpose throughout the training period. The intern may not carry out any medical procedure or prescribe any medication, except under the direct supervision of his supervisor. The training program of the intern shall be determined by a decision of the Minister in coordination with the Health Authorities.

Article (15)

Responsibilities of the Intern and his Supervisor

1. The intern shall be responsible for his medical errors if he violates or exceeds the scope of the practices determined thereto by his supervisor or if he neglects the execution of the training program determined thereto.
2. The responsibilities of the intern and his supervisor shall be determined according to the rules of medical responsibility.

Article (16)

Insurance of the Intern

Without prejudice to the provisions of liability insurance against medical errors prescribed in Federal Decree-Law No. (4) of 2016 referred to above, the intern shall be covered with liability insurance against medical errors.

Chapter IV

Professional Ethics

Article (17)

Duties of the Licensed Physician

The physician licensed to practice the profession shall perform his work duties with accuracy and honesty required by the profession pursuant to the recognized medical and technical principles to ensure the provision of the necessary care to any patient without using the patient's need to realize an unlawful benefit either for himself or for a third party and without discrimination among patients while maintaining the professional ethics. The relation between the intern and those who work in the medical field shall be based on

mutual respect and close cooperation. The intern shall comply with the legislation applicable in the State.

Article (18)

Code of Professional Ethics

The Minister shall issue the code of professional ethics in coordination with the Health Authorities. In case of violation of any provision thereof, the disciplinary penalties set forth in Article (28) hereof shall be imposed.

Article (19)

Advertising and Publicity

1. A physician may not advertise himself, whether directly, through an agent or by any other means of publication or advertising.
2. Except for what is mentioned in Clause (1) of the present Article, a physician may publicize himself or his clinic, provided that such publicity is not prohibited, pursuant to the conditions and controls set forth in the Executive Regulations hereof.
3. A physician's participation in any health educational programs in mass media or in any other events shall not be deemed as publicity as long as the participation does not include publicity about him, about the facility for which he works or about a medical product with its trade name.

Article (20)

Reporting Communicable Diseases

Without prejudice to the provisions of Federal Law No. (14) of 2014 referred to above, the physician shall report to the Health Authorities any suspicion of any communicable disease

and shall take the proper actions to prevent its spread.

Article (21)

Reporting Injuries and Accidents of a Criminal Nature

The physician shall report to the competent authorities any injuries and accidents of a criminal nature immediately upon knowing the case and shall write a detailed report thereon.

Article (22)

Medical Report and Medical File

1. The physician shall give the patient a detailed medical report on his health condition.
2. The Health Facility shall give the patient a copy of his medical file.
3. The medical report or a copy of the medical file shall be given to the patient upon a request submitted by the patient, his custodian, his guardian, his trustee or his legal agent.

Article (23)

Scope of the License

The physician shall practice the profession within the scope of the license granted thereto and the license granted to the Health Facility where he works.

Article (24)

Prohibitions on Physicians

The physician is prohibited to:

1. Perform any action not within the scope of his competences or the license granted thereto, except in emergencies to save someone's life;
2. Perform any action requiring resources that are not available, except in emergencies;
3. Practice the profession in any unlicensed place, except in the cases set forth in the Executive Regulations hereof;
4. Diagnose or treat a patient by using a method not examined according to the approved medical and ethical standards and without obtaining the approval of the Health Authority;
5. Sell medicine or medicine samples to patients, make publicity or propaganda about some medicine or direct patients to buy medicines from a certain pharmacy;
6. Receive a percentage from the income of any pharmacy, laboratory, another physician or another facility for referring a patient thereto to benefit from their services or to receive any financial or in-kind consideration in this regard; and
7. Practice any works in contradiction with the rules of practicing the profession.

Chapter V

Penalties and sanctions

Article 25

1. A penalty of imprisonment and/or a fine of no less than (AED 200,000) two Hundred Thousand Dirhams and no more than (AED 2,000,000) Two Million Dirhams shall be imposed on the following:
 - a. Any person practicing the profession without obtaining a license and without meeting the conditions entitling him to obtain the license;

- b. Any person submitting incorrect data or documents or resorting to unlawful means to obtain the license without being eligible therefor; and
 - c. Any person, who is not licensed to practice the profession, and uses publications, boards, signs or any other publication means if the said use will make the public believe that he has the right to practice the profession.
2. After conviction in the crime set forth in Sub-Clause (1.b) of the present Article, the issued license shall be revoked and the name of the convicted shall be struck off from the register of physicians as of the date of the final judgment.
 3. The Health Authority may, in all cases, close the Health Facility administratively if the violator works solely therein.

Article 26

A fine of no less than (AED 20,000) Twenty Thousand Dirhams and no more than (AED 1,000,000) One Million Dirhams shall be imposed on any person violating the provisions of Article (22) hereof.

Article 27

A fine of no less than (AED 100,000) One Hundred Thousand Dirhams and no more than (1,000,000) One Million Dirhams shall be imposed on any person practicing the profession without obtaining a license even if he meets the conditions entitling him to obtain it. The Health Authority may, in all cases, close the Health Facility administrative if the violator works therein solely.

Article (28)

Disciplinary Penalties

1. Without prejudice to the criminal penalties prescribed in the present Law or any other laws, the Health Authority may, each within its respective area of competence, impose a disciplinary measure on the physician if he violates the provisions of the present Law, the Executive Regulations thereof or the resolutions issued in implementation thereof.
2. Disciplinary penalties that may be imposed on the violating physician include:
 - a. A written notice;
 - b. A written warning;
 - c. A fine of no less than (AED 1,000) One Thousand Dirhams and no more than (AED 1,000,000) One Million Dirhams;
 - d. Temporary suspension of the license to practice the profession for a period not exceeding one year; and
 - e. Revocation of the license to practice the profession.
3. The disciplinary penalties prescribed in the present Article may not be imposed, except after hearing the statements of the violator and his defense. If he fails to attend despite being notified without an acceptable excuse, the penalty may be imposed on him.

Article (29)

Complaints against the Disciplinary Penalty

1. Any person against whom a disciplinary penalty has been imposed pursuant to Article (28) hereof may file a complaint against the decision to the complaint committee formed at the Health Authority, within (15) fifteen days from the date of notifying the complainant of the decision.
2. The complaint shall be decided on within (30) thirty days from the date of submission thereof. Failure to reply to the complaint within such period shall be deemed an implicit rejection thereof.

3. The decision issued on the complaint shall be final.

Article (30)

Severer Penalty

The penalties set forth herein shall not prejudice any severer penalty set forth in any other law.

Chapter VI

Final Provisions

Article (31)

Judicial Officers

The employees nominated by a resolution issued by the Minister of Justice in agreement with the Minister or the head of the Health Authority, shall have the capacity of judicial officers with regard to investigating into any violations of the provisions hereof, the Executive Regulations thereof and the resolutions issued in implementation thereof, committed within their jurisdiction.

Article (32)

Adjustment of Affairs

Physicians already licensed at the time of entry into force of the present Law shall adjust their affairs pursuant to the provisions hereof within one year from the date of entry into force of the present Law.

Article (33)

Executive Regulations

1. The Cabinet shall, upon a proposal submitted by the Minister, issue the Executive Regulations of the present Law within six (6) months from the date of publishing hereof.
2. The Minister shall issue any other resolutions required for the implementation of the provisions hereof.

Article (34)

Continuity of Entry into Force of the Regulations and Resolutions

The regulations and resolutions issued in implementation of the provisions of Federal Law No. (7) of 1975 referred to above shall remain in force until the issuance of the regulations and resolutions required for the implementation of the provisions of the present Law, without prejudice to the provisions hereof.

Article (35)

Repeals

1. Federal Law No. (7) of 1975 on the Practice of the Medical Profession is hereby repealed.
2. Any provision in conflict with or in contradiction to the provisions of the present Law is hereby repealed.

Article (36)

Publishing and Entry into Force of the Law

The present Law shall be published in the Official Gazette and shall enter into force after thirty days from the date of publishing thereof.

Signed

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

Enacted by Us at the Presidential Palace in Abu Dhabi:

Date: 24 Shaaban 1440 AH.

Corresponding to: 30 April 2019 AD.