

**Cabinet Resolution No. (67) of 2020**

**Concerning the Implementing Regulation of Federal Law No. (5) of 2019**

**On the Practice of Human Medicine Profession**

**The Cabinet:**

- After perusal of the Constitution;
- Federal Law No. (1) of 1972 on the Jurisdictions of the Ministries and the Competences of the Ministers, and its amendments;
- Federal Decree-Law No. (4) of 2016 on Medical Liability;
- Federal Law No. (5) of 2019 on the Practice of Human Medicine Profession;
- Cabinet Resolution No. (7) of 2007 on Regulation of Health Advertisements;
- Cabinet Resolution No. (16) of 2012 on National Training Regulation for Spending the Internship Year at the Health Facilities Affiliated to the Ministry of Health;
- Cabinet Resolution No. (9) of 2017 on the Training of Graduates of the Faculties of Medicine and Medical and Medical Professions other than Physicians and Pharmacists;
- Cabinet Resolution No. (20) of 2017 Adopting Unified Standards for the Licensing of Health Professionals at the Country Level, and its amendments;
- Cabinet Resolution No. (40) of 2019 on the Implementing Regulation of Federal Decree Law No. (4) of 2016 on Medical Liability;
- And pursuant to the proposal of the Minister of Health and Prevention and approval of the Cabinet;

**Has issued the following Resolution:**

**Article (1)**

The definitions contained in Federal Law No. (5) of 2019 referred to herein shall apply to this Resolution, other than that, the following words and expressions shall have the meanings indicated opposite each of them, unless the context requires otherwise:

Law : Federal Law No. (5) of 2019 On the Practice of Human Medicine Profession

**Article (2)**

In addition to the conditions that license applicants must meet as stipulated in Article (5) of the Law, license applicants must fulfill the following:

1. The conditions and requirements mentioned in Cabinet Resolution No. (20) of 2017 referred to herein;
2. Obtaining a license or its equivalent to practice the profession from the country/countries in which he/she has been working before submitting the application, if the health professional has previously been working therein;

\*In case of any misinterpretation, the Arabic version of this legislation prevails.



3. Submitting a certificate of good conduct issued by the licensing authority or its equivalent in the country/countries in which the health professional worked. That certificate shall prove his/her good conduct and that no judgment has been issued against him/her or a disciplinary action preventing him/her from practicing the profession or restricting his/her practice thereof as determined by the health authority;
4. Submitting a declaration that he/she is not convicted of a felony or misdemeanor involving moral turpitude or dishonesty, unless he/she has recovered his/her civil rights, and disclosing all cases, trials or judgments that were issued against him/her or those under investigation, if any;
5. Disclosing all communicable diseases or any diseases, if any, that the applicant is infected with and may affect the patient and affect the applicant's competency to practice the profession.

### **Article (3)**

1. The health authority may reject the license application if the applicant does not meet the conditions stipulated in the Law or this Resolution;
2. An applicant whose license application has been rejected, revoked or withdrawn, may file grievance against the decision issued in this regard to the head of the health authority, as the case may be, within thirty days from the date of being notified of the decision. The decision issued regarding the grievance shall be final;
3. After paying the prescribed fee, the health authority issues the license, including the physician's degree, his/ her specialization, the health facility he/she is licensed to work at, any other data and instructions, and the validity period of the license;
4. A physician licensed to practice the profession must submit a request to the health authority issuing the license to renew his/her license at least one month prior to its expiry date;
5. The health authority may renew the license for a period of at least one year in accordance with the unified standards requirements for licensing health professionals and any other requirements determined by the health authority. The license shall not be renewed unless the health professional fulfills the renewal requirements as per the license degree and field of specialization.

### **Article (4)**

1. A national register shall be created at the Ministry to record the data of physicians licensed to practice the profession in the Country. This register is divided into:
  - a. Register of general practitioners;
  - b. Register of medical specialists.
2. Other health authorities shall create their own registries to record the data of physicians whom they have licensed to practice the profession. This register is divided into:
  - a. Register of general practitioners;
  - b. Register of medical specialists.
3. The records of the physicians referred to in Clauses (1) and (2) of this Article must include the following:

\*In case of any misinterpretation, the Arabic version of this legislation prevails.



- a. Personal identifying data of the physician;
  - b. Data of the license granted thereto;
  - c. Any other data determined by the health authority.
4. The records referred to in Clauses (1) and (2) of this Article must be numbered (the numbering of the entry in the registers);
  5. Registers may be in form of hard or soft copy;
  6. Erasing, scratching, or deleting any of the registers' contents is not permissible, unless it is in accordance with the procedures set out by the health authority;
  7. All information contained in the registers shall be subject to the information system and protection as determined by the health authority, and shall be governed by the provisions related to maintaining confidentiality in accordance with the legislation in force in this field;
  8. These registers shall be updated periodically, at least once a year.

#### **Article (5)**

If a physician suffers from a disease or disability resulting in losing his/her physical fitness that enables him/her to practice the profession in whole or in part, the physician's license shall be canceled or the work entrusted to him/her shall be limited according to his/her medical fitness upon a decision issued by the head of the health authority, as the case may be, based on the recommendation of a committee formed by the health authority for this purpose. The number of members of the said committee shall be at least three consultant physicians in the same specialty. The head of the health authority may amend his/her decision based on the committee's suggestion according to the development of the physician's health condition.

#### **Article 6**

License of a health professional shall be revoked in the event of non-practice of the profession for a period of 6 (six) consecutive months during the license's validity period without an excuse acceptable to the health authority that granted the license. In such a case, another license must be obtained to re-start practicing of the profession in accordance with the conditions and regulations provided for in Cabinet Resolution No. (20) of 2017 referred to herein.

#### **Article (7)**

1. A Physician shall re-start practicing the profession after the end of his/her temporary absence in accordance with the conditions and procedures prescribed in Cabinet Resolution No. (20) of 2017 referred to herein;
2. If a disciplinary decision was issued against a physician to suspend him/her from practicing the profession for a period of not less than 3 (three) months and not more than 1 (one) year due to a medical error, the health authority may re-evaluate the physician's competence, restrict his/her clinical privileges, require him/her to complete and pass a practical training course in his/her field of specialization, or to put his/her practice of the profession under supervision for a specific period as determined by the health authority.

#### **Article (8)**

\*In case of any misinterpretation, the Arabic version of this legislation prevails.



A new license may be granted to a person whose license has been revoked if the reasons for revocation have ended or if the person has submitted a proof that he/she met the licensing conditions in accordance with the provisions of the Law and this Resolution. If the reason for revoking the license is the issuance of a court ruling regarding a felony or misdemeanor involving moral turpitude or dishonesty, the person must submit a proof that he recovered his civil rights.

#### **Article (9)**

Visiting physicians must fulfill the following conditions and controls in order to practice the profession:

1. Conditions and controls of visiting physicians from inside the Country:
  - a. Having a valid license from his/ her employer in the Country;
  - b. Submitting a certificate of good conduct issued by the licensing authority in the Country proving his/ her good conduct and that no judgment has been issued against him/ her or a disciplinary action preventing him/ her from practicing the profession or restricting his/ her practice thereof;
  - c. Obtaining approval from his/her employer;
  - d. Fulfilling any other conditions set out by the health authority in a manner that does not conflict with the provisions of the Law and this Resolution.
2. Conditions of a visiting physician from outside the Country:
  - a. Submitting a certificate of good conduct issued by the country in which the health professional is working, proving his/ her good conduct and that no judgment has been issued against him/ her or a disciplinary action preventing him/ her from practicing the profession or restricting his/ her practice thereof;
  - b. Providing evidence that the physician is practicing the profession in the country where he/ she is working without absence;
  - c. Submitting a copy of academic qualifications and certificates;
  - d. Fulfilling any other conditions set out by the health authority in a manner that does not conflict with the provisions of the Law and this Resolution.
3. The health authority may grant visiting physicians from outside the Country an exception from one or more of the conditions and controls mentioned in Clause (2) of this Article as it deems appropriate.

#### **Article (10)**

A Resident Physician shall be subject to the licensing controls set out in Cabinet Resolution No. (20) of 2017 referred to herein.

#### **Article (11)**

An Intern shall serve the internship period at the health facility licensed for this purpose by the health authority. Such facility must meet the conditions and controls stipulated in Cabinet Resolution No. (16) of 2012 and Cabinet Resolution No. (9) of 2017 referred to herein and any other decisions issued in implementation thereof. An intern must abide by the decisions and regulations issued in the field of medical education, training and licensing.

\*In case of any misinterpretation, the Arabic version of this legislation prevails.



#### **Article (12)**

Without prejudice to the Law and Cabinet Resolution No. (7) of 2007 referred to herein, a physician may publish the location of his/ her clinic in newspapers or through any other means of advertisement, whether upon starting work at that clinic or changing it, or if he/ she travels or returns from a leave of more than one month. The publication shall be for a period not exceeding one week and in a manner that does not imply any kind of advertising.

#### **Article (13)**

A physician is prohibited from practicing the profession in an unlicensed place except in the following cases:

1. Emergencies, disasters and crises;
2. For the sake of providing assistance and relief;
3. Providing treatment for family members;
4. Providing at-home treatment according to the legislation in force at the health authority;
5. Providing remote health service in accordance with the legislation in force in this regard;
6. Any other case determined by the health authority

#### **Article (14)**

Any provision that contradicts or conflicts with the provisions of this Resolution shall be abrogated.

#### **Article (15)**

The head of the health authority shall issue the decisions necessary to implement the provisions of this Resolution in a manner that does not conflict with the provisions of the Law.

#### **Article (16)**

This Law shall be published in the Official Gazette and shall come into force the day following its publication.

**Mohammed bin Rashid Al Maktoum**

**Prime Minister**

**Issued by us:**

**On Safar 21, 1442 A.H.**

**Corresponding to: October 8, 2020 A.D.**

\*In case of any misinterpretation, the Arabic version of this legislation prevails.

