

国家卫生计生委国家中医药管理局关于印发加强医疗卫生行风建设“九不准”的通知
Notice of the National Health and Family Planning Commission and State Administration of Traditional Chinese Medicine on the Printing and Distributing of the “Nine Prohibitions for Strengthening Ethical Conduct in the Healthcare Industry”

中华人民共和国国家卫生和计划生育委员会 2013-12-26
National Health and Family Planning Commission of the PRC
December 26, 2013

国卫办发〔2013〕49号
Guo Wei Ban Fa [2013] 49

各省、自治区、直辖市卫生计生委（卫生厅局）、中医药管理局，新疆生产建设兵团卫生局，国家卫生计生委、国家中医药管理局属（管）各医疗卫生机构：

To the health and family planning commission (health department or bureau) and the traditional Chinese medicine administrative department of each province, autonomous region and municipality directly under the central government, the health bureau of Xinjiang Production and Construction Corps, the healthcare institutions subordinated or affiliated to the National Health and Family Planning Commission of the PRC (NHFPC) and the State Administration of Traditional Chinese Medicine of the PRC (SATCM):

近期，中央党的群众路线教育实践活动领导小组印发了《关于开展“四风”突出问题专项整治和加强制度建设的通知》（群组发〔2013〕23号），明确要求“坚决纠正医疗卫生方面损害群众利益行为，严肃查处医药购销和办医行医中的不正之风问题”。为深入贯彻落实文件精神，进一步加强行风建设，严肃纪律，明确要求，针对医疗卫生方面群众反映强烈的突出问题，国家卫生计生委、国家中医药管理局制定了《加强医疗卫生行风建设“九不准”》（以下简称“九不准”）。现印发给你们，并提出如下要求：

Recently, the central government and the Party's "mass line education and practice activity" leading small group printed and distributed the "Notice on Rectifying the 'Four Bad Conducts' and Strengthening System Construction" (Qun Zu Fa [2013] 23). The document expressly requires¹ to "firmly rectify acts harmful to public welfare occurring within the healthcare industry, and to seriously investigate and punish unethical conducts occurring during the purchase and sale of pharmaceuticals and in medical practice." The "Nine Prohibitions to Strengthen Ethical Conduct in the Healthcare Industry" (the "Nine Prohibitions" or the "Rules") has been formulated by NHFPC and the SATCM to thoroughly carry out and implement the requirements of this document, further strengthen ethical conduct within the healthcare industry, and to enforce discipline and clarify requirements with respect to the prominent issues in the healthcare industry that have been reported by the public. We hereby print and distribute the rules to you and note the following requirements:

一、广泛开展学习宣传

I. Study and Promote the Rules Widely

¹ Translators Note: The notice does not make clear who is required to carry out the acts described.

地方各级卫生计生行政部门、各级各类医疗卫生机构要组织广大医疗卫生人员认真学习讨论，深刻认识“九不准”的重要意义和明确要求。通过编辑学习手册、开展集中培训、举行知识测试等多种形式，迅速传达到所有医疗卫生机构和医疗卫生人员，在全行业掀起学习贯彻“九不准”的热潮，学习教育覆盖面要达到100%。要强化对“九不准”贯彻执行情况的宣传，曝光典型案例，抓好警示教育，努力使遵守和执行“九不准”成为医疗卫生机构和医疗卫生人员的自觉行为。

The local health and family planning departments at various levels, and the healthcare institutions at various levels and of various types should organize healthcare professionals to study and discuss the Nine Prohibitions to fully learn their significance and requirements. They shall rapidly disseminate the Rules to all healthcare institutions and healthcare professionals through various activities such as creating study brochures, holding group training sessions and conducting tests of the material, thereby creating a passion for learning and implementing the Nine Prohibitions within the whole industry. Departments should strengthen promotion of the implementation status of the Nine Prohibitions, highlight typical cases, carry out education and warning activities, and work to cause healthcare institutions and healthcare professionals to conscientiously comply with and observe the Nine Prohibitions.

二、认真抓好贯彻执行

II. Carefully Carry Out and Implement the Rules

地方各级卫生计生行政部门和各级各类医疗卫生机构要把贯彻执行“九不准”作为医疗卫生行业教育实践活动的重要内容，研究制订贯彻落实的具体办法。既要不折不扣地落实“九不准”的每项要求，又要制订更加具体、更有针对性、更便于操作的制度措施。卫生计生系统各级领导干部特别是领导班子主要负责人要以身作则、带头执行，以严肃的态度、严格的标准、严明的纪律抓好“九不准”的贯彻执行。

The local health and family planning administrative departments at various levels, and the healthcare institutions at various levels and of various types should consider the implementation of the “Nine Prohibitions” as an important component of education and practice activity within the healthcare industry, and shall study and formulate specific measures to carry out and implement the Rules. The departments and institutions should fully implement each requirement under the Nine Prohibitions, and also formulate more specific and operable systematic measures. The leaders at various levels of the health and family planning departments, especially the key leaders, should take the lead to implement the Rules, use their own acts to set an example for their subordinates, and shall conscientiously carry out the Nine Prohibitions with a serious attitude, strict standards and clear discipline.

三、坚决查处违规行为

III. Firmly Investigate and Punish Illegal Acts

地方各级卫生计生行政部门要加强与公安、检察和地方纪检监察等执纪执法机关的协调配合，重点查处顶风违纪的行为和情节严重、影响恶劣的案件。凡是违反“九不准”的行为，要依法依规严肃处理，决不姑息迁就。对违反“九不准”的医疗卫生机构，卫生计生行政部门应当根据情节轻重，给予其通报批评、限期整改、降低级别或等次等处理；需要给予行政处罚的，依法给予警告、责令停业直至吊销执业许可证的行政处罚。对违反“九不准”的医疗卫生人员，由所在单位给予批评教育、取消当年

评优评职资格或低聘、缓聘、解职待聘、解聘；情节严重的，由有关卫生计生行政部门依法给予其责令暂停执业活动或者吊销执业证书等处罚。涉嫌犯罪的，移送司法机关依法处理。对吊销执业证书的医疗卫生人员，国家卫生计生委一律在全系统通报，并向社会公布。对责令暂停执业活动的医疗卫生人员，由省级卫生计生行政部门在本省（区、市）范围内进行通报。建立医药购销领域商业贿赂不良记录，按规定对列入不良记录的药品、医用设备和医用耗材生产、经营企业予以处理。

The local health and family planning administrative departments at various levels should strengthen coordination and cooperation with such law enforcement and discipline enforcement organs as the public security organs, public prosecutors and local discipline inspection and supervisory organs. They shall focus on investigating and punishing violations of discipline and on those cases involving serious circumstances and serious adverse effects. All violations of the Nine Prohibitions should be handled in strict accordance with relevant disciplines and laws, and should not be tolerated. When a healthcare institution has violated the Nine Prohibitions, then a health and family planning administrative department should, depending on the seriousness of the violation, provide notice of criticism to the institution, and require it to rectify its acts within a specified time period, or it may give a lower grade or level or enforce other punishments. Where an administrative penalty is required, then an administrative penalty should be given according to the law. Such administrative penalty may include a warning, an order to close the business, or a revocation of the business license. Healthcare professionals that have violated the Nine Prohibitions should receive from their employer, criticism or further education, cancellation of his or her qualification to be eligible for assessment as an excellent employee and demotion, demotion, suspension, revocation of title and suspension, or dismissal. Where the circumstances are serious, the relevant health and family planning administrative department may order the healthcare professional to suspend their practice or they may revoke his or her practice license or give other punishments in accordance with law. Where the healthcare professional is suspected of committing a crime, the case should be transferred to the judicial organ for handling in accordance with law. The NHFPC shall report healthcare professionals whose practice licenses have been revoked throughout their entire system and announce the revocation the public. For healthcare professionals who are ordered to suspend their practice, the provincial health and family planning administrative department should report them in their own province, region or municipality. A commercial bribery blacklist in the field of medical products purchase and sale should be established, and the manufacturing and supply enterprises of drugs, medical devices and medical supplies included in the blacklist should be handled in accordance with relevant regulations.

四、切实加强监督检查

IV. Earnestly Strengthen Supervision and Inspection

地方各级卫生计生行政部门要把监督“九不准”贯彻执行情况作为一项经常性工作来抓，通过明察暗访、定期督促检查等多种形式，及时发现问题和隐患，严肃处理违反“九不准”的行为。医疗卫生有关行业组织要结合自身职责，研究建立医疗卫生人员诚信从业信息管理系统，将医疗卫生人员的违规行为记入个人诚信记录，切实加强行业自律性管理。要强化社会监督，群众可通过国家卫生计生委公开电话和官方网站投诉举报违反“九不准”的行为。各地要向社会公布投诉举报电话，对群众反映的违反“九不准”的问题线索，抓紧核查，营造良好的社会监督氛围。

The local health and family planning administrative departments at various levels should supervise implementation of the Nine Prohibitions as a component of their regular work.

They shall also take various means, including investigating openly and in secret² and carrying out regular supervisory inspections to timely discover issues and concerns, and they shall earnestly handle any acts that violate the Nine Prohibitions. The relevant trade organizations in the healthcare industry should, with reference to their own scope of responsibilities, study and establish honesty and integrity in the information management system for healthcare professionals, include any violations of healthcare professionals within their personal honesty and integrity records, and earnestly strengthen industry self-disciplinary management. Public supervision should be strengthened, and the public should be able to complain and report violations of the Nine Prohibitions through the public phone number and official website of the NHFPC. The local departments should announce the complaint and reporting phone number to the public, and verify the facts based on the reports of violations of the Nine Prohibitions reported by the public, and create a good environment of public supervision.

五、大力弘扬新风正气

V. Upholding New Ethos and Good Conducts

各级卫生计生行政部门和各级各类医疗卫生机构要结合“服务百姓健康行动”、“三好一满意”、“优质服务先进单位”创建活动，大力培育和积极践行社会主义核心价值观，凝炼、宣传、践行医疗卫生职业精神，宣传和落实《医疗机构从业人员行为规范》，加强医疗卫生机构廉洁文化建设，推进廉洁文化进机构、进科室、进病房，营造浓厚廉洁文化氛围和执业环境。要注重发挥正面典型的示范引导作用，大力弘扬医疗卫生行业的光荣传统，加大对“我最喜爱的健康卫士”、“群众满意的医疗卫生机构”等医疗卫生行业先进个人、先进集体的表彰和宣传力度。

The health and family planning administrative departments at various levels, and the healthcare institutions at various levels and of various types should vigorously cultivate and actively practice socialist core values in combination with such activities as “health initiatives to serve the public”, “three goods and one satisfaction” and “advanced entities for good services.” They shall refine, promote and carry out a professional healthcare spirit, promote and implement the “Code of Conduct for Professionals in Medical Institutions,” strengthen integrity within healthcare institutions, promote integrity in medical institutions, departments, and sickrooms, and cultivate an overall culture of integrity and environment of professionalism. They shall also pay attention to the guiding and leading role of positive models, greatly uphold the glorious traditions of the healthcare industry, and shall enhance the praise and propaganda of outstanding individuals and entities in the healthcare industry that are awarded “my favorite health guard” or “healthcare institutions satisfactory to the public.”

六、严格落实责任制

VI. Strictly Implement a System of Accountability

各级各类医疗卫生机构领导班子对本机构贯彻执行“九不准”负主体责任，主要负责人是第一责任人。地方各级卫生计生行政部门对辖区内医疗卫生机构和人员贯彻执行“九不准”负监管责任，要切实履行行业监管职责。医疗卫生机构贯彻执行“九不准”的情况要列入医疗机构校验管理、评审的重要内容，医疗卫生人员贯彻执行“九不准”的情况列入医疗卫生人员年度考核、医德考评和医师定期考核的重要内容，作

² Translators note: This idiom means to use all information sources at one’s disposal.

为职称晋升、评优评先的重要依据。要严格责任追究，对工作不力导致发生严重问题的，除追究当事人责任外，还要严肃追究卫生计生行政部门和医疗卫生机构主要领导及直接领导的责任。对隐瞒不报、压案不查、包庇袒护的，一经发现，从严处理。

The leaders of healthcare institutions at various levels and of various types should be the main parties responsible for implementing the Nine Prohibitions in their own institutions, with the first person in charge to be the main responsible person. The local health and family planning administrative departments at various levels should supervise the implementation of the Nine Prohibitions by healthcare institutions or professionals within their own jurisdictions, and should conscientiously carry out their supervisory duties. The status of healthcare institutions' implementation of the Nine Prohibitions should be included as an important factor for medical institution's management and inspection appraisals, and the status of healthcare professionals' implementation of the Nine Prohibitions should be included as an important factor in the annual appraisal of healthcare professionals, the medical ethics assessment and the regular physicians' assessment; it shall serve as an important basis for professional title promotion, and the assessment for excellent or outstanding individuals. The system of accountability should be strictly carried out, and where serious consequences are caused due to negligence or dereliction of duty, except for investigation into liabilities of the professional concerned, the liabilities of the main leaders and direct leaders of the health and family planning administrative departments and the healthcare institutions should also be investigated. Whoever conceals and does not report a case, or fails to investigate, covers up or shields a concerned party shall be strictly punished.

各地贯彻落实“九不准”的情况要及时报送国家卫生计生委和国家中医药管理局。

The status of implementation of the Nine Prohibitions in each jurisdiction should be timely reported to the NHFPC and the SATCM.

附件：加强医疗卫生行风建设“九不准”

Appendix: Nine Prohibitions to Strengthen Ethical Conducts in the Healthcare Industry

国家卫生计生委

National Health and Family Planning Commission of the PRC

国家中医药管理局

State Administration of Traditional Chinese Medicine of the PRC

2013年12月26日

December 26, 2013

加强医疗卫生行风建设“九不准” “Nine Prohibitions” to Strengthen Ethical Conduct in the Healthcare Industry

为进一步加强医疗卫生行风建设，严肃行业纪律，促进依法执业、廉洁行医，针对医疗卫生方面群众反映强烈的突出问题，制定以下“九不准”。

To further strengthen ethical conduct in the healthcare industry, enforce industry discipline, promote legal practices and clean medical acts, and with respect to the prominent issues strongly reported by the public in the healthcare industry, the following Nine Prohibitions are hereby formulated:

一、不准将医疗卫生人员个人收入与药品和医学检查收入挂钩

I. It is prohibited to link healthcare professionals' incomes to revenue generated from sale of drugs or medical examinations.

医疗卫生机构应当结合深化医改建立科学的医疗绩效评价机制和内部分配激励机制。严禁向科室或个人下达创收指标，严禁将医疗卫生人员奖金、工资等收入与药品、医学检查等业务收入挂钩。

Healthcare institutions should establish scientific medical performance appraisal systems and internal distribution and incentive systems in combination with deepened medical reform. Healthcare institutions are prohibited from specifying revenue indicators for their departments or professionals, and are prohibited from linking the bonuses, salaries or other income of healthcare professionals to business revenue generated from sale of drugs or medical examinations.

二、不准开单提成

II. It is prohibited to provide professionals with rebates for their prescriptions.

医疗卫生机构应当通过综合目标考核，提高医疗服务质量和效率。严禁医疗卫生机构在药品处方、医学检查等医疗服务中实行开单提成的做法，严禁医疗卫生人员通过介绍患者到其他单位检查、治疗或购买医药产品等收取提成。

Healthcare institutions should improve their medical service quality and efficiency through comprehensive objective appraisal. Healthcare institutions are prohibited from providing rebates for drug prescriptions or in medical examinations or other medical services, and healthcare professionals are prohibited from charging rebates by introducing patients to other entities for examination or treatment, or recommending patients to purchase certain medical products.

三、不准违规收费

III. It is prohibited to illegally charge patients.

医疗卫生机构应当严格执行国家药品价格政策和医疗服务项目价格，公开医疗服务收费标准和常用药品价格。严禁在国家规定的收费项目和标准之外自立项目、分解项目收费或擅自提高标准加收费用，严禁重复收费。

Healthcare institutions should strictly implement a national drug price policy and medical services pricelist, and publicize the standard fees for medical services and the price of

commonly used drugs. Outside of the charged services and standards set by national regulation, it is prohibited to independently create a charged service, split service fees, arbitrarily raise standards to overcharge patients or to duplicate charges.

四、不准违规接受社会捐赠资助

IV. It is prohibited to accept social donations and subsidies in violation of applicable laws and regulations.

医疗卫生机构及行业协会、学会等社会组织应当严格遵守国家关于接受社会捐赠资助管理有关规定，接受社会捐赠资助必须以法人名义进行，捐赠资助财物必须由单位财务部门统一管理，严格按照捐赠协议约定开展公益非营利性业务活动。严禁医疗卫生机构内设部门和个人直接接受捐赠资助，严禁接受附有影响公平竞争条件的捐赠资助，严禁将接受捐赠资助与采购商品(服务)挂钩，严禁将捐赠资助资金用于发放职工福利，严禁接受企业捐赠资助出国（境）旅游或者变相旅游。

Healthcare institutions and industry associations and other social organizations should strictly comply with applicable national provisions regarding the acceptance of social donations and subsidies. The acceptance of social donations and subsidies must be conducted in the name of a legal person, and the donations and subsidies must be managed by the finance department of the accepting entity. The accepting entity must conduct their pro bono non-profitable business activities in strict accordance with the donation agreement. Healthcare institutions are prohibited from internally setting up departments to accept donations and subsidies and healthcare professionals are also prohibited from directly accepting donations and subsidies as individuals. It is prohibited to accept donations and subsidies attached with conditions that may affect fair competition, link the donations and subsidies to purchase of products (or services), apply the donation and subsidy funds to distribute employee benefits, or to accept international trips (or trips-in-disguise) sponsored by enterprises.

五、不准参与推销活动和违规发布医疗广告

V. It is prohibited to participate in promotional events or to illegally release medical advertisements.

医疗卫生机构和医疗卫生人员应当注意维护行业形象。严禁违反规定发布医疗广告，严禁参与医药产品、食品、保健品等商品推销活动，严禁违反规定泄露患者等服务对象的个人资料和医学信息。

Healthcare institutions and healthcare professionals should take care to protect the industry image. It is prohibited for a healthcare institution or healthcare professional to illegally release medical advertisements, to participate in promotional events for medical, food, or healthcare products or other commodities, or to illegally disclose the personal data and medical information of the patients or other service subjects.

六、不准为商业目的统方

VI. It is prohibited to collate statistics on prescriptions for a commercial purpose.

医疗卫生机构应当加强本单位信息系统中药品、医用耗材用量统计功能的管理，严格处方统计权限和审批程序。严禁医疗卫生人员利用任何途径和方式为商业目的统计医

师个人及临床科室有关药品、医用耗材的用量信息，或为医药营销人员统计提供便利。

Healthcare institutions should strengthen their management of the statistics in their own information systems relating to consumed quantity of drugs, and shall impose strict rules regarding the authority and approval procedures for prescription statistics. Healthcare professionals are prohibited from using, for a commercial purpose, any method or means to collate statistics made by the physicians or clinical departments about consumed quantity of drugs or medical consumables, provide pharmaceutical sales personnel with support in connection with collection of statistics.

七、不准违规私自采购使用医药产品

VII. It is prohibited to illegally purchase or use drugs in private.

医疗卫生机构应当严格遵守药品采购、验收、保管、供应等各项制度。严禁医疗卫生人员违反规定私自采购、销售、使用药品、医疗器械、医用卫生材料等医药产品。

Healthcare institutions should strictly follow the rules regarding drug purchases, inspections and acceptance, custody and supply. Healthcare professionals are prohibited from the illegal purchase, sell or use of drugs, medical device, healthcare materials or other medical products in private.

八、不准收受回扣

VIII. It is prohibited to solicit or accept kickbacks.

医疗卫生人员应当遵纪守法、廉洁从业。严禁利用执业之便谋取不正当利益，严禁接受药品、医疗器械、医用卫生材料等医药产品生产、经营企业或经销人员以各种名义、形式给予的回扣，严禁参加其安排、组织或支付费用的营业性娱乐场所的娱乐活动。

Healthcare professionals should comply with laws and conduct their work with integrity. It is prohibited to seek improper benefits by taking advantage of their medical practice, or to accept kickbacks provided by the producers, suppliers or distributors of drugs, medical device, healthcare materials or other medical products under various names or in various forms, or to attend any entertainment activities [held] at commercial entertainment venues arranged, organized or paid for by them.

九、不准收受患者“红包”

IX. It is prohibited to solicit or accept “red envelopes” from patients.

医疗卫生人员应当恪守医德、严格自律。严禁索取或收受患者及其亲友的现金、有价证券、支付凭证和贵重礼品。

Healthcare professionals should strictly follow medical ethics and maintain strict self-discipline. It is prohibited to solicit or accept cash, negotiable securities, payment vouchers and precious gifts from patients or their relatives.

各级卫生计生行政部门和医疗卫生机构应当切实加强对上述规定执行情况的监督检查，严肃查处违规行为。对违反规定的，根据国家法律法规和党纪政纪规定，视情节轻重、造成的影响与后果，由所在单位或有关卫生计生行政部门给予相应的组织处理、党纪政纪处分或行政处罚；涉嫌犯罪的，移送司法机关依法处理。对工作严重不负责任或失职渎职的，严肃追究领导责任。

The health and family planning administrative departments at various levels and the healthcare institutions shall strengthen supervision and inspection on the implementation status of the aforesaid rules, and shall severely punish illegal acts. Where a healthcare professional or institution violates the rules, he/she/it shall be given relevant organizational punishment, party and administrative disciplinary punishment or they may receive an administrative penalty from the institution he/she works for or the relevant health and family planning administrative department. Such sanctions shall be made pursuant to national laws and regulations, party and administrative discipline, the seriousness of the circumstances and the influence and consequences caused. Where a crime is suspected, the case should be transferred to the judicial organ to handle in accordance with law. Where a professional is seriously irresponsible for his or her work or has dereliction of duty, his or her liabilities shall be strictly investigated.