



# Encyclopedia of Health Legislation

## Book 3: Legislation regulating the Practice of Human Medicine Profession,

Private Health Facilities and the Practice of Some Medical Professions by other than Physicians and Pharmacists



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دائرة الصحة  
DEPARTMENT OF HEALTH







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Third Issue - February 2023



**Book 3:**

- **Legislation regulating the Practice of Human Medicine Profession**
- **Private Health Facilities**
- **Practice of Some Medical Professions by other than Physicians and Pharmacists**





**صاحب السمو الشيخ محمد بن زايد آل نهيان**

رئيس دولة الإمارات العربية المتحدة

**HIS HIGHNESS SHEIKH MOHAMED BIN ZAYED AL NAHYAN**

PRESIDENT OF THE UNITED ARAB EMIRATES





المغفور له بإذن الله الشيخ زايد بن سلطان آل نهيان  
تغمده الله بواسع رحمته

**SHEIKH ZAYED BIN SULTAN AL NAHYAN**





**المغفور له بإذن الله الشيخ خليفة بن زايد آل نهيان**

تغمده الله بواسع رحمته

**SHEIKH KHALIFA BIN ZAYED AL NAHYAN**





# Introduction

The release of the third issue of the Encyclopedia of Health Legislation by the Department of Health - Abu Dhabi reflects the aspirations of the Government of Abu Dhabi to deliver the best services to customers and provide an organizational and legislative knowledge, and is the Department's first step towards legislative digitization in the health field to achieve its vision of "a healthier Abu Dhabi" and hence promote the wellbeing and happiness of community.

**"Legislation regulating the Practice of Human Medicine Profession, Private Health Facilities and the Practice of Some Medical Professions by other than Physicians and Pharmacists"** is released in this third book given their pivotal importance in the governance and regulation of the three most important arms of the health sector, namely: the competence of the physician, the auxiliary and supportive professions of the medical profession and the private health facility and the associated specialized infrastructure, in an effort by the Department to achieve the leaders' vision of providing world-class healthcare for all citizens and residents in the Emirate of Abu Dhabi.

Legislation regulating the Practice of Human Medicine Profession, Private Health Facilities and the Practice of Some Medical Professions by other than Physicians and Pharmacists covers the set of laws governing the licensing of physicians and non-physicians and non-pharmacists such as nurses, physical therapists, laboratory specialists and others, in addition to the licensing of private healthcare facilities to keep pace with best practices in the quality of services and operational processes, as well as the best standards in care and safety for the patient and the community, and to attract and qualify medical professionals.

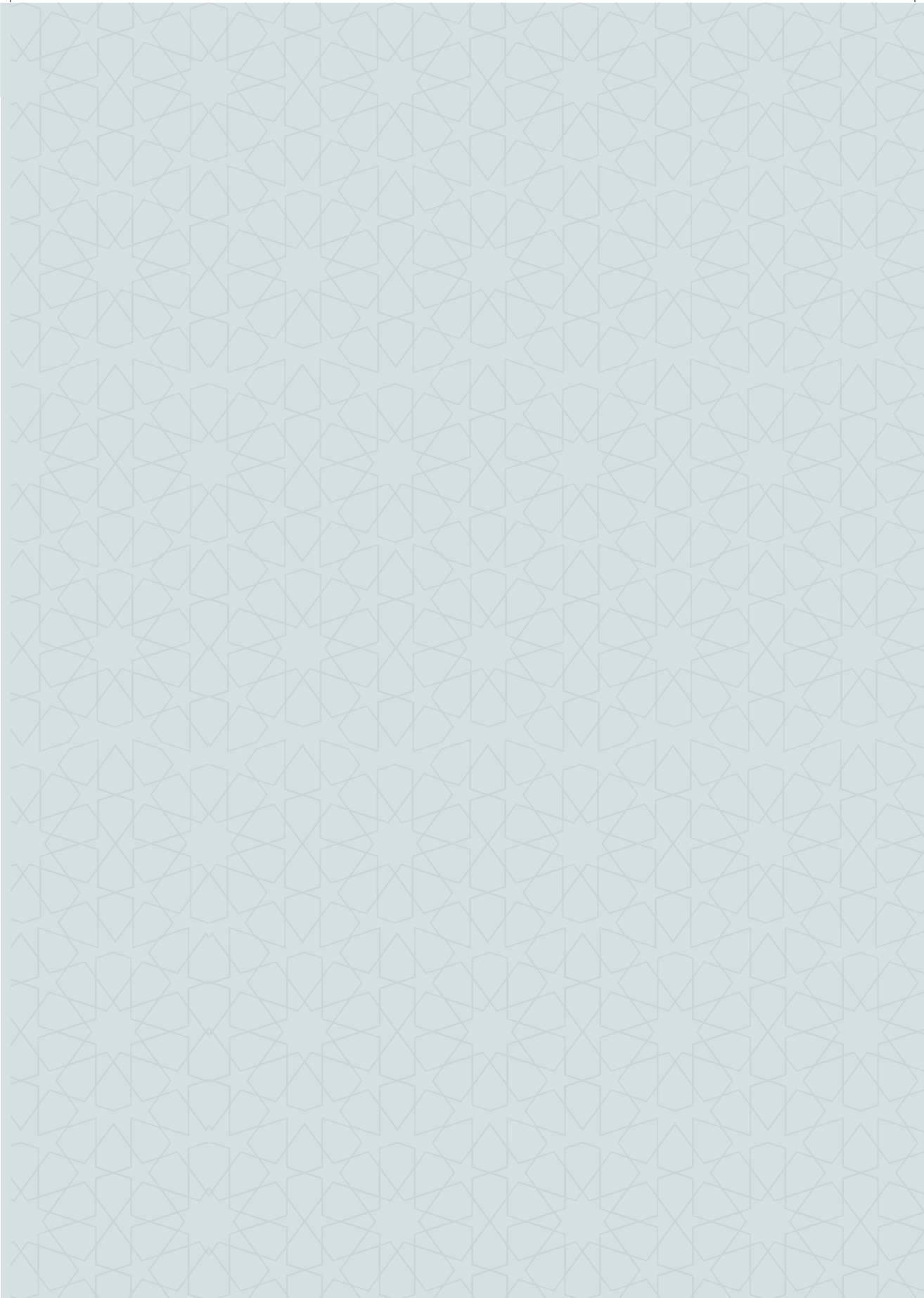
DOH will seek to strengthen the body of legislation regulating the practice of human medicine profession, private health facilities, practice by non-physicians and non-pharmacists of certain medical professions and the associated auxiliary and supportive professions, as well as develop and support the private health facilities with further contributions and initiatives towards a balanced and flexible system that is in line with the different international norms.

Finally, we would like to express our profound gratitude for the guidance and trust of H.E. the Chairman of the Department of Health and for the follow-up, support and attention of H.E. the Undersecretary. We would also like to extend our thanks and appreciation to DOH partners, all the Encyclopedia team, and the officials of DOH organizational units for their efforts and active participation in completion of this book, looking forward to working together towards further development and modernization to strengthen the body of the health legislation in the Emirate of Abu Dhabi.

**Saqr Al Marzooqi**

Manager, Legal Affairs Office

Abu Dhabi - February 2023





## Federal Law No. (5) of 1984 on the Practice of Some Medical Professions by other than Physicians and Pharmacists\*

**We, Zayed bin Sultan Al Nahyan, President of the United Arab Emirates:**

- Having regard to the Interim Constitution;
  - Federal Law No. (1) of 1972 on the Mandates of Ministries and Powers of Ministers, as amended;
  - Federal Law No. (5) of 1974 concerning the Practice of Pharmacy Profession and Trading in Medicines;
  - Law No. (7) of 1975 on the Practice of Human Medicine Profession, as amended by Federal Law No. (4) of 1981; and
  - Based on the proposal of the Minister of Health, and approval of the Cabinet and the Federal National Council, and the ratification of the Federal Supreme Council,
- **Promulgate the following Law:**

### **Article (1)**

In application of the provisions of this Law, the following words and expressions shall have the meanings ascribed to them:

Ministry	: The Ministry of Health.
Minister	: The Minister of Health.
Medical Profession(s)	: The Medical Profession(s) stated in the Schedule attached hereto.
Committee	: The Committee stated in Article 5 hereof.
License	: The License to practice the Medical Profession which is issued pursuant to the provisions of this Law.

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\* This translation from Arabic to English is provided for your convenience only. In case of any discrepancy, the Arabic version prevails.

### **Article (2)**

Subject to the provisions of the referenced Federal Law No. (7) of 1975 on the Practice of Human Medicine Profession and Federal Law No. (5) of 1974 concerning the Practice of Pharmacy Profession and Trading in Medicines, no persons other than physicians and pharmacists may practice a Medical Profession unless they obtain a License to do so pursuant to the provisions of this Law.

### **Article (3)**

Medical Professions that persons other than physicians and pharmacists may practice are those professions stated in the Schedule attached hereto.

The qualifications and conditions that must be met to obtain a License to practice each profession, as well as the duties and responsibilities that the licensee to practice the Medical Profession must abide by, shall be determined by decision of the Minister.

### **Article (4)**

An application for License shall be submitted to the Committee together with the following documents:

1. Originals of the academic certificates obtained by the applicant or an official document proving that they were obtained along with a certified translation into Arabic if the certificates are issued in a foreign language. Such certificates must be attested by the Ministry of Foreign Affairs of the state from which the applicant obtained the certificate or document and by the diplomatic or consular missions of the United Arab Emirates in such state, if any.
2. Attested certificate of previous experience for non-citizens.
3. An official document certified by the competent authorities, proving the date of birth of the applicant.
4. Good conduct certificate of the applicant.
5. A certificate that no final criminal sentence has been issued against the applicant for an offence against honour or involving breach of trust unless he/she has been rehabilitated or pardoned by the competent authorities.
6. A certificate proving the applicant's fitness to practice the Medical Profession for which a License is requested, issued by a medical committee by decision of the Minister.

7. A certificate proving the applicant's nationality or a copy of his/her passport with three 4x6 cm photographs.
8. Any other documents or papers specified by decision of the Minister.

### **Article (5)**

A Committee shall be formed by decision of the Minister to examine applications for License and to exercise the other competencies provided for herein. The decision shall determine the procedures and functioning system of this Committee.

The Committee shall take the necessary measures to verify the authenticity of the documents submitted by the applicant and to evaluate the certificates obtained by the applicant and to equate them with the required certificates. The Committee shall also take the necessary measures to verify the competence of the applicant for a License to practice the Medical Profession for which a License is requested in accordance with the rules determined by decision of the Minister.

### **Article (6)**

The Committee shall decide on the application for License and present its recommendations thereon to the Minister within thirty (30) days of the date of submission of the application.

The Minister shall issue a decision to grant or reject the License, provided that the decision to reject the grant of License is reasoned. The Committee shall notify the applicant for the License of the decision of the Minister by registered letter.

### **Article (7)**

A person whose application has been rejected may file an appeal against the licensing rejection decision to the Minister within thirty (30) days of the date of receipt of the Committee's notification of rejection of the License.

The decision of the Minister on the appeal shall be final.

### **Article (8)**

A register shall be established in the Ministry to register those who are licensed to practice Medical Professions other than physicians and pharmacists. The register shall include the following information about the licensee:

1. His/her entry number in the register.
2. His/her full name and nationality.
3. The Medical Profession that he/she is licensed to practice.
4. The educational qualifications he/she obtained and the date on which they were obtained.
5. Details of previous experiences.
6. The number and date of the Minister's decision to grant the License.
7. The place where the licensed profession is practiced.
8. His/her place of residence.
9. Any other details specified by decision of the Minister.

Entry in the Register shall take place after paying the fee to be determined by decision of the Minister, provided that it does not exceed AED 200, and the same upon annual renewal.

### **Article (9)**

The licensing decision shall be delivered to the applicant after completing the registration in the register referred to in the Article above. The Ministry shall periodically publish a list of the names of those registered with it who have been licensed to practice Medical Professions and any modifications that may occur to it in the manner it deems appropriate.

The Medical Profession may be practiced only after entry in the Register and delivery of the License in accordance with the provisions hereof.

### **Article (10)**

A person who has been licensed to practice the Medical Profession shall inform the Ministry of every change in his/her place of residence or the place where he/she practices his/her work, within a maximum period of one (1) month from the date of the change; otherwise, the Ministry may strike off his/her name from the register.

The Ministry may re-enter his/her name in the register if he/she notifies the Ministry of his/her new address provided that a new entry fee is paid.



### **Article (11)**

If the person licensed to practice the Medical Profession suffers from an illness or a disability because of which he/she loses fitness to practice the profession in whole or in part, he/she and his/her employer must inform the Ministry and refrain from practicing the profession until a decision is made in this regard by the Minister upon the recommendation of the Committee.

The Minister shall issue his decision in his/her regard to either cancel the License issued to him/her and strike off his/her name from the register or specify the work he/she may practice or temporarily ban him/her from practicing the profession according to his/her health condition.

The Minister may, upon the proposal of the Committee, amend his decision according to the evolution of the health status of the licensee.

If the licensee contracts an infectious disease, he/she and his/her employer must notify the Ministry and refrain from practicing the Medical Profession, and he/she may not return to practicing it without the consent of the Ministry.

### **Article (12)**

The License to practice the Medical Profession shall be for one (1) year and shall be renewed upon expiry. The licensee shall, upon renewal, be subject to the medical check-up to check his/her health fitness.

### **Article (13)**

A person who has been licensed to practice the Medical Profession must perform his/her work with due diligence and honesty as required by his/her Medical Profession, and shall preserve the Profession ethics, and abide by the duties and responsibilities specified by the Minister's decision in accordance with the provision of Article 3 hereof.

### **Article (14)**

Without prejudice to any severer penalty provided for in another law, shall be sentenced to detention for a minimum term of one (1) year and a maximum term of three (3) years, and/or a fine of no less than AED 5,000 (Dirhams Five Thousand) and not more than AED 10,000 (Dirhams Ten Thousand):

1. whoever fails to meet the legal conditions that entitle him to obtain a License to practice a Medical Profession if he/she practices an activity that falls under this profession.

2. whoever has submitted incorrect documents or data or resorted to illegal methods that resulted in the undue grant of a License to him/her.
3. whoever is not licensed to practice the Medical Profession and uses brochures, billboards, banners or any other means of publication if this leads the public to believe that he/she has the right to practice the Medical Profession.
4. whoever has been licensed to practice the Medical Profession and employs a person who is not licensed to practice the Medical Profession to perform one of the works thereunder.

In any event, the Minister may, on the basis of the investigation records, issue a decision to temporarily close the place allocated by the violator for the practice of the Medical Profession until the sentence is handed down for the offence attributed to him/her.

If the violator is convicted, then, in addition to the prescribed penalty, an order to close the place designated for practicing the Medical Profession and confiscate the instruments and materials related to practicing the profession must be rendered.

The License issued to practice the profession for the convicted person shall be deemed to have expired and his/her name shall be removed from the register with effect from the date the sentence becomes final.

### **Article (15)**

Shall be sentenced to imprisonment for a minimum term of three (3) months and a maximum term of one (1) year and/or a fine of no less than AED 1,000 (Dirhams One Thousand) and not more than AED 5,000 (Dirhams Five Thousand), whoever meets the legal conditions that entitle him/her to obtain a License to practice a Medical Profession if he/she practices this profession before he/she obtains the License. The court may, in addition to the prescribed penalty, order the closure of the place allocated by the violator for the practice of the Medical Profession.

### **Article (16)**

Without prejudice to criminal liability, the Committee shall be competent to consider violations committed by those licensed to practice the Medical Profession in violation of the provisions of this Law or its Implementing Regulations.

The Committee shall notify the violator to appear before it at least three (3) days prior to the date set for its meeting. The notification shall include a statement of the violations attributed to him/her, and the violator must appear before the Committee on the specified date; otherwise, the Committee may consider the violation and decide on it in his/her absence.

The Committee may impose on the violator one of the following disciplinary penalties:

1. Warning.
2. Suspension from practicing the profession for a period not exceeding six (6) months.
3. Withdrawal of the License and striking off the name from the register.

It shall not be permissible to impose any of these penalties except after hearing the violator's statements and investigating his/her defence. If he/she abstains from attending without an acceptable excuse, the penalty may be imposed based on the papers and the Committee shall submit its decision to the Minister for approval.

### **Article (17)**

A person against whom a disciplinary decision is issued may file an appeal against it to the Minister within thirty (30) days of the date of its issuance or, if it was issued in his/her absence, the date of his/her notification thereof.

The Minister's decision on the appeal shall be issued within thirty (30) days of the date of its filing, and the Minister's decision shall be final in this regard.

The penalty of suspension or withdrawal of the License and the removal of the name may not be handed down before the expiration of the deadline for appeal or the time for its determination, as the case may be.

### **Article (18)**

The Ministry may inspect places where Medical Professions are practiced, and the employees designated to this effect by decision of the Minister of Justice, upon proposal of the Minister of Health, shall have the status of judicial officers to establish any violations of the provisions of this Law or its Implementing Decisions.

### **Article (19)**

A person who engages in a Medical Profession at the time of entry into force of this Law and who has been granted License to practice the Medical Profession by the health department or the municipality of any of the emirates members of the Union before the provisions of this Law are implemented shall continue to practice the profession, and shall submit to the Ministry, within a maximum period of three (3) months from the date of the entry into force of this Law, the necessary documents for his/her registration and the grant of a new License, provided that the necessary conditions for granting the License are met in accordance with the provisions of this Law.

If these documents are not submitted within the period indicated, the License issued to him to practice the Profession shall be deemed to have expired.

### **Article (20)**

The Minister shall issue the regulations and decisions necessary for the implementation of the provisions of this Law.

### **Article (21)**

Any provision contrary to, or in conflict with the provisions of this Law shall be repealed.

### **Article (22)**

This Law shall be published in the Official Gazette, and shall come into force thirty (30) days after the date of its publication.

**Zayed bin Sultan Al Nahyan**

**President of the United Arab Emirates**

Promulgated by Us at the Presidential Palace in Abu Dhabi

On: 14/Jumada Al Thani/1404 H

17/March/1984 G

## Schedule of Medical Professions

- 1- Nursing.
- 2- Midwifery.
- 3- Laboratories.
- 4- Radiology (examination, treatment).
- 5- Physiotherapy.
- 6- Dental (treatment, dental implants, fabrication).
- 7- Optics (manufacturing, assembly).
- 8- Audiology and speech.
- 9- ECG.
- 10- Anaesthesia.
- 11- Nutrition.
- 12- Respiratory devices.
- 13- Nuclear medicine.
- 14- Prosthesis.



## Federal Law No. (4) of 2015 on Private Health Facilities\*

**We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,**

- Having regard to the Constitution;
- Federal Law No. (1) of 1972 on the Mandates of Ministries and Powers of Ministers, as amended;
- Federal Law No. (7) of 1975 on the Practice of Human Medicine Profession, as amended;
- Federal Law No. (8) of 1980 on the Regulation of Labor Relations, as amended;
- Federal Law No. (27) of 1981 on Prevention of Communicable Diseases;
- Federal Law No. (5) of 1984 on the Practice of Some Medical Professions by other than Physicians and Pharmacists;
- Federal Law No. (8) of 1984 on Commercial Companies, as amended;
- Federal Law No. (3) of 1987 Promulgating the Penal Code, as amended;
- Federal Law No. (35) of 1992 Promulgating the Criminal Procedure Code, as amended;
- Federal Law No. (15) of 1993 on the Regulation of Transplantation of Human Organs;
- Federal Law No. (14) of 1995 on the Countermeasures against Narcotic Drugs and Psychotropic Substances, as amended;
- Federal Law No. (2) of 1996 on Private Health Facilities;
- Federal Law No. (10) of 2008 on Medical Liability;
- Federal Law No. (11) of 2008 concerning the Licensing of Fertilisation Centres in the State;
- Federal Law No. (18) of 2009 on the Regulation of Registration of Births and Deaths;
- Federal Law No. (1) of 2011 on Public Revenues of the State; and

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\* This translation from Arabic to English is provided for your convenience only. In case of any discrepancy, the Arabic version prevails.

- Based on the proposal of the Minister of Health, and approval of the Cabinet and the Federal National Council, and the ratification of the Federal Supreme Council,
- **Promulgate the following Law:**

## Chapter One

### General Provisions

#### Definitions

#### Article (1)

In application of the provisions of this Law, the following words and expressions shall have the meanings ascribed to them, unless the context otherwise requires:

State	: The United Arab Emirates.
Ministry	: The Ministry of Health.
Minister	: The Minister of Health.
Health Authority	: The Ministry or any federal or local government entity in charge of health affairs in the State, each within the scope of its competence.
Concerned Entity	: Any entity that is directly or indirectly related to the implementation of the provisions of this Law and its Implementing Regulations.
Private Health Facility	: A private facility that provides people with health services, including prevention, treatment and recovery, whether it is owned or managed by a natural or legal person.
Concerned Department	: The department concerned with licensing and health regulations in the Health Authority.
Committee	: The committee formed within the Health Authority and is in charge of examining violations related to health facilities and their employees.



Competent Court : The court of first instance in which jurisdiction the health facility is situated.

## **Article (2)**

### **Scope of Application**

The provisions of this Law shall apply to all Private Health Facilities in the State, including the free zones.

## **Chapter Two**

### **Licenses**

## **Article (3)**

1. A Private Health Facility may not be established, operated or managed in the State by a natural or legal person unless after obtaining a license to do so from the Health Authority in accordance with the provisions of this Law and its implementing regulations.
2. The implementing regulations of this Law shall set out the health and technical conditions, licensing procedures for establishing, operating and managing Private Health Facilities, their types, their respective areas of activity, and the validity period of the license.
3. Private Health Facilities shall adhere to the international standards established by the Health Authority and shall develop mechanisms for developing and evaluating the health services they provide.

## **Article (4)**

The implementing regulations of this Law shall specify the terms and conditions for owning Private Health Facilities and the necessary relevant procedures.

## **Article (5)**

A Private Health Facility shall be managed only by a person who meets the necessary qualifications to do so, and the implementing regulations shall specify those qualifications according to the type and nature of the Private Health Facility.

### **Article (6)**

The Concerned Department shall decide on the applications for licensing the establishment, operation, or management of Private Health Facilities. In the event that the license application is rejected, the rejection decision must be reasoned, provided that the concerned person is notified thereof. If no reply to the license application is received within sixty (60) days of the date of its submission, the application shall be considered as rejected.

### **Article (7)**

An appeal may be filed against the rejection of licensing the establishment, operation, or management of a Private Health Facility. The appeal shall be submitted in writing to the Minister or the chairman of the Health Authority, as the case may be, within thirty (30) days from the date of receipt of the notification of the rejection decision or from the date of the expiry of the sixty-day period referred to in Article 6 of this Law. The appeal decisions may be challenged before the Competent Court within thirty (30) days from the date on which the concerned person is notified of the decision of the appeal rejection or the expiry of sixty (60) days after submission of the appeal without responding thereto.

### **Article (8)**

The license to operate a Private Health Facility shall be deemed expired in any of the following cases:

1. The Private Health Facility remains closed for more than six (6) consecutive months without an excuse acceptable to the Health Authority which granted the License.
2. Failure to operate the Private Health Facility for a period exceeding six (6) months from the date of the license without an excuse acceptable to the Health Authority which granted the license.
3. Failure to renew the license within six (6) months from the date of its expiry.
4. Closure of the Private Health Facility upon the request of its owner.
5. Permanent closure of the facility by disciplinary decision.
6. Permanent closure of the facility by court order.

### **Article (9)**

In the event of the death of the owner of the Private Health Facility, the heirs must submit the documents for the transfer of ownership of the Private Health Facility no later than six (6) months from the date of death, and this period may be extended by decision of the Minister or the chairman of the Health Authority, or their delegates; otherwise, the license shall terminate by force of law. The Implementing Regulations shall specify the necessary conditions and procedures in this regard.

### **Article (10)**

It shall not be permissible to change the location of a Private Health Facility, transfer its ownership, change its activity, or amend its technical conditions under which the license was issued or to open branches thereof without the approval of the Health Authority which granted the license.

## **Chapter Three**

### **Obligations of the Private Health Facilities**

### **Article (11)**

Private Health Facilities shall conclude insurance contracts against hazards arising from the facility premises and equipment, covering the patients and their accompanying people and employees of the facility.

### **Article (12)**

Private Health Facilities shall:

1. apply all health, environmental and safety conditions approved by the Concerned Entities.
2. submit all health data and statistics required by the Health Authority within the legally established deadlines.
3. enable patients to know the health services and accommodation prices before providing them with the service.

4. ensure an effective communication system that removes language barriers between patients and physicians.
5. use Arabic on the explanatory and instructive signage, inside and outside the facility, and any other language that the Private Health Facility considers appropriate.
6. commit to emergency and disaster plans.

### **Article (13)**

Private Health Facilities shall observe patient rights mentioned in the laws and regulations of the State.

### **Article (14)**

The owner of a Private Health Facilities shall not close the facility before obtaining approval of the Health Authority which granted the license.

### **Article (15)**

Before the commencement of its activities, a Private Health Facility must establish an internal regulation of its functioning system, in accordance with the rules, conditions and data issued by decision of the Health Authority which granted the license.

### **Article (16)**

The Private Health Facility must provide its services in accordance with the standards approved in the area of its licensed specialty and as required by the health condition of the service recipient.

### **Article (17)**

Private Health Facilities shall be prohibited from employing a physician, nurse, or any other person of other health specialties who is not licensed by the Health Authority.

## **Chapter Four**

### **Inspection; Penalties**

#### **Article (18)**

Health Authorities shall periodically ensure that the necessary conditions established in accordance with the provisions of this Law and its implementing regulations and decisions are continuously sustained by the Health Facility.

#### **Article (19)**

Employees of the Health Authority designated by decision of the Minister of Justice, in agreement with the Health Authority, shall have the status of judicial officers in establishing any violations of the provisions of this Law and its implementing regulations and decisions.

#### **Article (20)**

The Committee shall be competent to examine the acts that violate the provisions of this Law and its executive decisions. The Committee must notify the violator within three (3) days, whether it is the owner of the Private Health Facility or its director, the person in charge of its operation or management, or one of its employees, to appear before it at the date it determines. The notification must include a statement of the violations subject matter of accountability. If the violator fails to appear on the specified date despite being notified, the Committee may decide on the subject of the violation in his/her absence. The Committee's recommendations shall be submitted to the competent authority at the Health Authority to take the appropriate decision in this regard.

#### **Article (21)**

1. The Health Authority may impose the following disciplinary sanctions on the director of the Private Health Facility, the person in charge of its operation, or any of its employees:
  - a. Warning.
  - b. Suspension from work for a period not exceeding six (6) months.
  - c. Permanent suspension from work.

2. The Health Authority may impose one of the following disciplinary sanctions on the Private Health Facility:
  - a. Warning.
  - b. Temporary closure of the facility, in whole or in part, for a period not exceeding six (6) months.
  - c. Final closure of the facility, in whole or in part.
3. The sanctions stipulated in this Article may be imposed only after hearing the statements of the violator or its legal representative and examining its defence. If the violator fails to appear or appears without presenting its pleading argumentation, the sanction may be imposed based on the documents established in the file.
4. Disciplinary sanctions stipulated in this Article shall apply without prejudice to the criminal or civil liability that may arise from the same fact subject matter of the violation.

### **Article (22)**

A person who is subject to a disciplinary sanction may file an appeal against it within fifteen (15) days from the date of its notification of the decision, and the appeal shall be submitted to the Minister or the chairman of the Health Authority, as the case may be. The appeal decision shall be issued within thirty (30) days from the date of its submission. In cases of closure, the appeal shall be determined within a maximum of two (2) weeks from the date of its submission. The decision on the appeal shall be final in all cases. The decision on the appeal may be challenged before the Competent Court within thirty (30) days from the date of notification of the appeal decision or after fifteen (15) days from the date of submission of the appeal against the closure decision without receipt of a reply thereto or thirty (30) days after filing the appeal against any other decision without receipt of a reply thereto.

### **Article (23)**

#### **Penalties**

Without prejudice to any severer penalty provided for in any other law, shall be sentenced to detention for a minimum term of six (6) months and/or a fine of no less than AED 100,000 (Dirhams One Hundred Thousand) and not more than AED 1,000,000 (Dirhams One Million):

1. whoever establishes or operates a Private Health Facility without obtaining a license to do so from the Health Authority;
2. whoever operates a Private Health Facility regarding which a court ruling or decision of permanent or temporary closure has been issued before the reasons for closure cease to exist and a decision of re-operation is issued;
3. whoever submits documents, provides incorrect data, or uses illegal methods with a view to obtaining a license to establish, operate, or manage a Private Health Facility;
4. whoever employs a physician, nurse, or any other person of other health specialties who is not licensed by the Health Authority;
5. whoever closes the Private Health Facility without obtaining the approval of the concerned Health Authority.

The court may, in addition to the prescribed penalty, order to close the facility or revoke the license, as the case may be.

## **Chapter Five**

### **Final Provisions**

#### **Article (24)**

Obtaining a license to establish, operate or manage a Private Health Facility in accordance with the provisions of this Law shall not exempt from obtaining other licenses required by applicable federal and local Laws, regulations and decisions.

#### **Article (25)**

A record for the registration of the Private Health Facilities shall be established in the Health Authority, and its organization and the data it contains shall be regulated by decision of the Minister or the director of the Health Authority, as the case may be.



### **Article (26)**

In the event of the closure of a Private Health Facility or the issuance of a decision to close it or to consider its license expired in accordance with the provisions of Article 8 hereof, the Health Authority shall take the necessary actions to protect the rights of patients who have been treated in the facility or who are undergoing treatment therein, ensuring specifically the continuity of providing them with the necessary health services, the interruption of which may pose threat to their lives.

### **Article (27)**

All Private Health Facilities existing in the State before the date of the entry into force of this Law shall adjust their positions in accordance with the provisions of this Law and its implementing regulations within a period not exceeding one (1) year from the date of the issuance of its Implementing Regulations; otherwise, their license shall be deemed null and void.

### **Article (28)**

Fees due in implementation of the provisions of this Law and its Implementing Regulations shall be determined by resolution of the Cabinet.

### **Article (29)**

The Cabinet shall, upon the proposal of the Minister, issue the Implementing Regulations of this Law within six (6) months from the date of publication of this Law.

### **Article (30)**

Any provision contrary to, or in conflict with the provisions of this Law shall be repealed. Federal Law No. (2) of 1996 on Private Health Facilities shall be abrogated and its implementing decisions shall survive cancellation and remain applicable until the implementing regulations and decisions of this Law are issued, to the extent they do not contradict its provisions.

**Article (31)**

This Law shall be published in the Official Gazette, and shall come into force six (6) months after the date of its publication.

**Khalifa bin Zayed Al Nahyan**  
**President of the United Arab Emirates**

Promulgated by Us at the Presidential Palace in Abu Dhabi

On: 5/Jumada Al Thani/1436 H

25/March/2015 G

The name of the Ministry of Health was replaced by “Ministry of Health and Prevention” pursuant to the Cabinet Resolution No. (7) of 2016 concerning the Delegation of Some Competencies to Some Ministries.



## Federal Law No. (5) of 2019 on the Regulation of Practice of Human Medicine Profession\*

**We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,**

- Having regard to the Constitution;
- Federal Law No. (1) of 1972 on the Mandates of Ministries and Powers of Ministers, as amended;
- Federal Law No. (7) of 1975 on the Practice of Human Medicine Profession, as amended;
- Federal Law No. (8) of 1980 on the Regulation of Labor Relations, as amended;
- Federal Law No. (28) of 1981 concerning the Detention and Treatment of People with Mental Illnesses;
- Federal Law No. (4) of 1983 on Pharmacy Profession and Pharmaceutical Institutions;
- Federal Law No. (5) of 1984 on the Practice of Some Medical Professions by other than Physicians and Pharmacists;
- Federal Law No. (5) of 1985 Promulgating the Civil Code, as amended;
- Federal Law No. (3) of 1987 Promulgating the Penal Code, as amended;
- Federal Law No. (10) of 1992 on Evidence in Civil and Commercial Transactions, as amended;
- Federal Law No. (11) of 1992 Promulgating the Civil Procedure Code, as amended;
- Federal Law No. (35) of 1992 Promulgating the Criminal Procedure Code, as amended;
- Federal Law No (20) of 1995 concerning Medicines and Preparations derived from Natural Resources;
- Federal Law No. (6) of 2007 on the Establishment of the Insurance Authority and Regulation of its operations, as amended;
- Federal Law No. (11) of 2008 concerning the Licensing of Fertilisation Centres in the State;

\* This translation from Arabic to English is provided for your convenience only. In case of any discrepancy, the Arabic version prevails.

- Federal Decree-Law No. (11) of 2008 on Human Resources in the Federal Government, as amended;
  - Federal Law No. (14) of 2014 on the Prevention of Communicable Diseases;
  - Federal Law No. (2) of 2015 on Commercial Companies, as amended;
  - Federal Law No. (4) of 2015 on Private Health Facilities;
  - Federal Decree-Law No. (4) of 2016 on Medical Liability;
  - Federal Decree-Law No. (5) of 2016 on the Regulation of Transplantation of Human Organs and Tissues;
  - Federal Law No. (14) of 2016 on Violations and Administrative Penalties in the Federal Government;
  - Federal Decree-Law No. (16) of 2016 concerning the Establishment of Emirates Healthcare Services Establishment; and
  - Based on the proposal of the Minister of Health and Prevention, and the approval of the Cabinet and the Federal National Council, and the ratification of the Federal Supreme Council,
- **Promulgate the following Law:**

## **Chapter One**

### **Preliminary Provisions**

#### **Article (1)**

##### **Definitions**

The following words and expressions shall have the meanings ascribed to them, unless the context otherwise requires:

State	: The United Arab Emirates.
Ministry	: The Ministry of Health and Prevention.
Minister	: The Minister of Health and Prevention.
Health Authority	: The Ministry or any federal or local government

	entity in charge of health affairs in the State, each within the scope of its competence.
Health Facility	: A private facility that provides people with health services, including prevention, treatment and recovery, whether it is owned or managed by a natural or legal person.
Physician	: A human physician, including a dentist.
Profession	: Human medicine profession, including dentistry.
Internship	: The approved mandatory training period before or after obtaining the Bachelor's degree or its equivalent in human medicine including dentistry.
Intern	: This term includes: <ol style="list-style-type: none"><li>1. Trainees during their Internship after obtaining their Bachelor's degree or its equivalent in human medicine including dentistry.</li><li>2. Human medicine students including dentistry students during their internship to obtain their Bachelor's degree at universities or medical schools that so require prior to delivering the said degree.</li></ol>
Resident	: A Physician enrolled in specialized higher training within training programmes accredited by the Health Authority.
Visiting Physician	: A Physician licensed at a Health Facility in the State who is authorized to work part-time at another Health Facility, or a Physician coming from abroad to practice the Profession in the State for a limited period, pursuant to the conditions and controls prescribed by this Law and its Implementing Regulations.
License	: The permit issued by the Health Authority to practice the Profession.

## **Article (2)**

### **Scope of Application**

This Law shall apply to any person who practices or applies to practice the Profession inside the State, including the Free Zones.

## **Article (3)**

### **Objectives of the Law**

This Law aims to:

1. regulate the practice of the Profession and protect the community against illegal medical practices.
2. Set the legal foundations for the practice of the Profession so as to improve it and to deliver the best healthcare services for individuals.
3. Set the necessary professional foundations and standards to limit medical malpractice as well as medical practices that are illegal or that violate professional ethics.

## **Chapter Two**

### **License**

## **Article (4)**

### **License Required**

No person may practice the Profession unless he/she is licensed to do so by the Health Authority.

## **Article (5)**

### **Conditions to be Met by License Applicant**

The License applicant shall meet the following conditions:

1. He/she must hold a Bachelor's degree or its equivalent in human medicine, including dentistry, which is accredited in the State.
2. He/she must have completed his/her Internship.

3. He/she must be of good character and conduct, and must have no judgment previously issued against him/her in a felony or misdemeanour involving moral turpitude or dishonesty, unless he/she has been rehabilitated.
4. He/she must be medically fit to perform his/her duties.
5. Any other conditions or controls prescribed by the Implementing Regulations of this Law.

### **Article (6)**

#### **Procedures for Applying for License and Filing Appeal Against Application Rejection**

1. The Health Authority shall have the competence to examine the License application, pursuant to the conditions and controls prescribed by the Implementing Regulations of this Law.
2. The Health Authority shall decide on the License application within thirty (30) days from the date of its submission, and the applicant shall be notified of its decision. In the event that the application is rejected, the rejection decision must be reasoned. If no reply is received within the said period, the application shall be deemed as rejected.
3. Whoever has their application rejected may file a written appeal against the rejection decision to the chairman of the Health Authority within thirty (30) days from the date of being notified of such decision or from the lapse of the period stated in paragraph 2 above without receiving any reply. The chairman of the Health Authority shall decide on the appeal within fifteen (15) days from its submission by issuing a reasoned decision. If no reply is received within the said period, the appeal shall be deemed as rejected. The decision rendered on the appeal shall be considered final.

### **Article (7)**

#### **Establishment of Register**

1. A national register shall be created at the Ministry, where the data of the Physicians licensed to practice the Profession in the State shall be entered.
2. The other Health Authorities shall create their own registers which shall include the data of the Physicians whom they have licensed to practice the Profession.

3. The Implementing Regulations of this Law shall set out the conditions and procedures for entry in these registers as well as the update of the data included therein.

### **Article (8)**

#### **Cases of License Revocation**

The License shall be revoked in the following cases:

1. In the event that any of the licensing requirements are no longer met.
2. If a final judgment ordering professional disqualification is issued.
3. If a final judgment is issued in a felony or misdemeanour involving moral turpitude or dishonesty.
4. In the event of non-practice of the Profession for the period prescribed by the Implementing Regulations of this Law.

A new License may be issued to whomever had their License revoked pursuant to the conditions and controls prescribed by the Implementing Regulations of this Law.

### **Article (9)**

#### **Return of Physician to Practice after Temporary Break from Practice**

The Physician shall return to practice the Profession after his/her temporary break therefrom, pursuant to the conditions and procedures prescribed by the Implementing Regulations of this Law.

### **Article (10)**

#### **Obtaining Other Necessary Licenses**

Obtaining a License in accordance with the provisions of this Law shall not exempt from obtaining the other licenses prescribed by the legislation in force.

### **Article (11)**

#### **Visiting Physician**

1. A Visiting Physician may practice the Profession pursuant to the conditions and controls prescribed by the Implementing Regulations of this Law.
2. A Visiting Physician coming from abroad shall meet the following conditions:



- a. He/she must hold a license to practice the Profession or its equivalent which shall be valid in another state.
- b. Any other conditions or controls prescribed by the Implementing Regulations of this Law.

### **Article (12)**

#### **Resident**

A Resident shall be subject to the licensing controls set out in this Law and its Implementing Regulations, and shall have all the powers, rights and duties conferred on a Physician.

## **Chapter Three**

### **Interns**

### **Article (13)**

#### **Serving Internship**

An Intern shall serve his/her Internship at the Health Facility licensed for this purpose by the Health Authority. The Implementing Regulations of this Law shall prescribe the conditions and controls to be met by such facility.

### **Article (14)**

#### **Training of Intern**

An Intern shall proceed with his/her training to serve his/her Internship under the technical and administrative supervision of the Physicians or the committee in charge throughout the Internship. An Intern may not carry out any medical procedures or prescribe any treatment unless under the direct supervision of his/her supervisor. The Internship programme of the Intern shall be set out by decision of the Minister in coordination with the Health Authorities.

### **Article (15)**

#### **Liability of Intern and Supervisor**

- 1- An Intern shall be held liable for his/her medical errors if he/she violates or overrides the scope of practices set out for him/her by the supervising Physician or if he/she neglects to implement the Internship programme set out for him/her.

- 2- The liability of the Intern and his/her supervisor shall be determined pursuant to the medical liability rules.

### **Article (16)**

#### **Insurance of Intern**

Without prejudice to the provisions on third party liability insurance for medical errors set out in the aforementioned Federal Decree-Law No. (4) of 2016, an Intern must have third party liability insurance for medical errors.

## **Chapter Four**

### **Professional Ethics**

### **Article (17)**

#### **Obligations of the Licensed Physician**

A Physician who is licensed to practice the Profession shall perform his/her duties with accuracy and honesty as required by the Profession and in accordance with the established scientific and technical principles, and in a manner that achieves the due care for the patient without making use of his/her needs for the purpose of achieving an unlawful benefit for himself/herself or others and without discrimination among patients, and in a way that preserves the ethics of the Profession. A Physician's relation with workers in the medical field shall be based on mutual respect and close collaboration, and the Physician shall comply with the legislation in force in the State.

### **Article (18)**

#### **Code of Ethics of the Profession**

The Minister shall, in coordination with the Health Authorities issue the Code of Ethics of the Profession. The violation of any provisions of the code of ethics shall result in the disciplinary sanctions set out in Article 28 of this Law.

### **Article (19)**

#### **Publicity and Advertising**

1. A Physician may not advertise himself/herself directly, through an intermediary or by any means of publicity or advertising.

2. As an exception to paragraph 1 above, a Physician may advertise himself/herself or his/her clinic in a manner that does not involve any prohibited advertising, pursuant to the conditions and controls prescribed by the Implementing Regulations of this Law.
3. Participation of a Physician in health education programmes through the media or through any other events shall not be considered as advertising when such participation is not accompanied by the Physician advertising of the Facility where he/she works or of a medical product under his/her commercial name.

### **Article (20)**

#### **Reporting Communicable Diseases**

Without prejudice to the provisions of the aforementioned Federal Law No. (14) of 2014, the Physician shall notify the Health Authorities if he/she suspects the presence of any communicable disease, and he/she shall take the appropriate actions to prevent the spread of such disease.

### **Article (21)**

#### **Reporting Injuries and Accidents Suspected to be Criminal**

The Physician shall notify the competent authorities of any injuries and accidents suspected to be criminal upon finding out about such cases and shall prepare a detailed report thereon.

### **Article (22)**

#### **Medical Report and Medical File**

1. The Physician shall provide the patient with a detailed medical report on his/her health condition.
2. The Health Facility shall provide the patient with a copy of his/her medical file.
3. The medical report or a copy of the medical file shall be delivered at the patient's request or at the request of his/her guardian, trustee, custodian or legal representative.

### **Article (23)**

#### **Scope of License**

The Physician shall practice the Profession within the limits of the License granted to him/her and the License of the Health Facility where he/she works.

### **Article (24)**

#### **Prohibitions Imposed on Physicians**

A Physician shall not:

1. perform a work that exceeds the scope of his/her competence or that of the License granted to him/her, except in cases of emergency to save people's lives.
2. perform a work which cannot be performed using the resources available to him/her, except in emergency cases.
3. practice the Profession in an unlicensed place except in the cases prescribed by the Implementing Regulations of this Law.
4. diagnose or treat the patient using a method that has not been tested in accordance with the approved scientific and moral standards and without obtaining the approval of the Health Authority.
5. sell drugs or samples thereof to patients, advertise or promote some drugs or orient the patient to purchase drugs from a particular pharmacy.
6. receive any percentage of the income of any pharmacy, laboratory, other Physician or Facility to which/whom he/she has referred the patient, or obtain any material or in-kind consideration in return for such referral.
7. perform any works that conflict with the rules of professional practice.

## **Chapter Five**

### **Sanctions and Penalties**

### **Article (25)**

1. Shall be sentenced to detention and/or a fine of no less than AED 200,000 (Dirhams Two Hundred Thousand) and not more than AED 2,000,000 (Dirhams Two Million):

- a. whoever practices the Profession without a License and does not meet the conditions that allow him/her to obtain the License.
  - b. whoever has submitted incorrect documents or data or resorted to illegal methods that resulted in the undue grant of a License to him/her.
  - c. any person who is not licensed to practice the Profession but who uses bulletins, boards, banners or any other means of publication if these would lead the public to believe that he has the right to practice the Profession.
2. The conviction for the offence stated in paragraph 1(b) above shall entail the revocation of the issued License and the removal of the convicted person from the Physicians' register as from the date of rendering the final judgment.
  3. In any case, the Health Authority may decide the administrative closure of the Health Facility if the violator operates it individually.

### **Article (26)**

Shall be punished by a fine of no less than AED 20,000 (Dirhams Twenty Thousand) and not more than AED 1,000,000 (Dirhams One Million), whoever violates the provision of Article 22 of this Law.

### **Article (27)**

Shall be punished by a fine of no less than AED 100,000 (Dirhams One Hundred Thousand) and not more than AED 1,000,000 (Dirhams One Million), whoever practices the Profession without a License but meets the conditions that entitles him/her to obtain the License. In any case, the Health Authority may decide the administrative closure of the Health Facility if the violator operates it individually.

### **Article (28)**

#### **Disciplinary Sanctions**

1. Without prejudice to the criminal penalties provided for in this Law or in any other laws, the Health Authorities may, within their respective competence, take disciplinary action against the Physician if he/she violates the provisions of this Law, its Implementing Regulations or the decisions issued in implementation thereof.

2. The following disciplinary sanctions may be imposed upon the violating Physician:
  - a. Written draw-attention.
  - b. Written notice.
  - c. A fine of no less than AED 1,000 (Dirhams One Thousand) and not more than AED 1,000,000 (Dirhams One Million).
  - d. The temporary suspension of the License to practice the Profession for a period not exceeding one (1) year.
  - e. The revocation of the License to practice the Profession.
3. None of the disciplinary sanctions prescribed in this Article may be imposed before hearing the statements of the violator and investigating his/her defence. If the violator fails to appear without an acceptable excuse despite being notified, the sanction may then be imposed on him/her.

### **Article (29)**

#### **Appeal Against Disciplinary Sanction**

1. Whoever has a disciplinary sanction imposed on him/her in accordance with Article 28 of this Law may file an appeal against such decision with the appeal committee formed at the Health Authority, within fifteen (15) days from the date on which the grievant becomes aware of the decision.
2. The appeal shall be determined within thirty (30) days from the date of its submission by issuing a reasoned decision. The appeal shall be deemed rejected if no reply is received within the said period.
3. The decision issued on the appeal shall be final.

### **Article (30)**

#### **Severer Penalty**

The penalties provided for in this Law shall be without prejudice to any severer penalty provided for in any other law.

## **Chapter Six**

### **Final Provisions**

#### **Article (31)**

##### **Judicial Capacity**

Employees designated by decision of the Minister of Justice, in agreement with the Minister or the chairman of the Health Authority, shall have the status of judicial officers in establishing any violations of the provisions of this Law, its Implementing Regulations and any implementing decisions that fall within their scope of competence.

#### **Article (32)**

##### **Adjustment of Status**

Physicians who are licensed at the time of entry into force of this Law shall adjust their status in accordance with its provisions within one (1) year from the date of its entry into force.

#### **Article (33)**

##### **Implementing Regulations**

1. The Cabinet shall, upon the proposal of the Minister, issue the Implementing Regulations of this Law within six (6) months from the date of its publication.
2. The Minister shall issue any other necessary decisions for implementing the provisions of this Law.

#### **Article (34)**

##### **Continued Enforcement of Regulations and Decisions**

The regulations and decisions issued in implementation of the provisions of the aforementioned Federal Law No. (7) of 1975 shall remain in force until the issuance of the necessary regulations and decisions for implementing the provisions of this Law, and to the extent they do not contradict its provisions.

**Article (35)**

**Repeals**

Federal Law No. (7) of 1975 on the Practice of Human Medicine Profession shall be abrogated.

Any provision contrary to, or in conflict with the provisions of this Law shall be repealed.

**Article (36)**

**Publication; Entry into Force**

This Law shall be published in the Official Gazette, and shall come into force thirty (30) days after the date of its publication.

**Khalifa bin Zayed Al Nahyan**

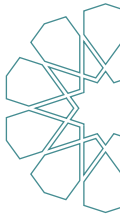
**President of the United Arab Emirates**

Promulgated by Us at the Presidential Palace in Abu Dhabi

On: 24/Shab'an/1440 H

30/April/2019 G





## **Cabinet Resolution No. (29) of 2020 concerning the Implementing Regulations of Federal Law No. (4) of 2015 on Private Health Facilities\***

### **The Cabinet:**

- Having regard to the Constitution;
  - Federal Law No. (1) of 1972 on the Mandates of Ministries and Powers of Ministers, as amended;
  - Federal Law No. (4) of 2015 on Private Health Facilities; and
  - Based on the proposal of Minister of Health and Prevention, and the approval of the Cabinet,
- **Resolves:**

### **Article (1)**

#### **Definitions**

Definitions set forth in Article 1 of the referenced Federal Law No. (4) of 2015 on Private Health Facilities shall apply to this Resolution.

### **Article (2)**

#### **Conditions to Establish and Operate a Private Health Facility**

1. Application for the license that entitles a natural or legal person to establish, operate and manage a Private Health Facility shall be submitted to the Health Authority on the form prescribed by the Health Authority in this regard, along with all papers and documents specified by the Health Authority.
2. The Health Authority shall examine the application referred to in paragraph 1 above and its enclosures, and shall take a decision to grant initial approval for the applicant or otherwise. If the initial approval is granted, the applicant shall complete the rest of the licensing requirements within one (1) year from the date of being granted the approval. The Health Authority may extend this time limit to similar periods, based on a written request submitted to it by the applicant.

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3. A Private Health Facility shall not provide any medical or support services within the period referred to in paragraph 2 above, until it obtains a license in accordance with the provisions of this Resolution.

### **Article (3)**

1. To complete obtaining the license, the following shall be required:
  - a. Submission of all documents that prove the completion of construction works and matching the designs with engineering plans and standards approved by the Concerned Entity in coordination with the Health Authority.
  - b. Provision of the authorized health and professional staff, in accordance with the legislation in force in this regard.
  - c. Appointment of a director for the Private Health Facility, in accordance with the provisions of Article 9 hereof.
  - d. Submission of a statement of the registered medical devices and equipment.
  - e. Submission of a certificate that the facility has passed the requirements of public safety and security and environment.
  - f. Provision of a copy of the policies and procedures approved by the facility to receive and treat patients.
  - g. Submission of a copy of the insurance contracts made with one of the licensed insurance companies in the State, in accordance with the legislation in force in this regard.
  - h. Submission of a copy of the medical waste disposal contract.
  - i. Submission of a copy of a valid commercial license issued by the Concerned Entity.
  - j. Payment of fees prescribed for the Private Health Facility.
  - k. Any other conditions and requirements determined by the Health Authority or the Concerned Entity.
2. The Health Authority shall issue its decision to grant the license after performing on-site inspection and auditing of the facility, and verifying that all conditions and requirements for obtaining the License are fulfilled, after coordination with the Concerned Entity.

3. A Private Health Facility may not engage in any activity or specialty except within the limits of the license granted to it.

#### **Article (4)**

The Health Authority shall specify the license validity period, which shall not be less than one (1) year and not more than three (3) years, and shall be renewable for similar periods based on an application submitted thereto before the expiry of the license period, in accordance with the requirements set by it, including the requirements related to ensuring the achievement and sustainability of the international health accreditation.

#### **Article (5)**

##### **Types and Area of Activity of Private Health Facilities**

The Table contained in the Annex hereto determines the types and classification of Private Health Facilities and the area of their activity. This Table may be modified by decision of the Minister in coordination with the Health Authorities.

#### **Article (6)**

##### **Controls for Owning and Managing a Private Health Facility**

1. Without prejudice to the legislation regulating free zones in the State, owners of Private Health Facilities must be UAE citizens.
2. Notwithstanding the provisions of paragraph 1 above, and according to the legislation in force in the State, a non-UAE natural or legal person may own or participate in the ownership of a Private Health Facility as per the following conditions and controls:
  - a. Public hospitals: provided that their capacity is not less than (50) beds.
  - b. Specialty hospitals: provided that their capacity is not less than (50) beds, within the scope of specialties determined by the Health Authority according to its needs.
  - c. Centres of Rare Specialties: according to the specialties determined by the Health Authority according to its needs.
  - d. Clinics of hotels, foreign community schools and major construction companies: ownership of these clinics is allowed for the owner of such hotel, school, or company.

### **Article (7)**

1. Subject to the provisions of Federal Law No. (5) of 2019 on the Practice of Human Medicine Profession and the local legislation related to licensing the practice of professional activities, if an owner or shareholder of a Private Health Facility dies, ownership of, or share in such facility shall be transferred to the legal heirs within six (6) months from the date of death, based on a written request submitted by the heirs or their legal representative to the Health Authority, provided that the following is attached thereto:
  - a. Certificate of death of the owner or shareholder of the Private Health Facility, duly certified by the Concerned Entity.
  - b. Death confirmation and succession certificate issued by one of the competent judicial authorities inside or outside the State.
  - c. Power of attorney for the person authorized to sign on behalf of the heirs, certified by the Concerned Entity.
2. The Minister, chairman of the Health Authority or their authorized representative may extend the time limit referred to in paragraph 1 above to similar periods in either of the following cases:
  - a. There is a legal dispute between the heirs over the ownership of the Health Facility;
  - b. Any other reasons that prevent the heirs from obtaining the death confirmation and succession certificate. The license shall be renewed upon its expiry until the two reasons mentioned in paragraph 2 above cease to exist.

### **Article (8)**

Subject to the provisions of Article 7 hereof, it shall not permissible to assign the license granted to a Private Health Facility to any other entity, except after obtaining written approval from the Health Authority.

### **Article (9)**

1. The Private Health Facility shall be managed by any of the following, as per the classification of the facility:

**I. Hospitals**

- A physician licensed by the Health Authority to practice the medical profession in one of the specialties included in the Health Facility's activity; or
- An administrator holding a university degree in hospital or healthcare administration from a university recognized in the State.

**II. Ambulatory Healthcare Facilities, Health Diagnostic Centres and Specialty Units:**

- A physician licensed by the Health Authority to practice the medical profession in one of the specialties included in the Health Facility's activity; or
- A specialized professional with an accredited academic qualification in the same area of activity of the facility.

**III. Traditional, Complementary and Alternative Medicine Centres and Support Health Service Centres:**

- A specialized professional with an accredited academic qualification in the same area of activity of the centre.

**IV. Long-term Care Institutions:**

- A specialized professional with an accredited academic qualification in the same area of activity of the institution.
2. The Health Authority may specify any requirements, expertise or other qualifications necessary in the person to be in charge of the Private Health Facility.
  3. The technical director may undertake the management of more than one Private Health Facility in accordance with the controls and conditions determined by the Health Authority.

**Article (10)**

1. If the position of director of a Private Health Facility becomes vacant, the owner of the facility must assign an alternative director, and notify the Health Authority of the name of the new director who has replaced the

previous one within two (2) weeks from the date of vacancy of the position, or to temporarily close the facility until a new director is appointed.

2. The owner of a Private Health Facility or its representative shall be responsible for providing all papers and documents required by the licensing Health Authority or any other concerned entities.
3. The owner of the Private Health Facility or its representative must ensure that its facility complies with the best medical practices, and that all health personnel in its facility are licensed and insured in accordance with the legislation in force in the State.

### **Article (11)**

1. A Private Health Facility may not change or amend its activity, change its operational plans or change its location except after obtaining the approval of the licensing Health Authority and in accordance with its controls and procedures established in this regard.
2. A Private Health Facility must notify the licensing Health Authority of change of its name, within the period specified by the Health Authority for this purpose.

### **Article (12)**

The Health Authority may, in the case of threat to public health, close the Private Health Facility, in whole or in part, and stop it from practicing its activity until the reasons that lead to that threat cease to exist, provided that the Concerned Entity is notified of the closure decision.

### **Article (13)**

#### **General Controls for Operating a Private Health Facility**

A Private Health Facility shall have the necessary staff for its operation as per the nature and scope of its activity, in accordance with the regulations specified by the licensing Health Authority in this regard.

### **Article (14)**

1. Without prejudice to the legislation in force in the State, Private Health Facilities must keep the records and files of patient treatment for a period that is commensurate with the need for data and information to provide

the health service in the future for the concerned person, provided that the retention period shall not be less than twenty-five (25) years from the date of the last health procedure that has been taken in this regard. The Health Authority shall designate the entity where these patient treatment records and files should be kept in the event that the Private Health Facility is closed or ceases its activity.

2. All patient treatment files and records related to health services provided to persons are considered confidential, and may not be accessed by, or disclosed to anyone, unless in cases determined by the relevant legislation in the State.

### **Article (15)**

A Private Health Facility shall carry out maintenance for the medical devices within the prescribed dates and according to the manufacturer's instructions. It shall:

1. keep a record of the medical devices existing in the facility.
2. keep the medical device periodic maintenance reports.
3. keep the medical device maintenance contracts.
4. carry out vital testing on all medical devices within the specified times and according to the manufacturer's instructions.

### **Article (16)**

A Private Health Facility shall carry out vaccinations for its medical staff on the scheduled dates, and keep a record of its vaccinations.

### **Article (17)**

The Private Health Facility must provide the necessary emergency supplies according to the standards and requirements in force in the State and shall conduct periodic training on the implementation of the emergency plan.

### **Article (18)**

It shall not be permissible to operate any Private Health Facility in case of breakdown of its sterilization equipment or the absence of any alternative procedure that guarantees the provision of sterilization services, and the facility

must abide by the sterilization controls and conditions and infection controls in force by the Health Authority.

### **Article (19)**

A Private Health Facility may not allow unlicensed health personnel or visiting physicians to work in it unless after obtaining the approval of the licensing Health Authority.

### **Article (20)**

A Health Facility may not permit training of unlicensed physicians, nurses, or any other person of health specialties unless they meet the conditions and controls set by the licensing Health Authority.

### **Article (21)**

A Private Health Facility may benefit from the services of health facilities located outside the State only according to the regulations prescribed by the licensing Health Authority.

### **Article (22)**

Hospitals or one-day surgery centres may benefit from the services of physicians working in other Private Health Facilities only under a license from the licensing Health Authority, provided that the hospital or the one-day surgery centre has a consultant doctor or a specialist licensed to practice the same specialty. The Health Authority may prescribe any conditions or other controls to benefit from the services of physicians or to add other health facilities other than those mentioned in this Article.

### **Article (23)**

The cadre licensed to work in a specific Private Health Facility shall not be permitted to work for another health facility in addition to his/her original work except after obtaining the approval of the health facility in which he/ she works and obtain a license from the licensing Health Authority and in accordance with the procedures followed in this regard.



### **Article (24)**

Health professionals licensed to work in a Private Health Facility shall be permitted to work for any of its branches after notifying the licensing Health Authority, without prejudice to the licensed specialties of the facility and without violating the number of the health personnel assigned thereto. In the event that the branch is affiliated with another Health Authority, it is necessary to obtain a license from that authority.

### **Article (25)**

#### **Final Provisions**

All Private Health Facilities existing at the date of issuance of this Resolution must adjust their positions in accordance with its provisions within a period not exceeding one (1) year from the date of the issuance.

### **Article (26)**

#### **Executive Decisions**

The Minister shall issue the necessary decisions to implement the provisions of this Resolution.

### **Article (27)**

#### **Publication and Implementation of this Resolution**

This Resolution shall be published in the Official Gazette, and shall be effective on the day following the date of its publication.

**Original signed by**

**H.H. Mohammed bin Rashid Al Maktoum**

**Prime Minister**

Issued by Us:

On: 22/Shab'an/1441 H

15/April/2020 G

## Annex

### To

### The Cabinet Resolution No. (29) of 2020 concerning the Implementing Regulations of Federal Law No. (4) of 2015 on Private Health Facilities

Classification of Health Facilities	Area of Activity	Types
<b>Hospital</b>	A health facility with a separate building that provides health services to patients and visitors. Hospitals must:  1. provide the different health services on a 24-hour basis.  2. provide inpatient stay services.  3. provide support services, including: clinical laboratory, radiology, pharmacy and ambulance service to transport patients and urgent or emergency cases	<b>General hospital:</b> It provides a range of health services to patients and visitors, including, at a minimum, the following specialties:  1. General surgery.  2. Internal medicine.  3. Orthopedics.  4. Obstetrics and Gynecology.  5. Pediatrics.  6. Urgent or emergency services.
		<b>Specialty Hospital:</b> It provides specialized health services in one or two medical specialties.
		<b>Rehabilitation Hospital:</b> It provides specialized health services for rehabilitation of patients, including the treatment of addiction of various types.

Classification of Health Facilities	Area of Activity	Types
<b>Ambulatory Healthcare Facilities</b>	<p>A facility that provides health care, medical consultations and first aid services, in which the stay of patients does not exceed 24 hours. Sufficient health staff must be provided in accordance with the specialty and activity of the facility and as determined by the Health Authority.</p> <p>These facilities do not provide emergency services and emergency cases are required to be referred to the hospital.</p> <p>medical diagnosis services may be provided in these centres according to the conditions specified by the Health Authority.</p>	<b>General Medicine Clinic:</b> A health facility where patients are received and attended by one or more general practitioners.
		<b>General Dental Clinic:</b> A health facility where patients are received and attended by one or more general dentists.
		<b>Specialist Clinic:</b> A health facility where one or more physicians specialized in a single medical specialty are originally and continuously employed.
		<b>Specialist Dental Clinic:</b> A health facility where one or more dentists specialized in one medical specialty are originally and continuously employed.
		<b>School Clinic</b>
		<b>Nursery Clinic</b>
		<b>Medical Centre:</b> A multispecialty health facility which provides various diagnostic and therapeutic services, and employs more than one specialist physician in various specialties, or one physician (or more) with a professional in any supporting medical specialties.

Classification of Health Facilities	Area of Activity	Types
Ambulatory Healthcare Facilities		<b>One Day Surgery Centres:</b> A health facility where selective (non-emergency) one day surgeries are performed and where the patient's stay does not exceed 24 hours, as determined by the Health Authority. These centres must have an operating room and must refer patients who have complications during or after the surgery to a nearby hospital under a prior agreement.
		<b>Fertility Centre:</b> A centre where assisted reproductive techniques, including all clinical and biological interventions, are performed to help to achieve pregnancy without physical contact.
		<b>Dialysis Centre:</b> A specialty centre established as an independent establishment for the treatment of kidney diseases and the provision of dialysis services, especially blood purification (haemodialysis).
		<b>Sleep Disorders Diagnosis and Treatment Centre:</b> A health facility that provides specialized sleep disturbance services and employs one (or more) physician, and has the possibility to put patients on hypnosis, as determined by the Health Authority.

Classification of Health Facilities	Area of Activity	Types
Ambulatory Healthcare Facilities		<b>Telehealth Centre.</b>
		<b>Oncology Centre:</b> A health facility that provides diagnostic and therapeutic services to cancer patients and does not need patient overnight stay, and includes radiotherapy and chemical therapy services.
		<b>GastroenterologyEndoscopy Centre:</b> A health facility equipped to provide medical and therapeutic consultations and Gastrointestinal (GI) endoscopy services, and the service needs to be provided by one physician (or more) who is specialized in gastroenterology and working on an original and continuous basis.
		<b>Psychological treatment centre:</b> A health facility specialized in providing various psychological treatment services, including Electric Shock Therapy (ECT), which is done under full anaesthesia. These centres need to employ qualified medical staff to assess medical conditions and follow up treatment.

Classification of Health Facilities	Area of Activity	Types
<b>Medical Diagnosis Centres</b>	A facility that provides diagnostic services supervised by a physician specialized in the same field.	<b>Medical Imaging Centres</b>
		<b>Medical Analysis Laboratories</b>
<b>Specialty Units</b>		<b>First Aid Unit:</b> a facility that provides first aid services to an injured or sick person before the necessary and specialized medical care is provided.
		<b>Cord Blood and Stem Cell Storage Centre:</b> pursuant to the legislation issued in this regard
		<p><b>Mobile health unit:</b> a unit that provides a set of temporary primary health services in specific locations (rural areas/ remote areas/ schools) where a bus/ car provides the necessary resources for this service. This service is provided by a licensed medical staff. A mobile health unit may be single or multispecialty and can provide the following services:</p> <ul style="list-style-type: none"> <li>- Dental treatment services.</li> <li>- Optometry services.</li> </ul>

Classification of Health Facilities	Area of Activity	Types
<b>Specialty Units</b>		<ul style="list-style-type: none"> <li>- General/ specialty medical clinic services.</li> <li>- Diagnostic medical imaging services.</li> <li>- Medical laboratory services.</li> <li>- Laboratory sample collection unit.</li> </ul>
		<b>Health Transfer and Ambulance Service Centre:</b> (ambulance and health transport services by ambulance/ air ambulance/ patient escort services and any other health service related to the transfer of the patient or injured
		<b>Home Healthcare Service Centre:</b> a facility that provides various health services for patients in their residence according to the regulations set by the Health Authority.
<b>Traditional, Complementary and Alternative Medicine Centres</b>	Traditional, complementary and alternative medicine centres offer provide health services based on knowledge, skills and practices based on indigenous theories, beliefs and experiences stemming from cultural heritage. They aim to maintain health and	<b>Acupuncture Centre</b>
		<b>Ayurveda Medicine Centre</b>
		<b>Chiropractic Center</b>
		<b>Osteopathy Center</b>
		<b>Cupping Therapy Center</b>

Classification of Health Facilities	Area of Activity	Types
<b>Traditional, Complementary and Alternative Medicine Centres</b>	prevent, diagnose, treat or improve the condition of people suffering from physical and mental illnesses. Traditional and complementary medicine and alternative treatment services are considered among the health services that do not fall within the scope of modern traditional medicine. These centres may include more than one specialty to provide traditional, complementary and alternative medicine services. They may also be in stand-alone establishments or within other Health Facilities.	<b>Naturopathy Center</b>
		<b>Homeopathy Center (Homeopathy)</b>
		<b>Traditional Chinese Medicine Center</b>
		<b>Korean Traditional Medicine Center</b>
		<b>Unani Medicine Center</b>
<b>Support Health Services Centres</b>	Health facilities that provide specialized health services for rehabilitation and follow-up of treatment of patients under the supervision of a professional cadre licensed by the Health Authorities in the same field.	<b>Physiotherapy Centre</b>
		<b>Occupational Therapy Centre</b>
		<b>Speech-language Pathology Centre</b>
		<b>Hearing Centre</b>
		<b>Prosthetic Devices Centre</b>
		<b>Dental Lab</b>
		<b>Optical Centre</b>
		<b>Psychology Center</b>
		<b>Diet and Weight Control Centre</b>
		<b>Podiatry Centre</b>



Classification of Health Facilities	Area of Activity	Types
<b>Long-term Care Institutions</b>	They provide 24-hour or more accommodation services for stable patients who are subject to treatment due to illnesses, injuries, or deformities, or any abnormal physical or mental condition, or unable to live independently to perform daily life activities, or stay for the purpose of post-treatment recovery, who are in need of continuous care that does not require overnight hospitalization. These facilities do not provide emergency services and intensive care for patients.	<b>Nursing Home</b>
		<b>Palliative Care Home</b>
		<b>Therapeutic and Living Support Home</b>

## **Cabinet Resolution No. (67) of 2020 Concerning the Implementing Regulations of Federal Law No. (5) of 2019 On the Regulation of Practice of Human Medicine Profession\***

### **The Cabinet:**

- Having regard to the Constitution;
- Federal Law No. (1) of 1972 concerning the Mandates of Ministries and Powers of Ministers, as amended;
- Federal Decree-Law No. (4) of 2016 on Medical Liability;
- Federal Law No. (5) of 2019 on the Regulation of Practice of Human Medicine Profession;
- Cabinet Resolution No. (7) of 2007 on the Regulation of Health Advertisement;
- Cabinet Resolution No. (16) of 2012 on National Training Regulation for Spending the Internship Year at the Health Facilities Affiliated to the Ministry of Health;
- Cabinet Resolution No. (9) of 2017 on the Training of Graduates of the Faculties of Medicine and Medical Professions other than Physicians and Pharmacists;
- Cabinet Resolution No. (20) of 2017 Adopting Unified Standards for the Licensing of Health Professionals at the Country Level, as amended;
- Cabinet Resolution No. (40) of 2019 concerning the Implementing Regulations of Federal Decree Law No. (4) of 2016 on Medical Liability; and
- Upon the proposal of the Minister of Health and Prevention, and approval of the Cabinet;
- **Resolves as follows:**

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\* This translation from Arabic to English is provided for your convenience only. In case of any discrepancy, the Arabic version prevails.

### **Article (1)**

The definitions contained in Federal Law No. (5) of 2019 referred to herein shall apply to this Resolution. Otherwise, the following words and expressions shall have the meanings ascribed to each of them, unless the context otherwise requires:

**Law:** Federal Law No. (5) of 2019 On the Regulation of Practice of Human Medicine Profession.

### **Article (2)**

In addition to the conditions that the License applicants must meet as stipulated in Article (5) of the Law, License applicants must fulfill the following:

1. The conditions and requirements mentioned in the Cabinet Resolution No. (20) of 2017 referred to herein;
2. Obtaining a License or its equivalent to practice the profession from the country/countries in which he/she has been working before submitting the application, if the health professional has previously been working therein.
3. Submitting a certificate of good conduct issued by the licensing authority or its equivalent in the country/countries in which the health professional worked. That certificate shall prove his/her good conduct and that no judgment has been issued against him/her or a disciplinary action preventing him/her from practicing the profession or restricting his/her practice thereof as determined by the Health Authority;
4. Submitting a declaration that he/she is not convicted of a felony or misdemeanor involving moral turpitude or dishonesty, unless he/she has recovered his/her civil rights, and disclosing all cases, trials or judgments that were issued against him/her or those under investigation, if any;
5. Disclosing all communicable diseases or any diseases, if any, that the applicant is infected with and may affect the patient and affect the applicant's competency to practice the Profession.

### **Article (3)**

1. The Health Authority may reject the License application if the applicant does not meet the conditions stipulated in the Law or this Resolution;

2. An applicant whose license application has been rejected, revoked or withdrawn, may file a grievance against the decision issued in this regard to the head of the Health Authority, as the case may be, within thirty days from the date of being notified of the decision. The decision issued on the grievance shall be final.
3. The Health Authority shall, after the payment of the prescribed fee issue the License, including the Physician's degree, his/ her specialization, the health facility he/she is licensed to work at, and any other data and instructions, and the validity period of the license.
4. A Physician licensed to practice the Profession must submit a request to the Health Authority that issued the License to renew his/her License at least one month prior to its expiry date.
5. The Health Authority may renew the License for a period of at least one year in accordance with the requirements of the unified standards for licensing health professionals and any other requirements determined by the Health Authority. The License shall not be renewed unless the health professional fulfills the renewal requirements as per the license degree and field of specialization.

#### **Article (4)**

1. A national register shall be created at the Ministry to record the data of Physicians licensed to practice the profession in the State. This register shall be divided into:
  - a. Register of general practitioners;
  - b. Register of specialist Physicians.
2. The other Health Authorities shall create their own registries to record the data of Physicians whom they have licensed to practice the Profession. This register shall be divided into:
  - a. Register of general practitioners;
  - b. Register of specialist Physicians.
3. The registers of Physicians referred to in Clauses (1) and (2) of this Article must include the following:

- a. Personal identifying data of the Physician;
  - b. Data of the License granted thereto;
  - c. Any other data determined by the Health Authority.
4. The registers referred to in Clauses (1) and (2) of this Article must be numbered (the numbering of the entry in the registers).
5. Registers may be in form of hard or soft copy.
6. No erasure, scratch or deletion shall be made in the register, unless it is in accordance with the procedures set out by the Health Authority;
7. All information contained in the registers shall be subject to the information system and protection as determined by the Health Authority, and shall be governed by the provisions on maintaining confidentiality in accordance with the legislation in force in this field;
8. These registers shall be updated periodically, at least once a year.

### **Article (5)**

If a Physician suffers from a disease or disability resulting in losing his/her physical fitness that enables him/her to practice the Profession in whole or in part, the Physician's License shall be canceled or the work entrusted to him/her shall be limited according to his/her medical fitness upon a decision issued by the head of the Health Authority, as the case may be, based on the recommendation of a committee formed by the Health Authority for this purpose. The number of members of the said committee shall be at least three consultant Physicians in the same specialty. The head of the Health Authority may amend his/her decision based on the committee's suggestion according to the development of the Physician's health condition.

### **Article 6**

The License of a health professional shall be revoked in the event of non-practice of the Profession for a period of 6 (six) consecutive months during the License's validity period without an excuse acceptable to the Health Authority that granted the License. In this case, another License must be obtained to re-start practicing the Profession in accordance with the conditions and regulations provided for in the Cabinet Resolution No. (20) of 2017 referred to herein.

### **Article (7)**

1. A Physician shall re-start practicing the Profession after the end of his/her temporary absence in accordance with the conditions and procedures prescribed in the Cabinet Resolution No. (20) of 2017 referred to herein.
2. If a disciplinary decision was issued against a Physician to suspend him/her from practicing the Profession for a period of not less than 3 (three) months and not more than 1 (one) year due to a medical error, the Health Authority may re-evaluate the Physician's competence, restrict his/her clinical privileges, require him/her to complete and pass a practical training course in his/her field of specialty, or to put his/her practice of the Profession under supervision for a specific period as determined by the Health Authority.

### **Article (8)**

A new License may be granted to a person whose License has been revoked if the reasons for revocation have ended or if the person has submitted a proof that he/she met the licensing conditions in accordance with the provisions of the Law and this Resolution. If the reason for revoking the License is the issuance of a court ruling regarding a felony or misdemeanor involving moral turpitude or dishonesty, the person must submit a proof that he recovered his civil rights.

### **Article (9)**

Visiting physicians must fulfill the following conditions and controls in order to practice the Profession:

1. Conditions and controls of Visiting Physicians from inside the State:
  - a. Having a valid License from his/ her employer in the State;
  - b. Submitting a certificate of good conduct issued by the licensing authority in the State proving his/ her good conduct and that no judgment has been issued against him/ her or a disciplinary action preventing him/ her from practicing the Profession or restricting his/ her practice thereof;
  - c. Obtaining approval from his/her employer;

- d. Fulfilling any other conditions set out by the Health Authority in a manner that does not conflict with the provisions of the Law and this Resolution.
2. Conditions of a visiting Physician from outside the State:
  - a. Submitting a certificate of good conduct issued by the country in which the health professional is working, proving his/ her good conduct and that no judgment has been issued against him/ her or a disciplinary action preventing him/ her from practicing the Profession or restricting his/ her practice thereof;
  - b. Providing evidence that the Physician is practicing the Profession in the country where he/she is working without interruption;
  - c. Submitting a copy of academic qualifications and certificates;
  - d. Fulfilling any other conditions set out by the Health Authority in a manner that does not conflict with the provisions of the Law' and this Resolution.
3. The Health Authority may grant Visiting Physicians from outside the State an exception from one or more of the conditions and controls mentioned in Clause (2) of this Article as it deems appropriate.

### **Article (10)**

A Resident Physician shall be subject to the licensing controls set out in the Cabinet Resolution No. (20) of 2017 referred to herein.

### **Article (11)**

An Intern shall serve the Internship period at the Health Facility licensed for this purpose by the Health Authority. Such facility must meet the conditions and controls stipulated in the referenced Cabinet Resolution No. (16) of 2012 and the Cabinet Resolution No. (9) of 2017 and any other decisions issued in implementation thereof. An Intern must abide by the decisions and regulations issued in the field of medical education, training and licensing.

### **Article (12)**

Without prejudice to the Law and the referenced Cabinet Resolution No. (7) of 2007, a Physician may publish the location of his/ her clinic in newspapers or through any other means of advertisement, whether upon commencement of work at that clinic or upon the change thereof, or if he/ she travels or returns from a leave of more than one month. The publication shall be for a period not exceeding one week and in a manner that does not imply any kind of publicity.

### **Article (13)**

A Physician is prohibited from practicing the Profession in an unlicensed place except in the following cases:

1. Emergencies, disasters and crises;
2. For the sake of providing assistance and relief;
3. Providing treatment for family members;
4. Providing at-home treatment according to the legislation in force at the Health Authority;
5. Providing remote health service in accordance with the legislation in force in this regard;
6. Any other case determined by the Health Authority.

### **Article (14)**

Any provision contrary to, or in conflict with the provisions of this Resolution shall be repealed.

### **Article (15)**

The head of the Health Authority shall issue the decisions necessary to implement the provisions of this Resolution in a manner that does not conflict with the provisions of the Law.



**Article (16)**

This Resolution shall be published in the Official Gazette and shall come into force from the day following the date of its publication.

**The original was signed by HH Sheikh  
Mohammed bin Rashid Al Maktoum  
Prime Minister**

Issued by Us:

On: Safar 21, 1442 H

Corresponding to: October 8, 2020 G



## Conclusion

With God's blessings, the third issue of the Encyclopedia of Health Legislation of the Department of Health - Abu Dhabi has been released to be launched in 2023.

On behalf of myself and all the members of the team working on the Health Legislation Encyclopedia project, I would like to extend my thanks for the precious trust placed by His Excellency the Chairman of the Department of Health - Abu Dhabi, and for the interest and follow-up of His Excellency the Undersecretary of the Department, by providing all means of support and motivation throughout the stages of work until the release of the third issue of the Encyclopedia.

I also pay tribute to the outstanding efforts and hard work made by my fellow team members for the release of this Encyclopedia in its current issue.

To conclude, we look forward to working together with our partners towards further initiatives that achieve the Department's promising vision that "the Emirate of Abu Dhabi be a place where everyone is at his healthiest" by providing a distinguished and sustainable healthcare and services that achieve the well-being and happiness of the community.

**Saqr Al Marzooqi**

Manager, Legal Affairs Office

Abu Dhabi - February 2023



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