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Law of Practicing Healthcare Professions

Royal Decree No. M/٥٩

١٤٢٦ / ١١ / ٤H – ٦ December ٢٠٠٥



Chapter One

Licensing

Article ١

The following words and phrases, wherever mentioned in this Law, shall have the meanings assigned next to them unless otherwise required by the context:

Healthcare Professional: Any person licensed to practice a healthcare profession, including the following categories: physicians, dentists, pharmacists, healthcare technicians (in radiology, nursing, anesthesia, laboratories, pharmacy, optics, epidemiology, artificial limbs, physiotherapy, dental care and prosthodontics, tomography, nuclear medicine, laser equipment and surgery), psychologists and social workers, dieticians and public health specialists, midwifery, paramedics, speech therapists and audiologists, occupational rehabilitation and therapy, mediocre physics and other health professions to be agreed upon by the Minister of Health and the Minister of Civil Service and the Saudi Commission for Health Specialties.

Minister: Minister of Health.

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Commission: Saudi Commission for Health Specialties.



Article ٢:

- a. It is prohibited to practice any healthcare profession without a license from the Ministry.
- b. Licensing for the practice of a healthcare profession shall be subject to the following conditions:
 - ١. Obtaining the qualification required for the profession from any college of medicine, pharmacy, applied medical sciences, health or from a health institute, or any other qualifications required for the practice of healthcare professions recognized by the Commission or obtaining a degree from abroad recognized by the Commission.
 - ٢. Completing the mandatory internship period required for the profession in question and being medically fit.
 - ٣. Registering with the Commission in accordance with its registration requirements.
 - ٤. Not being previously convicted of an offense impinging upon honor or integrity, unless rehabilitated.
- c. Employment in healthcare professions of government agencies shall be deemed as licensing to practice the profession in said agencies; subject to the prior registration with the Commission.



Article ٣

١. The license term for practicing a healthcare profession shall be determined by the Implementing Regulations of this Law. Any person who ceases to practice for two consecutive years – for purposes other than studying or training in the profession – may resume practice only after renewal of the relevant license.

٢. Rules for recruitment, registration and licensing of foreign visiting physicians shall be set forth in the Implementing Regulations.



Article ٤

Based on dictates of public interest, the Minister may restrict licensing to practice any of the professions set forth in this Law to Saudi nationals only.



Chapter Two

Duties of Healthcare Professionals



Section One

General Duties of Healthcare Professionals

Article ٥

Healthcare professionals shall serve the best interest of individuals and society within the framework of respecting human right to life, safety and dignity and shall observe customs and traditions prevailing in the Kingdom, and eschew exploitation.



Article ٦

A healthcare professional shall cooperate with the competent authorities in performing their duties towards safeguarding and preventing hazards to public health in war and peace.



Article ٧

- a. A healthcare professional shall improve his knowledge and keep abreast of scientific advances and new discoveries in his fields. Managements of healthcare facilities shall facilitate his attendance of seminars and courses in accordance with controls specified by the Commission.
- b. A healthcare professional may not use methods of diagnosis and treatment unestablished scientifically or prohibited in the Kingdom.



Article ٨

A healthcare professional who witnesses or becomes aware of a patient critically ill or injured shall provide all possible assistance or ensure that he receives required care.



Article ٩

- a. Healthcare shall always be in the interest of patients, and a healthcare professional shall exert due care to all patients.
- b. A healthcare professional may not, except in emergencies, practice beyond his specialty or capability.

**Article ١٠**

- a. A healthcare professional is prohibited from advertising or promoting himself, directly or indirectly, except in cases provided for in the Implementing Regulations.
- b. A healthcare professional is prohibited from indicating on signs, cards, prescriptions or advertisements, academic titles or specialties he has not obtained in accordance with relevant rules.

**Article ١١**

A healthcare professional, upon examination of a patient suspected to have incurred a crime-related injury or to have an infectious disease, shall immediately notify the competent security and health authorities.

The Minister shall issue a decision designating diseases that must be reported, the authorities to be notified and procedures that must be followed in this respect.



Article ١٢

A healthcare professional may not practice more than one healthcare profession, nor may he practice any other profession the practice of which conflicts with healthcare professions. He may not request, accept or take a commission or reward; nor may he receive any benefit in return for promoting or strictly prescribing certain medications, or equipment or directing patients to a particular pharmacy, hospital, laboratory or the like.

**Article ١٣**

A healthcare professional may not, except in emergencies, perform an examination or treatment, for or without a fee, in pharmacies or places not designated for such purpose.

**Article ١٤**

It is prohibited for a healthcare professional to:

- a. employ unlicensed healthcare professionals or provide assistance to any person illegally practicing a healthcare profession.
- b. keep medications and vaccinations in the workplace contrary to instructions issued by the Ministry, except for pharmaceutical facilities.
- c. sell medications to patients, except in pharmaceutical facilities, or sell medication samples under any circumstances.
- d. facilitate a patient's receipt of any undue or unlawful privilege or benefit, whether material or otherwise.
- e. accommodate patients in places not designated for the purpose, except in emergencies.
- f. use diagnosis or treatment equipment prohibited in the Kingdom.



Section Two

Duties of Healthcare Professionals towards Patients

Article ١٥

A healthcare professional shall use due care in diagnosis, using appropriate technical means and any specialists or assistants the case may require and provide the patient, upon his request, with reports on his condition and test results, observing accuracy and objectivity.



Article ١٦

A healthcare professional may, in other than critical or emergency cases, decline from treating patients for professional or acceptable personal reasons.



Article ١٧

The attending healthcare professional shall, if he sees a need for a second opinion, alert the patient or his family thereof and shall agree to seek assistance from other healthcare professionals if so requested by the patient or his family. The healthcare professional may suggest names of healthcare professionals he deems fit for consultation.
If the attending healthcare professional decides that there is no need to consult another health

professional or disagrees with his opinion upon consultation, he shall have the right to discontinue treatment, with no obligation to give justification therefor.



Article ١٨

A healthcare professional shall, after explaining the treatment or surgery involved and outcome thereof, alert the patient or his family to the necessity of following the instructions provided and warn them of the consequences of failing to follow said instructions.

A physician may, in cases of incurable or life threatening diseases, decide, at his own discretion, whether it is appropriate to inform the patient or his family of the nature of his disease, unless prohibited to do so by the patient or if the patient designates a persons to be exclusively informed.



Article ١٩

No medical intervention may be performed except with the consent of the patient, his representative or guardian if the patient is legally incompetent. As an exception, a healthcare professional must - in cases of accidents, emergencies or critical cases requiring immediate or urgent medical intervention to save the patient's life or an organ thereof or to avert severe damage that might result from delay, where the timely consent of the patient, his representative or guardian is unattainable – intervene without waiting for such consent. Under no circumstances may the life of a terminally ill patient be terminated even if so requested by the patient or his family.



Article ٢٠

A physician requested to conduct a medical examination on a deceased person may not provide a death report except after establishing the cause of death, based on his medical expertise. The physician may not provide such report if he suspects the death is caused by a criminal act. In such case, he must immediately notify the competent authorities.

**Article ٢١**

A healthcare professional shall maintain the confidentiality of information obtained in the course of his practice and may not disclose it except in the following cases:

a. If disclosure is for the following purposes:

١. Reporting a case of death resulting from a criminal act or preventing the commission of a crime; in which case, disclosure may only be made to the competent authorities.

٢. Reporting communicable or epidemic diseases.

٣. A professional's refuting accusations pertaining to his competence or conduct of his profession made by the patient or his family.

b. If the party concerned agrees, in writing, to disclose said information or if such disclosure to the patient's family is beneficial to his treatment.

c. If so ordered by a judicial authority.

**Article ٢٢**

A physician may not perform abortion on a pregnant woman unless necessary for saving her life. However, abortion may be performed if pregnancy has not completed four months and conclusively established that the continuation of such pregnancy will have serious consequences on the mother's

health, based on a decision by a medical committee formed in accordance with terms and conditions specified in the Implementing Regulations of this Law.



Article ٢٣

a. It is prohibited for a pharmacist to:

- ١. be the manager in charge of more than one pharmaceutical facility.
 - ٢. dispense any medication without a prescription issued by a physician licensed to practice in the Kingdom, excluding medications specified by the Ministry.
 - ٣. dispense medications different from those stated in the prescription without the approval of the issuing physician. A pharmacist may, with the approval of the patient, dispense generically equivalent medications without consulting the physician, excluding medications specified by the Ministry.
 - ٤. refill prescriptions unless so stated therein, excluding medications specified by the Ministry.
 - ٥. dispense medication if he suspects an error in the prescription; in which case, he shall seek clarification from the prescribing physician.
- b. A pharmaceutical technician may only dispense medication under the supervision of a licensed pharmacist.



Section Three

Professional Courtesy

Article ٢٤

The relationship between healthcare professionals shall be based on cooperation and mutual trust.

It is prohibited for a health professional to conspire against colleagues, undermine their professional

or moral standing or spread rumors against them; nor may a healthcare professional, directly or indirectly, solicit or dissuade patients treated by a colleague or co-worker.



Article ٢٥

A healthcare professional substituting a colleague in treating a patient shall not exploit the situation to his advantage and shall rise above anything that may discredit the practice of his profession.



Chapter Three

Professional Liability



Section One

Civil Liability

Article ٢٦

A healthcare professional governed by this Law shall exert due care in line with commonly established professional standards.



Article ٢٧

Any healthcare professional who commits malpractice causing harm to a patient shall be liable for indemnification. The Sharia Medical Panel provided for in this Law shall determine the amount of such indemnification. The following shall be deemed malpractice:

١. Error in treatment or inadequate follow-up.
 ٢. Lack of knowledge and skills that can be expected in others in the profession.
 ٣. Performing experimental and unprecedented surgery on a person, in violation of relevant rules.
 ٤. Conducting experiments or scientifically unestablished research on patients.
 ٥. Administering medications to patients on experimental basis.
 ٦. Using medical instruments or equipment without adequate knowledge of their use, or failing to take appropriate precautions to prevent damage arising from such use.
 ٧. Failure to provide adequate monitoring or supervision.
 ٨. Failure to consult anyone the consultation of whom is necessitated by the condition of a patient.
- Any provision limiting the liability of a healthcare professional or holding him accountable shall be deemed invalid.



Section Two

Criminal Liability

Article ٢٨

Without prejudice to any severer punishment provided for in other laws, a person committing any of the following shall be subject to imprisonment for a period not exceeding six months and a fine not exceeding one hundred thousand riyals, or either punishment:

١. Practicing healthcare without a license.
٢. Providing false information or using unlawful means resulting in his obtaining a license to practice healthcare.
٣. Using means of advertising that would lead the public to believe in his eligibility to practice healthcare, contrary to fact.
٤. Unlawfully claiming a title usually associated with healthcare professionals.
٥. Possessing instruments or equipment usually used in the practice of healthcare professions without

having a license to practice such professions or a legitimate reason for such possession.

٦. Unjustifiably declining to treat a patient.

٧. Violating provisions of Articles ٧(b), ١٤, ١١, ٩(a) and (f), ٢٤, ٢٣, ٢٢, ٢٠, ١٩ and ٣)٢٧) of this Law.

٨. Trading in human organs or performing human organ transplant knowing that the organ in question has been obtained by means of trade.



Article ٢٩

Any person violating provisions of Articles ١٢, ١٠ and ١٣ and paragraphs (b), (c), (d) and (e) of Article ١٤ of this Law, shall be subject to a fine not exceeding fifty thousand riyals.



Article ٣٠

Any violation of the provisions of this Law or its Implementing Regulations for which no specific penalty is provided therein shall be punishable by a fine not exceeding twenty thousand riyals.



Section Three

Disciplinary Liability

Article ٣١

Without prejudice to provisions of criminal or civil liability, a healthcare professional who defaults in performing any duty provided for in this Law, violates relevant codes of practice or acts contrary to

professional conduct or ethics, shall be subject to disciplinary action.



Article ٣٢

Disciplinary penalties for professional violations shall be as follows:

١. Warning.
٢. A fine not exceeding ten thousand riyals.
٣. Revocation of the license for the practice of healthcare and striking off the name from the registry of licensees. In case of revocation of the license, reapplication for a new license may not be filed before the lapse of two years from the date of revocation.



Chapter Four

Investigation and Trail

Article ٣٣

a. A panel called the Sharia Medical Panel shall be set up as follows:

١. A judge of a grade not lower than Grade A designated by the Minister of Justice, Chairman.
٢. A legal counselor designated by the Minister.
٣. A faculty member from a college of medicine designated by the Minister of Higher Education. In provinces not having a college of medicine, the Minister shall designate a member in lieu thereof from any healthcare facility in the province.
٤. A faculty member from a college of pharmacy designated by the Minister of Higher Education. In provinces not having a college of pharmacy, the Minister shall designate a member in lieu thereof from any healthcare facility in the province.

- ٥. Two competent and experienced physicians chosen by the Minister.
- ٦. A competent and experienced pharmacist chosen by the Minister.
- b. Participation of the two members referred to in paragraphs ٤ and ٦ shall be limited to cases relating to pharmacy.
- c. The competent minister shall designate a substitute member to replace an absent member.
- d. This Panel shall have a secretary designated by the Minister.
- e. The Panel may seek the assistance of one or more experts on cases under review.
- f. The seat of this Panel shall be in Ministry of Health in Riyadh; other panels may be set up in provinces designated pursuant to a decision by the Minister.
- g. The Implementing Regulations shall specify the term of membership of said Panel and shall regulate its proceedings.



Article ٣٤

The Sharia Medical Panel shall have the following jurisdictions:

- ١. Consider claims of medical malpractice in cases brought before it regarding private rights ("diyah", indemnity or compensation).
- ٢. Consider cases of medical malpractice leading to death, damage of an organ or loss of total or partial use thereof, even in the absence of a claim for a private right.



Article ٣٥

The Sharia Medical Panel shall convene with all its members in attendance and shall pass its decisions by a majority vote, provided the majority includes the judge. Decisions of this Panel may be appealed before the Board of Grievances within sixty days from the date of notification thereof.



Article ٣٦

Public Prosecution shall be represented before the Sharia Medical Panel by officers designated pursuant to a decision by the Minister.

**Article ٣٧**

A public right claim may not be heard after lapse of one year from the date of knowledge of the relevant medical malpractice. The Implementing Regulations shall specify criteria pertaining to said knowledge.

**Article ٣٨**

Except for jurisdiction stipulated for the Sharia Medical Panel, violations arising from implementation of this Law shall be considered by committees formed pursuant to a decision by the competent minister, provided that each committee includes a legal specialist and a healthcare professional of Saudi nationality. Decisions issued by said committees shall be approved by the competent minister and may be appealed before the Board of Grievances within sixty days from the date of notification thereof.

The Implementing Regulations shall specify committee procedures.

**Article ٣٩**

The Minister may suspend a healthcare professional from practicing for a period he deems appropriate, should there be evidence or presumptions indicating a violation punishable, if proven, by license revocation.

If there is a probability that such suspension will adversely affect relevant patients, the Minister shall take appropriate measures to ensure that said patients will continue to receive necessary healthcare.

A healthcare professional may appeal the suspension decision before the Board of Grievances within thirty days from the date of notification thereof.



Article ٤٠

The Implementing Regulations shall set forth rules and procedures necessary for considering and deciding violations and cases arising from the implementation of this Law.



Article ٤١

Subscription to cooperative insurance against medical malpractice shall be mandatory for all physicians and dentists of public and private health institutions. Said institutions shall guarantee payment of compensations rendered by final judgments against their staff in case of lack or insufficiency of insurance coverage, and they shall have the right of recourse against those found liable, for reimbursement.

Said mandatory cooperative insurance may include other categories of healthcare professionals pursuant to a resolution by the Council of Ministers upon a proposal by the Minister of Health.



Chapter Five

Concluding Provisions

Article ٤٢

This Law shall repeal the Law of Practicing Medicine and Dentistry Professions issued by Royal Decree No. (M/٢) on ٢١ Safar ١٤٠٩H, the Law of Practicing Pharmacy and Trading in Medicines and Medical Preparations issued by Royal Decree No. (M/١٨) on ١٨ Rabi' I ١٣٩٨H and any provisions conflicting therewith.



Article ٤٣

The Minister shall issue the Implementing Regulations of this Law which shall be published in the Official Gazette. He shall also issue decisions and directives necessary for the implementation of this Law.



Article ٤٤

This Law shall be published in the Official Gazette and shall come into effect sixty days from the date of its publication.

