

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

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

- 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 Law No. (7) of 1975 on the Practice of Human Medicine Profession, and its amendments;
- Federal Law No. (8) of 1980 on the Regulation of Labor Relations, and its amendments;
- Federal Law No. (28) of 1981 on the Detention and Treatment of People with Mental Illnesses;
- Federal Law No. (4) of 1983 on the Profession of Pharmacy and Pharmaceutical Institutions;
- Federal Law No. (5) of 1984 on the Practice of some Health Professions by Non-Doctors and Non-Pharmacists;
- Federal Law No. 5 of 1985 on the Promulgation of the Civil Transactions Law, and its amendments;
- Federal Law No. (3) of 1987 on the Promulgation of the Penal Code, and its amendments;
- Federal Law No. (10) of 1992 on the Promulgation of the Evidence Law in Civil and Commercial Transactions, and its amendments;
- Federal Law No. (11) of 1992 on the Promulgation of the Civil Procedure Code, and its amendments;
- Federal Law No. (35) of 1992 on Criminal Procedure Law, and its amendments;
- Federal Law No. (20) of 1995 Concerning Medicines and Preparations Derived from Natural Sources;
- Federal Law No. (6) of 2007 on the Establishment of the Insurance Authority and Organization of its Operations, and its amendments;
- Federal Law No. (11) of 2008 on Licensing Fertility Centers in the UAE;
- Federal Decree-Law No. (11) of 2008 on Human Resources in the Federal Government, and its amendments;
- Federal Law No. (14) of 2014 on the Prevention of Communicable Diseases;
- Federal Law No. (2) of 2015 on Commercial Companies, and its amendments;
- Federal Law No. (4) of 2015 on Private Health Facilities;
- Federal Decree-Law No. (4) of 2016 on Medical Liability;
- Federal Decree-Law No. (5) of 2016 on the Regulation of Human Organs and Tissues Transplantation;
- Federal Law No. (14) of 2016 on Violations and Administrative Penalties in the Federal Government;
- Federal Decree-Law No. (16) of 2016 on the Establishment of Emirates Healthcare Services Establishment;

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The License : The permit issued by the Health Authority to practice the Profession.

Article (2)

Application of the Law

This Law shall apply to whoever practices or applies to practice the Profession inside the Country, including Free Zones.

Article (3)

Objectives of the Law

This Law aims to the following:

1. Regulating the practice of the Profession and protecting the community against illegal medical practices;
2. Establishing the legal foundations for the practice of the Profession so as to ensure its advancement and to provide the best healthcare services for individuals;
3. Establishing the necessary professional foundations and standards to reduce medical malpractice, illegal practices, or the practices violating professional ethics.

Chapter 2

Licensing

Article (4)

Obligation of Obtaining the License

Nobody may practice the Profession unless they are licensed by the Health Authority.

Article (5)

Conditions to be Met by License Applicant

The License applicant shall meet the following conditions:

1. The applicant must be a holder of a Bachelor's degree or its equivalent in human medicine, including dentistry, which is accredited in the Country;
2. The applicant must have completed his/ her Internship;
3. The applicant must have a good conduct record and have not been previously convicted of a felony or misdemeanor involving moral turpitude or dishonesty, unless he/ she recovered his/her civil rights;
4. The applicant must be medically fit to perform his/ her professional duties;
5. Any other conditions or controls prescribed by the Implementing Regulation of this Law.

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- Pursuant to the proposal of the Minister of Health and Prevention, approval of the Cabinet, the Federal National Council, and the ratification of the Federal Supreme Council;

Have issued the following Law:

Chapter 1 Preliminary Provisions

Article (1)

Definitions

The following terms and expressions shall have the meanings indicated opposite each of them, unless the context requires otherwise:

The Country	:	The United Arab Emirates
MOHAP/ the Ministry	:	The Ministry of Health and Prevention
The Minister	:	Minister of Health and Prevention
Health Authority	:	The Ministry or any federal or local government body in charge of health affairs in the Country, each within their scope of competence.
Health Facility	:	An establishment that provides individuals with healthcare services, including prevention, treatment and recovery, whether it is owned or managed by a natural or a legal person.
Physician	:	A human doctor, including a dentist.
The Profession	:	The profession of human medicine, including dentistry.
Internship	:	The approved mandatory training period before or after obtaining the Bachelor's degree or its equivalent in human medicine, including dentistry.
Intern	:	This term encompasses: <ol style="list-style-type: none"> 1. Trainees during their Internship after obtaining their Bachelor's degree or its equivalent in human medicine, including dentistry; 2. Human medicine students, including dentistry students, during their Internship to obtain their Bachelor's degree at universities or medical schools that require so prior to granting the said degree.
Resident	:	A Physician enrolled in specialized higher training within training programs accredited by the Health Authority.
Visiting Physician	:	A Physician licensed at a Health Facility in the Country and authorized to work part-time at another Health Facility, or a Physician coming from abroad to practice the Profession in the Country for a limited period pursuant to the conditions and controls prescribed by this Law and its Implementing Regulation.

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Article (19)**Advertising**

1. A Physician may not advertise him/herself directly, through an intermediary or by any means of publication or advertising;
2. As an exception to Clause 1 of this Article, a Physician may advertise himself/herself or his/her clinic in a manner that does not involve any prohibited advertising in accordance with the conditions and controls prescribed by the Implementing Regulation of this Law;
3. A Physician's participation in health education programs through the media or through any other events shall not be considered as advertising when such participation is not accompanied by advertising such Physician, the Facility where he/she works, or medical product under his/her commercial name.

Article (20)**Reporting Communicable Diseases**

Without prejudice to the provisions of aforementioned Federal Law No. (14) of 2014, the Physician shall notify the Health Authorities if he/she suspects that a patient is infected with any communicable disease and shall take the appropriate actions to prevent the spread of such disease.

Article (21)**Reporting Injuries and Accidents Suspected to be of Criminal Nature**

The Physician must inform the competent authorities of any injuries and accidents suspected to be of criminal nature upon finding out about such case and shall write down a detailed report thereon.

Article (22)**Medical Report and Medical File**

1. A Physician shall provide the patient with a detailed medical report on his/her health condition;
2. The Health Facility shall provide the patient with a copy of his/ her medical file;
3. The medical report or a copy of the medical file shall be delivered at the patient's request or at the request of his guardian, trustee, custodian or legal representative.

Article (23)**Scope of the License**

The Physician shall only practice the Profession within the limits of the License granted thereto and the License of the Health Facility where he/she works.

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Article (9)**Return of Physician to Practice the Profession after Temporary Absence**

A Physician shall return to practice the profession after the end of his/ her temporary absence, pursuant to the conditions and procedures prescribed by the Implementing Regulation of this Law.

Article (10)**Obtaining Other Necessary Licenses**

Obtaining a License as per the provisions of this Law shall not exempt the physician from obtaining other Licenses prescribed by other applicable legislation.

Article (11)**Visiting Physician**

1. A Visiting Physician may practice the Profession pursuant to the conditions and controls prescribed by the Implementing Regulation of this Law;
2. A Visiting Physician coming from abroad shall meet the following conditions:
 - a. He/she shall be a holder of a License to practice the Profession or an equivalent valid in another country;
 - b. Any other conditions or controls prescribed by the Implementing Regulation of this Law.

Article (12)**Resident**

A Resident shall be subject to the licensing controls set out in this Law and its Implementing Regulation and shall have all the powers, rights and duties conferred on a Physician.

Chapter 3**Interns****Article (13)****Serving the Internship**

An Intern shall serve the Internship period at the Health Facility licensed for this purpose by the Health Authority. The Implementing Regulation of this Law shall prescribe the conditions and controls to be met by such Facility.

Article (14)**Training of Intern**

An Intern shall proceed with his/her training to serve the Internship period under the technical and administrative supervision of the Physicians or the committee in charge throughout the Internship period. No Interns are allowed to carry out any medical procedures or prescribe any treatment

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Article (30)**Severer Penalties**

The sanctions prescribed by this Law shall not prejudice any other severer penalty prescribed by any other law.

Chapter 6**Final Provisions****Article (31)****Judicial Capacity**

The employees appointed by virtue of a decision issued by the Minister of Justice, in agreement with the Minister or the chairman of the Health Authority shall have the capacity of judicial officers in establishing any violation of the provisions of this Law, its Implementing Regulation, and the decisions issued pursuant thereto, each within the scope of their competencies.

Article (32)**Adjustment of Situation**

Physicians who are licensed at the time of this Law's coming into force shall adjust their situation as per the provisions hereof within one year from the date of its entry into force.

Article (33)**The Implementing Regulation**

1. The Cabinet shall, based on the proposal of the Minister, issue the Implementing Regulation of the provisions of this Law within six months from the date of its publication;
2. The Minister shall issue any other decisions necessary for implementing the provisions of this Law.

Article (34)**Continued Enforcement of Regulations and Decisions**

The regulations and decisions issued in implementation of the provisions of aforementioned Federal Law No. (7) of 1975 shall remain in force until the issuance of the necessary regulations and decisions for implementing the provisions of this Law without prejudice to its provisions.

Article (35)**Abrogation**

1. Federal Law No. (7) of 1975 on the Practice of the Human Medicine Profession shall be abrogated;
2. Any provision that contradicts or is in conflict with the provisions of this Law shall be abrogated.

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Article (24)

Prohibitions Imposed Upon Physicians

A Physician shall be prohibited from the following:

1. Performing a work that exceeds his/her competence or exceeds the License granted thereto, except in cases of emergency to save people's lives;
2. Performing a work that cannot be performed through the resources available thereto, except in cases of emergency;
3. Practicing the Profession in an unlicensed place, except in the cases prescribed by the Implementing Regulation of this Law;
4. Diagnosing or treating a patient using a method that has not been tested in accordance with the approved scientific and moral standards and without obtaining the approval of the Health Authority;
5. Selling drugs or samples thereof to patients, advertising or promoting some drugs, or advising patients to purchase drugs from a particular pharmacy;
6. Receiving a proportion of the income of any pharmacy, laboratory, other Physician or Facility to which/whom he/she has referred a patient to benefit from their services, or obtaining any material or in-kind consideration in return for such referral;
7. Performing any works that conflict with the rules of practicing the profession.

Chapter 5

Sanctions and Penalties

Article (25)

1. Shall be punished by imprisonment and by a fine of not less than AED 200,000 (two hundred thousand dirhams) and not exceeding AED 2 million (two million dirhams) or by either penalty:
 - a. Whoever practices the Profession without holding a License and without meeting the conditions qualifying him/her to obtain the License;
 - b. Whoever submits incorrect documents or data or resorts to unlawful means in order to obtain a wrongful license;
 - c. Any person who is not licensed to practice the Profession, but using bulletins, boards, banners or any other means of publication if these actions would lead the public to believe that he/she has the right to practice the Profession;
2. Being convicted for the crime set out in Clause (1/b) of this Article shall entail the revocation of the issued License and the removal of the convicted person from the Physicians' register as of the date of issuance of the final judgment;
3. In all cases, the Health Authority may close the Health Facility by administrative decision if the violator operates it individually.

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Article (6)

Procedures for Applying for License and Filing Grievance against Rejection of the Application

1. The Health Authority shall have the competence to examine the License application, pursuant to the conditions and controls prescribed by the Implementing Regulation of this Law;
2. The Health Authority shall decide on the License application within thirty (30) days from the date of its submission, and the applicant shall be notified of the Authority's decision. In the event that the application is rejected, the rejection decision shall be reasoned. If no reply is received within the said period, the application shall be deemed rejected;
3. Whoever has their application rejected may file a written grievance against the rejection decision to the chairman of the Health Authority within thirty (30) days from the date of being notified of such rejection decision or upon the lapse of the period prescribed in Clause (2) of this article without receiving any reply. The chairman of the Health Authority shall decide on the grievance within 15 (fifteen) days from its submission by issuing a reasoned decision. If no reply is received within the said period, the grievance shall be deemed rejected and the decision issued regarding the grievance shall be final.

Article (7)

Creation of Register

- 1- A national register shall be created at the Ministry to enter the data of Physicians licensed to practice the Profession in the Country;
- 2- Other Health Authorities shall create their own registers to enter the data of Physicians whom they have licensed to practice the Profession;
- 3- The Implementing Regulation of this Law shall set out the conditions and procedures for entry in these registers as well as the update of the data included therein.

Article (8)

Cases of License Revocation

The License shall be revoked in the following cases:

1. In the event that any of the licensing requirements are no longer met;
2. If a final judgment is issued ordering professional disqualification;
3. If a final judgment is issued in a felony or misdemeanor involving moral turpitude or dishonesty;
4. In the event of non-practice of the Profession for the period prescribed by the Implementing Regulation of this Law.

A new License may be issued to whoever had their License revoked pursuant to the conditions and procedures prescribed by the Implementing Regulation of this Law.

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unless under the direct supervision of his/her supervisor. The Internship program of the Intern shall be set out by decision of the Minister in coordination with the Health Authorities.

Article (15)

Liability of Intern and Supervisor

1. An intern shall be held liable for his/her medical errors if he/she violates or overrides the scope of practices set out by the supervising Physician or if he/she commits any negligence while implementing the Internship program set out for him/her;
2. The liability of the Intern and his/ her supervisor shall be determined pursuant to the medical liability rules.

Article (16)

Insurance of Intern

Without prejudice to the provisions of civil liability insurance covering the medical errors set out in the aforementioned Federal Decree-Law No. (4) of 2016, the Intern shall have a civil liability insurance covering medical errors.

Chapter 4

Professional Ethics

Article (17)

Obligations of a Licensed Physician

Physicians that are licensed to practice the Profession shall perform their duties with the precision and trust required by the Profession, pursuant to the generally accepted scientific and technical standards, so as to provide the necessary care for the patients. They shall not exploit the patients' needs for the purpose of obtaining illegitimate benefit for themselves or for others and shall not discriminate between patients and must preserve the dignity and honor of the Profession. The relation between physicians and other medical workers must be based on mutual respect and close collaboration. Physicians must comply with the legislation applicable in the Country.

Article (18)

Code of Ethics of the Profession

The Minister shall issue the Code of Ethics of the Profession in coordination with the Health Authorities. The violation of any provisions of the Code of Ethics shall lead to the imposition of disciplinary sanctions set out in Article (28) of this Law.

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Article (36)**Publication and Entry into Force of the Law**

This Law shall be published in the Official Gazette and shall come into force thirty days after its publication.

Khalifa bin Zayed Al Nahyan
President of the United Arab Emirates

Promulgated by us at Abu Dhabi Presidential Palace

Date: Sha'ban 24, 1440 A.H.

Corresponding to: April 30, 2019 A.D.

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Article 26

Whoever violates the provision of Article (22) of this Law shall be punished by a fine of not less than AED 20,000 (twenty thousand dirhams) and not exceeding AED 1million (one million dirhams)

Article 27

Whoever practices the Profession without holding a License while meeting all the conditions qualifying him/her to obtain it shall be punished by a fine of not less than AED 100,000 (one hundred thousand dirhams) and not exceeding AED 1million (one million Dirhams). In all cases, the Health Authority may close the Health Facility by administrative decision if the violator operates it individually.

Article (28)

Disciplinary Sanctions

1. Without prejudice to the penal sanctions prescribed by this Law or by any other laws, the Health Authorities may, each within their own competence, take disciplinary action against the Physician if he/she violates the provisions of this Law, its Implementing Regulation or the decisions issued in implementation thereof;
2. The following disciplinary sanctions may be imposed upon the violating Physician:
 - a. Sending a written notice;
 - b. Sending a written warning;
 - c. Imposing a fine of not less than AED 1,000 (one thousand dirhams) and not exceeding AED 1 million (one million dirhams);
 - d. The temporary suspension of the Profession License for a period not exceeding one year;
 - e. The revocation of the Profession License.
3. None of the disciplinary sanctions prescribed in this Article may be imposed before hearing out the violator and investigating his/her defense. If the violator fails to appear without an acceptable excuse despite being notified, the sanction may be imposed thereupon.

Article (29)

Grievance Against Disciplinary Sanction

1. Any person against whom a disciplinary sanction was issued as per Article (28) of this Law may file a grievance against such decision before the grievance committee formed at the Health Authority within 15 (fifteen) days from the date in which the grievant party learns about the decision;
2. The grievance shall be settled within 30 (thirty) days from the date of its submission provided that the decision issued thereon shall be reasoned. In the event that no reply is received during this period, the grievance shall be deemed rejected;
3. The decision issued on the grievance shall be final.

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