

China Law Update

Posted at 10:52 AM on December 15, 2009 by Sheppard Mullin

China Issues Hospital Complaint Rules (for Trial Implementation)

The Chinese Ministry of Health (“MOH”) announced the promulgation of the Hospital Complaint Rules (for Trial Implementation) (the “Rules”) on November 26, 2009. The Rules aim to improve the management of hospital complaints and reduce medical accidents and negligence.

Background

In China, issues regarding hospital management and the mitigation of medical accidents have attracted more and more attention from both medical industry experts and civilians. Usually, patients' complaints for medical accidents are not well-handled by hospitals or other medical entities. Because of this, the number of medical negligence litigations is climbing annually. Hoping to streamline hospital complaint management, the trial implementation of the Rules is regarded as a precedent in the area.

Major Points

The Rules will be applied to all kinds of hospitals in China, including foreign-invested medical entities. Patients and their families or relatives can provide opinions or suggestions regarding medical treatment, medical equipment and medical environment to hospitals, according to the Rules.

Moreover, the Rules underscore that medical personnel must respect the right of privacy, right of acknowledgement and right of decision of a patient. Important information in the course of medical treatment must be recorded to the medical history of the patient in a timely, complete and accurate manner. Additionally, medical histories with significant information of medical treatment must be acknowledged and signed by the patient or his family.

The Rules also specify that hospitals and health administrations must use intermediation in hospital complaint management. The Rules require not only that the complaints department in a hospital deal reasonably with patient complaints, but also any other office or department of the hospital. For any complaint which may be related to medical security, a hospital must immediately take remedial steps. As to the complicated complaints, a hospital must respond with its opinion and report the resolution to a complainant within five (5) working days.

Conclusion

Since the promulgation of Interim Measures for the Administration of Foreign-invested Joint Ventures, foreign-invested medical entities have played an important and active role in the Chinese medical industry. The Rules are of great importance for these medical entities to foster their operations in China. Meanwhile, the implementation of the Rules is also a signal from MOH that mitigation of medical litigations and protection of human rights of patients will be significantly highlighted in China.

Authored By:

[Willow Wei](#)

86.21.2321.6000

wwei@sheppardmullin.com