

LAW ON MEDICAL PRACTICE OF THE REPUBLIC OF LITHUANIA

25 September 1996 No I-1555
Vilnius

CLAUSE 1 GENERAL PROVISIONS

Article 1. The Purpose of the Law

1. The purpose of the law is to regulate conditions related to the medical practice of doctor of medicine, doctor resident, family physician and a doctor specialist in the Republic of Lithuania.
2. This Law determines:
 - 1) conditions of acquisition of doctor's professional qualification;
 - 2) acquisition, implementation, and loss of conditions associated with the doctor's right to medical practice;
 - 3) doctor's basic professional rights, duties and responsibilities.
3. This Law applies to the doctors working in the Republic of Lithuania.
4. Legislation of the European Union on medical training, mutual recognition of diplomas, certificates and other evidence of formal qualifications and conditions for doctor's practice provided for in the Annex herein are implemented by this Law.

Article 2. Main Definitions as used in this Law

1. **Doctor** means a medical doctor, doctor resident, family physician or doctor specialist.
2. **Doctor intern** means a person studying at the medicine internship.
3. **Doctor resident** means a doctor who studies at the medicine residency and working a resident doctor under the supervision of a doctor resident manager.
4. **Doctor specialist** means a doctor of medicine who has acquired professional qualification of doctor specialist.
5. **Crude medical practice mistake** means an activity of a doctor when the patient's health has been damaged due to his fault, which caused the patient's disability or death. Crude medical practice mistake is determined by the commission on evaluation of professional competence of a doctor.
6. **The licensing authority** means the Ministry of Health of the Republic of Lithuania or its authorized state body or institution.
7. **Medical doctor** means a person who has acquired a professional qualification of doctor of medicine.
8. **Medical internship** means a part of medical studies of at least one year (40 credits) in which the person studies and carries out the general medical practice under the supervision of doctor intern and receives general medical knowledge, skills and clinical experience. If the mandatory minimum practical preparation has been obtained separately through the organized medical internship, higher education diploma is issued prior to these studies.
9. **Medical practice** means health care carried out by a doctor in accordance with his qualifications and competence, including examination of personal health condition, disease prevention, diagnosis and treatment of patients.
10. **Medical practice mistake** means an act of a doctor that caused the risk or a harm done to patient's health due the doctor's fault. The medical practice mistake is evaluated by the commission on evaluation of professional competence according to the violations and the circumstances defined by the authorities controlling the medical practice.

11. **Medical practice licence** (hereinafter - **the Licence**) means a document confirming the doctor's right to engage in a corresponding medical practice.

12. **Medical practice specialization** means acquisition of complementary medicine practice knowledge, skills and appropriate professional qualification of medical specialist. Those who have finished medical practice specialization are subject to issue of a certificate on medical specialization.

13. **Medical residency** means third level university medical studies for the doctor who wishes to acquire or change the type of medical practice professional qualification.

14. **Medical studies** means integrated university medical studies of at least 6 years or at least 240 credits after which the student receives a high school diploma certifying granted medical qualification, and internship certificate confirming granted professional qualification of medical doctor.

15. **Recipe** means the form of written doctor's prescription defined by the Minister of Health to a pharmacist according to which a pharmacy prepares and (or) issues medicine and/or provides medical assistance.

16. **Residency base** means university hospital or other health care facility that has acquired the right to pursue a residency programme or its part in accordance with the procedures set forth by the Minister of Health and Minister of Education.

17. **Register of health care and pharmaceutical professionals practice licenses** (hereinafter - **the Register**) means a state register, where the data and documents on the issuance or non-issuance of licences, suspension of their validity, cancellation of validity suspension and revocation of licence validity are accumulated, stored and organized.

18. **Family physician** means a doctor of medicine, who has acquired professional qualification of family physician.

19. **Member State** means the Member State of the European Union, Switzerland or the state that has signed the Agreement on the European Economic Area.

20. **A citizen of a Member State** means a citizen of the European Union Member State, Switzerland or the state that has signed the Agreement on the European Economic Area.

CHAPTER II MEDICAL PRACTICE

Article 3. Trainings for Doctor and Acquisition of Professional Qualifications

1. Professional qualification of doctor of medicine is acquired after completion of medical studies.

2. Professional qualification of family physician is acquired after completion of medical studies and family medicine residency.

3. Professional qualification of doctor specialist is acquired after completion of medical studies and medical practice specialization at university.

4. Medical residency programme consists of theoretical part and professional practical activity of doctor resident which is divided into cycles of subjects (modules, practice activities). Theoretical course of residency is organized by the university at the practice location of doctor resident. During the professional practice activity, a doctor resident shall work as a doctor resident and receive special medical knowledge and clinical experience. For this purpose, the residency base enters into a fixed-term employment contract with a resident doctor instead of professional activity practice contract, and doctor resident is employed as a doctor resident at the residency base. To pay a basic positional salary to the resident, the Ministry of Health is imposed allocation from the State budget. The funds for the residency bases are distributed according to the procedures set by the Minister of Health. Professional practice of doctor resident is divided into junior and senior doctor resident practices. Scope and duration of professional practice of doctor resident, rights, duties,

competence, responsibility and duty of the doctor resident as well as methodology for calculation of basic salary is provided for by the Government of the Republic of Lithuania or its authorized institution. Doctors' trainings and acquisition of professional qualifications are established by the laws of the Republic of Lithuania.

5. Professional qualifications acquired in foreign countries shall be recognized in accordance with the international treaties of the Republic of Lithuania and other legal acts.

Article 4. Acquisition and Implementation of Doctor's Right to Engage in Medical Practice

1. The doctor who has a valid licence issued in accordance with this Law is qualified for the engagement in medical practice in Lithuania.

2. The doctor may be engaged in medical practice only at a health care institution that has a licence to provide personal health care services. Doctor resident may be engaged in medical practice under the residency study programme, with the exception of consulting, only at the institution where he performs his residency, and only under medical supervision of a doctor resident head.

3. The licence shall be issued in accordance with acquired professional qualification of the doctor.

4. Types of professional qualifications of medical practice and competence of a doctor shall be determined by the Minister of Health. Competence of doctor resident shall be acquired after completion of residency programme or its part during medical residency.

5. Medical practice licence shall be issued for an indefinite period of time if the conditions defined in the Medical practice licensing regulations are met.

6. The license shall be issued to a doctor, refused to be issued; its validity suspended, its suspension cancelled and the license validity revoked by the licensing authority in accordance with this Law and medical practice licensing rules approved by the Minister of Health.

7. If the documents of foreign country are provided for the acquisition of a licence, they must be translated into the Lithuanian language and the translation must be approved by the procedure set forth in the legislation.

8. The licensing authority shall decide on the issuance of the licence from the date on which the applicant has submitted the application and all supporting documents as follows:

1) at least within 3 months if a doctor is subject to the application process of recognition of professional qualification acquired in another Member State;

2) at least within 30 days if a doctor is not subject to the application process of recognition of professional qualification acquired.

9. After the cancellation of the licence validity, the doctor must return the original licence on the medical practice to the licensing authority within 3 working days after the day on which he learned or should have learned of the cancellation of the licence. The licensing authority shall apply to the law enforcement authorities concerning the collection of the licence from a person in accordance with the legal acts of the Republic of Lithuania, having not obtained the original licence on the medical practice within the prescribed period of time.

10. Refusal to issue a licence must be justified and may not be based on the practice inexpediency.

11. The licensing authority shall publish its decision to issue a licence, suspend the licence validity, cancel the licence suspension and revoke the licence validity on its website.

12. The licensing authority must notify the registrar about its decision on the issue of a license, refusal to issue it, suspension of validity, and cancellation of validity suspension or revocation of licence validity in accordance with the provisions of the Register.

13. The provisions of the Register shall be approved by the Government.

14. The Register shall be administered by the Government authorities.

15. The decisions of licensing authority may be appealed according to the legislation.

Article 5. Conditions of the Doctors Rights of the European Union Member States to Temporary Engage in Medical Practice or Acquire a Service to Perform a Single Medical Practice in the Republic of Lithuania

1. The doctor, a citizen of the Member State, shall have the right to provide temporary medical practice in the Republic of Lithuania according to the laws, and without a license. Before providing a temporary medical practice, he shall inform the licensing authority on the provision of such service in writing in advance according to the procedures prescribed by the Minister of Health. In extreme cases, information on first medical assistance provided must be submitted to the licensing authority immediately after the service provision. When providing information on the services rendered, it is necessary to provide a notification and documentation showing that such doctor of medicine is lawfully engaged in doctor's activity in a Member State where he has established his office and has a doctor's diploma, certificate or other evidence of formal qualifications required for provision of specific services. Documents must be submitted at least within 12 months from the date of their issue. The request and documents of a doctor who wants to provide or has provided the services of onetime medical practice and has informed the licensing authority on this fact shall be registered in the Register.

2. The doctor who has failed to comply with the requirements of paragraph 1 herein shall be liable according to the laws of the Republic of Lithuania.

3. The doctor providing services of temporary medical practice shall have the same rights and obligations as provided for in this Law and other legal acts. If the service provider offends against these obligations or the licensing authority is aware of the facts contrary to the provisions of paragraph 1 herein, the licensing authority must immediately notify the responsible authority of the origin state or the state where the service provider comes from.

Article 6. Basis for Revocation of the Licence

1. The license validity shall be revoked if:

1) the doctor submitted forged documents to obtain a licence;
2) the doctor failed to follow the requirements of the licensing authority within one year when a licence validity has been suspended on the basis of paragraph 1, 3 or 4 of Clause 1 of Article 8;

3) the doctor made a crude medical practice mistake;

4) the doctor rudely violated the patient's rights: treated a patient harshly and offensively; practised his position to obtain illegal income or for other personal reasons; sexually abused a patient; performed any act against a patient containing signs of theft and fraud, and the doctor was applied responsibility according to the laws; provided patients with medical practice being intoxicated or under the influence of drugs or toxic substances; other similar offenses have been determined that harshly violated the patient's rights;

5) the doctor was banned from being engaged in medical practice by a final judgment of the court;

6) the court recognized the doctor incapable or limited his capacity;

7) the doctor has died.

2. In case of revocation of the licence pursuant to paragraph 4, 6 or 7 of Clause 1 herein, the validity of all existing licences to engage in doctor of medicine, family physician or specialist practice is revoked as well.

3. Licence validity is revoked by the licensing authority on its own initiative in accordance with the rules of medical practice licensing procedures or when the institutions apply relating to this on the basis specified in Clause 1 herein in accordance with the rules of medical practice licensing procedures. The following institutions shall have the right to apply to the licensing authority

regarding the revocation of the licence validity: the Ministry of Health, Lithuanian Bioethics Committee, the State Health Care Accreditation Agency under the Ministry of Health, the State Patient Fund under the Ministry of Health, founders of health care institutions or the heads of their authorized institutions, head of personal health care, medical professional organizations, patients' rights protecting organizations.

4. The licensing authority shall notify the head of the institution where the doctor worked or his authorized representative on the decision to revoke the licence validity.

Article 7. Conditions of Licence Issue to the Doctor Who Has Previously Been Subject to Revocation of Licence Validity

1. The doctor whose licence validity was revoked on the basis of paragraph 1, 2, 3 or 4 of Clause 1 of Article 6 of the Law thereof may apply for a new licence in accordance with the rules on medical practice licensing after having satisfied the requirements under the legislation relating to compliance with the terms of medical practice licensing.

2. The doctor whose licence validity was revoked on the basis of paragraph 5 or 6 of Clause 1 of Article 6 of the Law thereof may apply for a new licence in accordance with the rules on medical practice licensing after the basis for revocation of the licence validity has disappeared and requirements under the legislation relating to compliance with the terms of medical practice licensing have been met.

Article 8. Suspension of the Licence Validity

1. The licence validity shall be suspended if:

1) the commission on evaluation of doctor's professional competence has decided that professional qualification of the doctor does not comply with the professional qualification requirements indicated in the licence;

2) the doctor cannot perform his professional duties due to health reasons;

3) the doctor failed to perform one of professional duties indicated in paragraph 1 or 2 of Article 10 of the Law thereof;

4) the commission on evaluation of doctor's professional competence has found that the doctor made two or more medical practice mistakes.

2. The licence validity may be suspended:

1) when dealing with the issue on revocation of licence validity;

2) if a doctor has harshly or repeatedly made serious violation of one of professional obligations defined in paragraphs 3, 4, 5, 6, 7, 8, 9 or 10 of Article 10 of this Law thereof.

3. In case of suspension of the licence validity, the doctor is banned from being engaged in medical practice.

4. Pursuing the decision by the licensing authority to suspend the licence validity, the employer must remove the doctor from his duties in accordance with the Labour Code for licence validity suspension period.

5. The licence validity suspension is repealed in accordance with the Rules on Medical Practice Licensing.

CHAPTER III PROFESSIONAL RIGHTS, DUTIES AND RESPONSIBILITIES OF THE DOCTOR. CONTROL OF MEDICAL PRACTICE

Article 9. Professional Rights of the Doctor

1. The doctor has the following rights:

1) to issue prescriptions according to the procedure established by the Minister of Health;

- 2) to determine the child's birth moment and the facts of person's death according to the procedure established by laws;
 - 3) to issue personal health certificates (notes) according to the procedure established by the laws;
 - 4) to refuse to provide health care services if it is contrary to the doctor's ethical principles or which may cause the actual risk to the patient or the doctor's life, except for the cases when first medical assistance is provided;
 - 5) to participate in the activities of professional doctors' organizations under the professional qualification if they are in compliance with other legislation.
2. The doctor also has other rights set out in other legislation of the Republic of Lithuania.

Article 10. Professional Duties of the Doctor

The doctor must:

- 1) improve his professional qualification in accordance with procedures prescribed by the Minister of Health;
- 2) inform the licensing authority on the professional qualification training and medical practice according to the procedures established by the rules on medical practice licensing at least every 5 years;
- 3) not discriminate the patients on grounds of sex, age, race, nationality, language, origin, social status, religion, beliefs or attitudes;
- 4) respect the rights of patients, and do not violate them;
- 5) follow the principles of doctor's professional ethics;
- 6) handle the medical practice documents according to the procedures prescribed by the legal acts;
- 7) notify law enforcement and other authorized state bodies of injured patients to whom the injury could have been caused by a criminal act according to the procedures prescribed by the legal acts;
- 8) explain the circumstances of medical practice on request of the Ministry of Health, law enforcement authorities;
- 9) provide the patient who applies to him with first medical assistance in non-medical cases and sent the patient to the doctor licensed to engage in the medical practice;
- 10) perform other duties according to the procedures prescribed by the legal acts of the Republic of Lithuania.

Article 11. Doctor's Responsibility

The doctor who has violated the requirements of this Law shall be liable according to the legal acts of the Republic of Lithuania.

Article 12. Control of Medical Practice

1. Control of medical practice shall be performed according to the legal acts of the Republic of Lithuania.
2. Doctor's professional competence shall be evaluated by the commission on evaluation of doctor's professional competence of respective professional qualification type (specialty) of medical practice in accordance with the procedures related to the inspection of the competence of health care professionals approved by the Minister of Health.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC OF LITHUANIA
BRAZAUSKAS

ALGIRDAS

Annex
to the Law on Medical Practice
of the Republic of Lithuania

IMPLEMENTATION OF THE EUROPEAN UNION LEGISLATION

Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005
on the recognition of professional qualifications (OJ 2005 L 255, p. 22).