

The Law of Practicing Human Medicine and Dentistry Profession

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Chapter (1) License of Practicing the Profession

Article (1)

It shall be prohibited to practice the profession of human medicine or dentistry save pursuant to obtaining the pertinent license from the Ministry of Health.

Appointment in medical posts at governmental organs shall be considered as licensing to practice the profession at such organs, provided that such shall inform the Ministry of Health of the necessary information about those appointed in medical posts so as to be registered in the licensees professionals registers.

The Executive Regulation shall specify whomsoever considered a practitioner of the human medicine and dentistry professions; and whosoever practices any of these two professions at the time of issuing this law, and has not yet obtained the required license, shall be obliged to submit to the Ministry, within six months as of the effectiveness date of this law, the pertinent application to obtain the necessary license.

Article (2)

Licensing to practice the profession of human medicine or dentistry shall be subject to the following terms:

- 1- Shall be holder of a bachelor degree in medicine and surgery, or dentistry, from one of the Saudi universities, or an equivalent degree to such from one of the foreign faculties of medicine recognized by the Kingdom.
- 2- Shall have successfully passed the houseman ship compulsory training period, shall be physically fit and enjoy the required experience in each branch as specified by the Executive Regulation of this law.

Article (3)

The License to practice the profession of human medicine or dentistry shall not be granted to whomsoever convicted of a crime violating honor or trust, unless rehabilitated.

Article (4)

The duration of practicing the profession of human medicine or dentistry license shall be in accordance with whatsoever specified by the Executive Regulation of this law.

And it shall be permissible to issue temporary licenses for the visiting doctors and specialists that expire by the termination of their specified visits.

And it shall not be permissible for whosoever desists from practicing the profession for two successive years for purposes other than study or training in the field of the profession, to resume practicing such save after he obtains a new license.

Article (5)

It shall be permissible, by a decision from the Minister of Health based on public interest requirements, to restrict solely to the Saudis practicing one of the professions stipulated in this law.

Article (6)

The Ministry of Health shall prepare registers for those practicing the professions of human medicine and dentistry wherein shall be indicated the licensee's name, nationality, date of birth, specialty and obtained academic qualifications, their dates and the issuing organs, the place where he practices his profession and the license number, date and duration.

The Ministry of Health shall publish the names of the licensed doctor in the manner it deems appropriate; and whomsoever granted a license shall be obligated to inform the Ministry of Health, by a registered letter, of any change in the work place or nature, or any other information pertaining to the register.

Chapter (2) The Doctor's Duties

Section (1) The Doctor's General Duties

Article (7)

The doctor shall practice his profession for the benefit of the individual and society within the framework of the human being's right to life, safety and dignity observing, in his work, the habits and traditions prevailing in the Kingdom, and refraining from exploitation.

Article (8)

The doctor shall be committed to help the competent authorities in performing their duty in protecting public health and obviate risks threatening such in peace and war.

Article (9)

a- The doctor shall be obliged to enrich his medical knowledge and follow up the scientific developments and recent discoveries in the medical field.

b- The doctor shall be obliged to refrain from practicing scientifically unrecognized diagnostic and treatment methods.

Article (10)

The doctor who witnesses or knows that a patient or wounded person is in a serious condition shall be obliged to offer him the possible assistance, or ascertain that such receives the necessary care.

Article (11)

a- The medical function shall always target the patient's benefit; and the doctor shall do his best to every patient.

b- It shall not be permissible for the doctor, in cases other than dictated by necessity, to render any service beyond his specialty and capabilities.

Article (12)

a- The doctor shall be prohibited, in cases other than those specified by the Executive Regulation, to directly, or by proxy, advertise for himself or publicize his achievements.

b- The doctor shall also be prohibited from inscribing on signboards, or cards, or medical prescriptions scientific titles or specialties he hasn't acquired pursuant to their regulatory rules.

Article (13)

The doctor shall be obliged to promptly inform the competent security and health authorities upon examining a patient suspected of a criminal injury or a contagious disease.

The Minister of Health shall issue a decision on the diseases to be reported, the authorities such to be reported to and the procedures to be followed in this matter.

Article (14)

It shall not be permissible to pluralize practicing the profession of human medicine, or dentistry, and the pharmaceutical profession, or any profession the practice of which shall be contradictory to that of the profession of medicine; and it shall also be prohibited to request, or accept, or take a commission or reward, or obtain any benefit against promoting, or be committed to prescribe certain medications, or instruments, or directing the patients to a specific pharmacy or hospital or laboratory, or the like.

Article (15)

It shall not be permissible for the doctor to, in other than the emergency cases, to conduct chargeable or free examination or treatment at pharmacies or places not allocated for such.

Article (16)

The doctor shall be prohibited to do the following:

- a- To employ those unlicensed of medical and supporting professions, or render assistance to whomsoever illegally practices medicine.
- b- To keep medications and vaccines at the work place in contradiction to the Ministry of Health instructions.
- c- To sell medications to the patients, or to sell medical samples as such.
- d- To facilitate the patient's obtaining undeserved, or illegal, material, or immaterial privilege or benefit.
- e- To hospitalize patients in places not allocated for such save whatsoever rescue first aid cases require.

Sections (2)

The Doctor's Duties towards Patients

Article (17)

The doctor shall be obliged to conduct diagnosis with the utmost necessary care, using the appropriate technical means and whomsoever of specialist and aides the case circumstances necessitate seeking their assistance, and shall submit to the patient whatsoever he requests of medical reports and tests and results, observing accuracy and objectivity in such.

Article (18)

The doctor shall be entitled, in other than serious or urgent cases, to excuse himself from treating a patient for acceptable professional or personal reasons.

Article (19)

The treating doctor shall be obliged, if he deems the necessity of consulting another doctor, to advise the patient, or his family, of such; and he shall also be obliged to consent to seeking the help of another doctor if such is requested by the patient or his family; and the doctor shall be entitled to propose recommend the doctor's name he deems appropriate to seek his opinion.

If the treating doctor estimates that there is no necessity to consult another doctor, or is of a differing opinion when such is consulted, he shall be entitled to excuse himself from following up the treatment without being committed to submit justifications for such.

Article (20)

The doctor shall adhere to alerting the patient or his family to the necessity of following whatsoever he specifies of instructions, and shall warn them of the dire consequences that may result from not abiding by such instructions pursuant to explaining the treatment or surgery position and its effects.

The doctor shall, in case of incurable diseases, or those jeopardizing the patient's life, assess, pursuant to what his conscience dictates, whether it is appropriate to inform the patient, or his family, of the truth about the disease, unless the patient has explicitly forbidden such, or has designated a person, or persons, to be exclusively informed.

Article (21)

It shall be obligatory to administer any medical act to a person on his acquiescence, or the consent of his representative, if the patient's will is not recognized; and in exception to such, the doctor shall be obliged in cases of accidents or emergencies requiring prompt medical action to save the victim's life, or rescue one of his organs when it is impossible to obtain the patient's consent or his representative's on the proper time – to administer the medical act without waiting for the patient's consent or his representative's.

And it shall be impermissible whatsoever the case euthanasia the life of a total case patient even if such is based on the patient's, or his family's request.

Article (22)

It shall not be permissible for a doctor who is called to examine a deceased person to give a death report save pursuant to ascertaining, as per his experience, the cause of death.

However, the doctor may not give such report if he suspects that death is a result of a criminal accident; and in such case, he shall be obliged to promptly report such to the competent authorities.

Article (23)

The doctor shall be obliged to keep the secrets that come to his knowledge while practicing his profession, and he may not disclose such save in the cases hereunder:

- 1- If the intention behind such disclosure is to report a death resulting from a homicide, or to preclude committing a crime; and in this case, disclosure shall not be rendered save to the official competent authority.
- 2- If the intention behind such disclosure is to report a prevailing or contagious disease.
- 3- If the doctor intends by such disclosure to rebut a charge by the patient, or his family, pertaining to his proficiency or how he practices his profession.

4- If the person of such secret consents in writing to disclose it, or if disclosure to the patient's family is beneficial to his treatment

5- If he is ordered to do such by a judicial authority.

Article (24)

It shall be prohibited for a doctor to abort a pregnant woman unless the necessity of saving her life dictates such.

However, abortion shall be permissible if pregnancy has not completed four months yet, and it is absolutely proved that the continuation of such shall have serious consequences on the mother's health; and such shall be proved by a decision from a "consulto" formed pursuant to the terms and situations specified by the Executive Regulation of this Law.

**Section (3)
Camaraderie Duties**

Article (25)

It shall be obligatory for the relation between the doctor and others of the medical & supporting professions practitioners to be based on co- operation and mutual trust.

It shall be prohibited for the doctors to plot to injure his colleague or depreciate his professional and moral standing, or to circulate abusing rumors, and he shall also be prohibited from attracting his colleague's patients or staff, or to, directly or indirectly, make them abandon him.

Article (26)

The doctor who replaces one of the colleagues in treating his patients shall be obliged to abstain from exploiting such situation for his personal interest; and shall keep aloof from whatsoever debases him in practicing his profession.

**Chapter (3)
Professional Liability**

**Section (1)
Civil Liability**

Article (27)

The commitment of the doctor and his aides, who are subject to the provisions of this law, shall be a commitment to exert the utmost care commensurate with the recognized medical rules.

Article (28)

Each professional error committed by the doctor, or one of his aides, and resulting in harm to the patient shall render whomsoever commits such liable to compensate; and the Shariite medical committee stipulated in this law shall specify the amount of such compensation; and the following shall be considered as professional errors:

- 1- Error in treatment, or lack of follow- up.
- 2- Ignorance of technical matters one of his specialties should have supposedly been aware of.
- 3- Conduction of unsanctioned medical experiments or research on the patient.
- 4- Administering a medication to the patient as a test for such.
- 5- Using medical tools or instruments without an adequate knowledge of how to use such, or without taking the proper precautions to preclude occurrence of harm as a result of such usage.
- 6- Failure to control and supervise the aides subject to his supervision and direction.
- 7- Non- consulting whomsoever the patient's condition necessitates seeking his help.

Each term inclusive of specifying, or exempting the doctor, or one of his aides, from liability shall be considered null and void.

Section (2) Penal Liability

Article (29)

With no prejudice to a sever penalty stipulated in other laws, shall be punished with imprisonment for a period not exceeding six months and a fine not in excess of fifty thousand riyals, or with one of the two penalties, whomsoever.

- 1- Practices the profession without license.
- 2- Submits information not conforming to the truth, or uses illegitimate means resulting in granting him a license to practice the profession.
- 3- Uses a publicity means leading to make the public believe, contrary to the truth, on his right to practice the profession.
- 4- Falsely assumes for himself a title that is usually designated to the medical profession practitioners.
- 5- Found in possession of tools or instruments usually used in practicing the profession of medicine without being licensed to practice such, or without having a legitimate justification for possessing such.

6- Abstains from treating a patient without an acceptable justification.

7- Violates the provisions of paragraph (b) of Articles (11,13,16) paragraph(a) of Articles (21,22,24)of this law.

Article (30)

Whosoever violates Articles (6,12,14,15 and 16) paragraph(b, c, d and e) of this law shall be punished with a fine not exceeding (2,000 Riyals).

Article (31)

Each violation to the provisions of this law and its Executive Regulation, with no special penalty stipulation in this law, its perpetrator shall be punished with a fine not exceeding (10,000 Riyals).

Section (3) Disciplinary liability

Article (32)

With no prejudice to the provisions of penal and civil liabilities, the doctor, or any of his aides, shall be subject to disciplinary accountability if he defaults one of his duties stipulated in this regulation, or be at variance with the profession rules, or behaves in a manner considered as departing from the profession requirements or ethics.

Article (33)

The disciplinary penalties that may be inflicted in case of professional violations shall be.

1- Warning.

2- Pecuniary fine not in excess of (10,000) riyals.

3- Concellation of license to practice the profession, and deletion of the name from the licensees register; and in case of the license cancellation, it shall not be permissible to submit an application for a new license save pursuant to the elapse of two years at least as of the cancellation decision issuance date.

Article (33)

In observance to whatsoever provisions stipulated in this law, the final penalty decision shall be published at the violator's expense in three gazettes, one of which is published at this domicile, and such shall be in the cases hereunder:

a- In case of recidivism of any of the professional errors stipulated in Article (28).

b- Whosoever practices the profession without license.

c- Whomsoever a license cancellation and name deletion from the register of the licensees final decision was issued against.

Chapter (4) **Investigation and Trial**

Article (34)

A committee designed (The Shariite Medical Committee) shall be formed as follows:

1- A judge of a grade not less than judge (A) appointed by the Minister of Justice, chairman.

2- A legal counsel appointed by the Minister of Health, member.

3- A faculty member from one of the faculties of Medicine of the Saudi universities appointed by the Minister of Higher Education, member

4- Two doctors renowned of experience and proficiency appointed by the Minister of Health, members

And the competent Minister shall appoint a reserve member to replace any absent member; the seat of this committee shall be at the Ministry of Health in Riyadh; and other committees may be established in the Areas specified by a decision from the Minister of Health; and the Executive Regulation shall specify the membership term in this committee and how its functions shall be conducted.

Article (35)

The Shariite Medical Committee shall have the jurisdictions hereunder:

1- Considering the filed medical professional errors in demand of private right (blood- money, compensations material, and compensation cash).

2- Considering the medical professional error resulting in demise, or deterioration of an organ, or loss of its function or part of such, even if a private right lawsuit is not filed.

Article (36)

The Shariite Medical Committee shall convene with the attendance of all its members, and shall issue its decisions by majority, provided that such be inclusive of the judge's vote; and it shall be permissible to complain of the Committee decision before the Grievance Board within sixty days as of the committee decision notification date.

Article (37)

Prosecution before the Shariite Medical Committee shall be represented by the officials designated in a decision issued by the Minister of Health.

Article (38)

In exception to the Shariite Medical Committee jurisdictions stipulated in this law, the violations resulting from applying this law shall be considered by committees formed by a decision from the competent Minister, and in forming such shall be observed the obligation of including a Saudi member specialized in laws and a Saudi medical profession specialist; and the decisions of such committee shall be sanctioned by the competent Minister; and it shall be permissible to complain of these committees decisions before the Grievance Board within sixty days as of their notification dates; and the Executive Regulation shall specify the work procedures of such committees.

Article (39)

The Executive Regulation shall specify the necessary rules and procedures of considering the violations, the cases arising from applying this law and the methods of determining on such.

Chapter (5)
Conclusive Provisions

Article (40)

This law shall supersede whatsoever provisions in conflict with it.

Article (41)

The Minister of Health shall issue the Executive Regulation of this law which shall be published in the official gazette; and he shall also issue the necessary decisions and instructions to execute this law.

Article (42)

This law shall be published in the official gazette, and shall be effective pursuant to sixty days as of its publication date.

(1) 16 Aug 1988.