

**LAW OF GEORGIA**  
**ON MEDICAL PRACTICE**

**Chapter I - General Provisions**

**Article 1 - Purpose of the Law**

The purpose of this Law is to ensure appropriate professional education and practical training of independent medical practitioners, proper state supervision of their professional activity and protection of their rights, as well as to ensure high-quality medical services of the population of Georgia by introducing nationally recognised medical standards and ethical norms in the medical practice.

**Article 2 - Scope of the Law**

This Law regulates legal relations between independent medical practitioners and state authorities, as well as natural and legal persons.

**Article 3 - Legislation of Georgia on medical practice**

The legislation of Georgia on medical practice comprises the Constitution of Georgia, treaties and international agreements of Georgia, the Law of Georgia on Health Care, this Law and other normative acts.

**Article 4 - List of medical specialties**

The Ministry of Labour, Health and Social Protection of Georgia ('the Ministry') shall determine:

- a) a list of medical specialties;
- b) a list of allied medical specialties;
- c) a list of medical specialties where independent medical practitioners who are suffering from certain diseases, may not work.

**Article 5 - Definition of terms**

The terms used in this Law have the following meanings:

- a) medical practice – professional activities of a person with medical education, appropriate skills and practical experience, who aims to protect, maintain, and restore the health of human beings and relieve their suffering by applying nationally recognised medical standards and ethical norms, as well as considering medical traditions;
- b) independent medical practice – professional activities of a person with a higher medical education who holds a state certificate confirming his/her right to engage in independent medical practice, for the results of which he/she shall be responsible under the legislation of Georgia;
- c) residency – a postgraduate stage of higher medical education consisting of educational programmes and medical practice that aims at providing professional training in one of the medical specialties on the basis of a state order (private financing is allowed for dental specialties) within the time limits determined for residency programmes;
- d) resident – a person undergoing a residency programme in one of the medical specialties;
- e) medical specialist – a person who has completed a residency programme in one of the medical specialties and obtained a state certificate for independent medical practice in that field;
- f) independent medical practitioner – a person who is engaged in independent medical practice as provided for by the legislation of Georgia;
- g) telemedicine – remote provision of medical services by health care professionals through information and communication technologies with the intent to exchange information for the purposes of disease diagnosis, treatment and prevention, as well as for the purpose of continuing education of medical personnel, medical research and evaluation of its results;
- h) university hospital – a high quality multi-profile medical institution having appropriate basic infrastructure with qualified doctors and tutors, participating in state health care programmes and focusing on the public health care system, where clinical disciplines are taught and research works are carried out, and where junior doctors gain necessary practical skills. A university hospital belongs to a state-accredited higher medical education institution, or concludes an agreement with such institution on carrying out educational and scientific and research activities as provided for by the legislation of Georgia;
- i) continuing professional development – the period following higher medical education and postgraduate education (vocational training), that lasts



throughout the professional life of independent medical practitioners and is an integral part of medical practice, and intends to ensure compliance of theoretical knowledge and practical skills of the independent medical practitioners with the achievements and techniques of contemporary medicine;

j) one-time medical service – health care services provided to a patient (patients) the duration of which does not exceed one month;

k) allied specialties – medical specialties belonging to one field of medicine, the educational programmes and nature of professional practice of which to some extent coincide with each other;

l) temporary medical practice – an independent medical practice performed by foreign nationals within the timelimits and in accordance with the procedures specified by the legislation of Georgia;

m) junior doctor – a position that may be occupied by a graduate with a diploma of a state-accredited higher medical institution. A person appointed to this position shall perform the duties of a doctor according to the instructions and under the responsibility of an independent medical practitioner;

n) (Deleted);

o) (Deleted);

p) certification – the process of granting the right to independent medical practice that is intended to evaluate the performance of independent medical practice;

q) continuing medical education – a component of continuous professional development that implies both self-education and participation in formal educational/training programmes; also different activities that contribute to the consolidation and improvement of a doctor's professional knowledge and skills (participation in congresses and conferences, publishing research papers, teaching practice, etc.);

r) continuing medical practice – a component of continuing professional development that implies continuing clinical practice in a certain medical specialty and is evaluated by relevant indicators (number of patients, number of manipulations to be carried out, duration of medical practice, etc.);

s) professional rehabilitation – a component of continuing professional development that implies completion of a relatively long-term (1-5 months) educational/training programme intended to restore the professional competence of a doctor in a particular medical specialty;

t) continuous improvement of the quality of health care services – a component of continuing professional development that implies periodic evaluation of a doctor's clinical practice in terms of its quality and solutions/results, and gradual improvement of the relevant indicators;

u) postgraduate education (vocational training) – a professional training following undergraduate medical education that is based on medical practice and is intended to acquire a medical specialty;

v) postgraduate education (vocational training) alternative to residency – a type of postgraduate education (vocational training) carried out beyond the state order that includes completion of all modules of a residency programme within the specified time limits;

w) physician job-seeker – a person with a postgraduate education (vocational training) alternative to residency who practices in a medical specialty as provided for by this Law;

x) module – an independent unit of a postgraduate education (vocational training) programme in a specific field that defines the purpose of training, the list of issues and skills to be acquired, the types, methods and duration of the training, the expected outcomes and the evaluation criteria;

y) unified postgraduate qualification examination – a procedure after successful completion of which a graduate with a diploma of a higher medical institution may participate in postgraduate education (vocational training) programmes for acquiring a medical specialty;

z) guidelines for clinical practice – a scheme of prevention, diagnosis, treatment or rehabilitation for specific clinical conditions that is prepared by using the data from Evidence Based Medicine;

z<sup>1</sup>) National Guidelines for Clinical Practice – the guidelines officially approved in the country for the management of specific clinical problems, that are based on current internationally recognised scientific evidence;

z<sup>2</sup>) medical sub-specialty – an additional competence of a medical specialist with the right to independent medical practice that implies the knowledge of prevention, diagnosis, treatment or rehabilitation technologies or methods, or the management of diseases of any organ or organ system. Acquisition of a medical sub-specialty requires completion of an appropriate training programme approved under the legislation of Georgia.

z<sup>2</sup>) postgraduate medical education institution – a medical institution or a medical higher education institution ('an institution and/or an educational institution') accredited in accordance with the procedure provided for in the framework of postgraduate education (vocational training) programmes.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

*Law of Georgia No 5383 of 8 June 2016 - website 17.6.2016*

## **Article 6 - Professional independence of an independent medical practitioner**

An independent medical practitioner shall be free and independent when making professional decisions. A person may not require an independent medical practitioner to act against the principles and ethical norms of medical practice determined by this Law irrespective of the position, national,



## Chapter II – Right to Independent Medical Practice

### Article 7 - Granting the right to independent medical practice to graduates of higher medical institutions of Georgia

1. A citizen of Georgia or of a foreign country, or a stateless person, who graduated from a state-accredited higher medical institution of Georgia and obtained a state certificate of independent medical practice under this Law ('a state certificate'), shall have the right to engage in independent medical practice.
2. A person identified by paragraph 1 of this article shall have the right to engage in independent medical practice only in the medical specialty (specialties) determined by his/her state certificate, except for the cases specified by this Law.

### Article 8 - Granting the right to independent medical practice to the graduates of higher medical institutions abroad

1. A citizen of Georgia or of a foreign country, or a stateless person, who acquired higher medical education at a foreign higher medical institution the diploma of which is recognised in Georgia, shall have the right to engage in independent medical practice as provided for by this Law.
2. The list of foreign countries, whose diplomas of higher medical institutions are recognised in Georgia, shall be determined by the Ministry of Labour, Health and Social Protection and the Ministry of Education and Science of Georgia.

### Article 9 - Granting the right to independent medical practice to persons who obtained such right or completed a postgraduate educational (vocational training) programme abroad

1. A citizen of Georgia or of a foreign country, or a stateless person, who obtained a state certificate of independent medical practice in a country determined by paragraph 3(a) of this article, shall be granted a state certificate in the same medical specialty (specialties) in Georgia without taking a state certification examination as provided for by this Law.
2. A citizen of Georgia or of a foreign country, or a stateless person, who has completed a postgraduate education (vocational training) programme in a country determined by paragraph 3(b) of this article, shall be granted a state certificate in the same medical specialty (specialties) in Georgia by passing a state certification examination as provided for by this Law, after satisfying the requirements determined by the immigration legislation of Georgia.
3. The Ministry shall determine:
  - a) a list of the countries issuing state certificates of independent medical practice that entitle their holders to engage in independent medical practice in appropriate medical specialty (specialties) in Georgia without passing a state certification examination;
  - b) a list of the countries whose postgraduate education (vocational training) programmes correspond to the criteria determined by the Ministry.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

### Article 10 - Knowledge of the official language of Georgia

Knowledge of the official language of Georgia is mandatory for performing an independent medical practice in Georgia, except if a foreign specialist is engaged in temporary independent medical practice or provides one-time medical care.

### Article 11 - Granting to foreign specialists the right to temporary independent medical practice or one-time medical care in Georgia

1. Foreign specialists may be invited to Georgia for temporary medical practice or one-time medical care as provided for by this Law.
2. The Ministry, in coordination with the professional associations of physicians, shall determine a list of medical specialties for the development of which, or for satisfying the demand for appropriate health care services of the population of Georgia, it is advisable to invite foreign specialists to Georgia and grant the right to temporary independent medical practice to them.
3. Foreign specialists may be invited to Georgia for temporary independent medical practice:
  - a) from the countries enlisted in Article 9(3)(a) of this Law;
  - b) in the medical specialties determined by paragraph 2 of this article.
4. A foreign specialist of any medical specialty may be invited for one-time medical care only from the countries determined by Article 9(3)(a) of this Law.



5. The right to perform a temporary independent medical practice or to provide one-time medical care in Georgia shall be granted to a foreign specialist by the Professional Development Council ('the Council') upon the recommendation of an appropriate professional association of physicians.

6. The place, period and purpose of temporary independent medical practice of a foreign specialist in Georgia shall be determined by the Ministry in coordination with the foreign specialist and an appropriate professional association of physicians.

7. The basis for suspension and/or annulment of the right of a foreign specialist to perform a temporary independent medical practice in Georgia shall be equivalent to the conditions for suspension and/or revocation of a state certificate under this Law.

8. A foreign specialist shall be granted the right to perform a temporary independent medical practice in Georgia not more than once a year. In each specific situation the Ministry shall have the right to extend the above timeframe. The decision in this regard shall be made in coordination with an appropriate professional association of physicians.

9. The Ministry shall have the right to invite a foreign specialist to Georgia for temporary independent medical practice or for one-time medical care. Before inviting a foreign specialist a written consent is required from the institution where the foreign specialist is to provide a temporary independent medical practice or one-time medical care.

10. A medical institution shall have the right to invite a foreign specialist for temporary independent medical practice or one-time medical care upon its initiative and/or upon the request of a patient on the basis of a written permit of the Ministry.

11. In case of inviting a foreign specialist for one-time medical care, if a patient is in a life-threatening condition or requires emergency medical care, the documents determined by paragraphs 5, 9 and 10 of this article may be prepared after health care services have been rendered.

12. (Deleted).

13. The work period of a resident or a physician job-seeker under the supervision of a foreign specialist shall be considered as an integral part of his/her postgraduate education (vocational training) in the respective medical specialty. For this purpose the work performed under the supervision of a foreign specialist shall comply with a postgraduate educational (vocational training) programme that must be confirmed by the Council.

14. The work period of a person with a state certificate of Georgia under the supervision of a foreign specialist shall be considered as his/her participation in the continuing professional development system in accordance with the conditions and criteria determined by the Council.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 12 - Right to independent medical practice in the medical specialty (specialties) other than as determined by a state certificate**

1. An independent medical practitioner holding a state certificate in any medical specialty (specialties) shall have the right to obtain a state certificate in another specialty (specialties) as provided for by this Law.

2. If a new medical specialty chosen by an independent medical practitioner is not allied to the medical specialty specified in the state certificate already held by him/her, in order to obtain a new state certificate the independent medical practitioner shall complete an approved postgraduate educational (vocational training) programme in the respective medical specialty and obtain an appropriate state certificate after passing a state certification examination.

3. If a new medical specialty chosen by an independent medical practitioner is allied to the medical specialty specified in the state certificate already held by him/her, in order to obtain a new state certificate the independent medical practitioner shall partially complete an approved postgraduate educational (vocational training) programme in the respective medical specialty, the scope and duration of which shall be determined by the Council in coordination with the professional associations of physicians.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 13 - Compliance of medical specialties with educational programmes (faculties) of higher medical institutions**

A medical specialty, in which a person is granted the right to independent medical practice, shall comply with his/her qualification conferred under a higher medical institution certificate (diploma). The compliance of professional education with the right of employment at medical institutions shall be determined by the Ministry.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

#### **Article 14 - Performing the duties of a doctor**

1. A person without the right to independent medical practice shall perform the duties of a doctor as his/her medical practice.



2. The following persons shall have the right to perform the duties of a doctor:

- a) a student of a higher medical institution, only at a university hospital or a medical facility with an appropriate academic department of the higher medical institution, within the scope of educational programmes of clinical medicine and under the direction and supervision of a specially assigned tutor, who shall be responsible for the health care services provided to a patient;
- b) a resident and a physician job-seeker, only at the medical institutions determined by Article 15 of this Law, within the scope of postgraduate educational (vocational training) programmes and under the direction and supervision of a specially assigned medical specialist, who shall be responsible for the health care services provided to a patient, except for the cases specified by paragraph 3 of this article;
- c) a junior doctor.

3. A person, who obtained a state certificate before the commencement of a postgraduate educational (vocational training) programme, shall have the right to perform an independent medical practice during his/her postgraduate education (vocational training) only in the medical specialty specified in the state certificate.

4. Residents and physician job-seekers shall have no right to independent medical practice within the scope of a postgraduate educational (vocational training) programme, except for the cases where a patient is in a life-threatening condition or requires emergency medical care and it is impossible to find an independent medical practitioner in time.

5. Junior doctors shall have no right to independent medical practice, except for the cases where a patient is in a life-threatening condition or requires emergency medical care and it is impossible to find an independent medical practitioner in time.

6. Students of higher medical institutions shall have no right to independent medical practice, except for the cases where a patient is in a life-threatening condition or requires emergency medical care and it is impossible to find an independent medical practitioner in time.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

#### **Article 15 - Postgraduate education (vocational training)**

1. The types of postgraduate education (vocational training) are:

- a) residency
- b) postgraduate education (vocational training) alternative to residency.

2. A graduate with a diploma of a higher medical institution, who earned a specified number of scores at a unified postgraduate qualification examination, shall have the right to enrol in a postgraduate educational (vocational training) programme. A unified postgraduate qualification examination shall be organised by the Council. The procedures and conditions for organising a unified postgraduate qualification examination shall be determined by a normative act of the Minister of Labour, Health and Social Protection of Georgia.

3. Residency training shall be carried out under a residency programme that is approved by the Ministry in coordination with the Ministry of Education and Science of Georgia on the basis of the residency programme accredited by the Council. Residency training shall be funded by the State as required.

3<sup>1</sup>. The criteria and procedures for accreditation of a residency programme shall be developed by the Council and approved by a joint normative act of the Minister of Labour, Health and Social Protection and the Minister of Education and Science of Georgia.

3<sup>2</sup>. Admissions procedure for residency shall be developed by the Council and approved by a normative act of the the Minister of Labour, Health and Social Protection of Georgia.

3<sup>3</sup>. A citizen of Georgia, admitted to residency under this Law, shall have the right to residency training.

4. Technical support and monitoring of a state-funded training of residents shall be provided by an appropriate agency of the Ministry of Labour, Health and Social Protection of Georgia as provided for by the legislation of Georgia.

5. A residency programme consists of modules covering the purpose of training, the list of issues and skills to be trained, the forms, methods and duration of training, expected outcomes and the evaluation criteria. The programme also includes organisational and methodological issues related to the training. Division of a residency programme into modules shall be coordinated by the Council.

6. The admission limit for a residency programme shall be determined annually by the Ministry according to the medical specialties taking into consideration the health care system of the country and the demands on the labour market.

7. Postgraduate education (vocational training) alternative to residency implies completion of all modules of a residency programme without specifying the exact duration of individual modules and of the overall programme. In addition, the maximum total duration of postgraduate education (vocational training) alternative to residency shall not be less, and shall not exceed twice the length of the residency programme for a relevant medical specialty. The procedures for participation in, implementation and evaluation of postgraduate education (vocational training) alternative to residency shall be determined by a normative act of the Minister of Labour, Health and Social Protection of Georgia. Postgraduate education (vocational training) alternative to residency shall be financed through funds raised by a private person.

8. Postgraduate education (vocational training) may be completed only at medical postgraduate education institutions accredited as provided for by the Ministry. For granting the right to participate in postgraduate education (vocational training), medical postgraduate education institutions shall be accredited by the Council. Medical postgraduate education institutions may be accredited within one or more modules of certain medical specialties.



*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

*Law of Georgia No 5383 of 8 June 2016 - website 17.6.2016*

#### **Article 16 - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

#### **Article 17 - Rights of graduates holding a higher medical institution diploma**

A graduate holding a higher medical institution diploma shall have the right to:

- a) complete a postgraduate vocational training programme and acquire the right to perform an independent medical practice after passing a state certification examination;
- b) carry out research and teaching activities in the theoretical fields of medicine or other fields of health care that do not include an independent medical practice;
- c) work as a junior doctor.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

### **Chapter III – State Certificate**

#### **Article 18 - Certification**

1. Certification of medical personnel includes assessment of their professional knowledge and practical skills.
2. Certification is required in order to obtain the right to independent medical practice in all medical specialties that are specified by the Ministry in the list under Article 4(a) of this Law, except for the cases specified by Article 11(5) of this Law.

*Law of Georgia No 4122 of 17 December 2010 - LHG I, No 76, 29.12.2010, Art. 507*

#### **Article 19 - State certificate**

1. A state certificate:
  - a) is a state-issued licence certifying the right to independent medical practice;
  - b) determines a medical specialty.
2. A state certificate shall be mandatory only for performing an independent medical practice.
3. The form of a state certificate shall be determined by an appropriate statutory instrument of the Ministry. The same statutory instrument may not restrict the rights of an independent medical practitioner, and require imparting information or incurring expenses other than determined by this Law.
4. A state certificate is a document of strict accounting with a serial number and other protective marks.
5. A state certificate may not be assigned to another person.
6. A state certificate may be annulled by the decision of an authority issuing such licence:
  - a) in the case of the death of a holder of a state certificate, or declaring him/her dead by a court;
  - b) on the basis of a written request of the holder of the state certificate;
  - c) in the case of detecting that the state certificate was granted on the basis of a forged document.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*



#### **Article 20 - Authority issuing state certificates**

1. State certificates are issued by the Council.
2. The Council shall be established under the auspices of the Ministry by an order of the Minister of Labour, Health and Social Protection of Georgia.
3. The chairperson of the Council is the Minister of Labour, Health, and Social Affairs of Georgia.
4. The Council comprises:
  - a) representatives of the Ministry;
  - b) representatives of medical institutions of higher education;
  - c) representatives of state authorities with medical service;
  - d) representatives of professional associations of physicians;
  - e) civil society representatives;
  - f) representatives of medical institutions;
  - g) representatives of medical scientific institutions.
5. The operation of the Council shall be regulated by this Law and the statute of the Council which is drawn up by the Ministry in coordination with the professional associations of physicians.
6. The statute of the Council shall be approved the Minister of Labour, Health, and Social Affairs of Georgia.
7. The Council shall:
  - a) approve the programme, procedure, schedule and place of a state certification examination and a candidate's knowledge evaluation criteria;
  - b) establish examination commissions in appropriate medical specialties upon recommendation of state-accredited medical institutions of higher education and professional associations of physicians;
  - c) review and approve the results of a state certification examination;
  - d) determine the mechanisms for meeting the requirements specified in Article 10 of this Law by foreign citizens or stateless persons;
  - e) organise, administer and monitor the processes in postgraduate education (vocational training), certification, continuing medical education and professional development; also study the professional activities of medical personnel and take appropriate measures as provided for by the legislation of Georgia.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 21 - Basis for issuing state certificates**

1. A state certificate of a medical specialist shall be issued on the basis of:
  - a) a written application of a state certificate seeker, drawn up according to a determined template;
  - b) a copy of a higher medical education certificate (diploma);
  - c) a state certificate of postgraduate education (vocational training) (residency or postgraduate education (vocational training) alternative to residency) in an appropriate medical specialty;
  - d) a nomination and recommendation of the postgraduate education (vocational training) programme director, or a nomination and recommendation of the head of the medical institution where a state certificate seeker worked;
  - e) a state certificate of passing a state certification examination in an appropriate medical specialty;
  - f) (Deleted);
  - g) a document certifying labour relations if a state certificate seeker holds such document;
  - h) description of the works performed by a state certificate seeker in an appropriate medical specialty for the past two years.



2. A citizen of Georgia or of a foreign country or a stateless person, who has completed a postgraduate education (vocational training) programme in a country determined by Article 9(3)(a) of this Law and has obtained a state certificate of independent medical practice, shall be granted a state certificate of permanent independent medical practice in the same medical specialty (specialties) in Georgia on the basis of:

- a) a written application of a state certificate seeker specifying his/her name, surname, place and date of birth, residential address, citizenship, workplace address (if employed), as well as specifying the medical specialty in which the applicant is applying to obtain a state certificate;
- b) a copy of a higher medical education certificate (diploma);
- c) a state certificate of independent medical practice in an appropriate medical specialty that is issued in a country determined by Article 9(3)(a) of this Law.

3. A citizen of Georgia or of a foreign country or a stateless person, who has completed a postgraduate education (vocational training) programme in a country determined by Article 9(3)(b) of this Law, shall be granted a state certificate in the same medical specialty (specialties) in Georgia on the basis of:

- a) a written application of a state certificate seeker specifying his/her name, surname, place and date of birth, residential address, citizenship, workplace address (if employed), as well as specifying the medical specialty in which the applicant is applying to obtain a state certificate;
- b) a copy of a higher medical education certificate (diploma);
- c) a state certificate of postgraduate education (vocational training) in an appropriate medical specialty that is issued in a country determined by Article 9(3)(b) of this Law;
- d) a state certificate of passing a state certification examination in an appropriate medical specialty.

*Law of Georgia No 1135 of 26 October 2001 - LHG I, No 33, 10.11.2001, Art. 133*

*Law of Georgia No 593 of 11 November 2004 - LHG I, No 34, 16.11.2004, Art. 161*

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 2224 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 341*

*Law of Georgia No 4122 of 17 December 2010 - LHG I, No 76, 29.12.2010, Art. 507*

#### **Article 22 - Review of the documents submitted for obtaining state certificates**

1. After reviewing the submitted documents the Council shall take a decision on granting or denying a state certificate.
2. The Council shall take a decision not later than two months after submission of an application by a state certificate seeker.
3. The Council shall be obliged to inform a state certificate seeker of the results of review of the submitted documents within 10 days after making a decision.
4. If a state certificate seeker is not notified of granting or denying a state certificate within 70 days, he/she shall have the right to commence the activities specified in the application upon the expiration of the above timeframe.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

#### **Article 23 - Denying a state certificate**

1. The Council shall have the right to deny the issuance of a state certificate to a state certificate seeker if:
  - a) the documents submitted by a state certificate seeker fail to meet the requirements determined by this Law;
  - b) a state certificate seeker requests a state certificate for such activity for which he/she has been deprived of the right to perform;
  - c) a state certificate of a state certificate seeker is suspended and the reason for suspension has not been eliminated.
2. In case of denial to issue a state certificate the Council shall inform a state certificate seeker in writing of the reasons for such decision.
3. Issuance of a state certificate may not be denied on the grounds of limiting the number of independent medical practitioners.
4. In case of denial to issue a state certificate a state certificate seeker shall have the right to apply to a court as provided for by the legislation of Georgia.

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 24 - (Deleted)**





#### **Article 25 - Validity of state certificates**

1. State certificates shall be valid for an indefinite period.
2. The medical practice determined by a state certificate shall be performed by its holder from the moment of making a decision to issue the state certificate by the Council.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 26 - Registry of state certification**

1. Keeping a state certification registry shall be the basis for creating a complete and unified database of the issuance, suspension, renewal, revocation and issuance of the copies of a state certificate.
2. The state certification registry shall be kept by the Council secretariat.
3. The following data shall be included in the state certification registry:
  - a) data on a state certificate holder (name, surname, residential address, citizenship, workplace address (indicating simultaneous employment at a state or private medical institution));
  - b) type (types) of the state-certified activity;
  - c) serial number and dates of granting and issuance of a state certificate;
  - d) data on the suspension, renewal, revocation and issuance of the copy of a state certificate;
  - e) legal address of the Council and the identity of a signatory to a state certificate.
4. The Council secretariat shall include the data determined by paragraph 3 of this article into the state certification registry not later than two weeks after making a decision.
5. Any person shall have the right to review and obtain in writing the data from the state certification registry as provided for by the legislation of Georgia.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

#### **Article 27 - Copy of a state certificate**

1. If a state certificate is lost or damaged, its holder may apply to the Ministry with a request to issue a copy of the certificate.
2. A copy of the certificate shall be issued not later than two weeks after making a decision by the Council.
3. Upon the issuance of a copy of the state certificate, the Council shall make appropriate changes in the state certification registry.
4. A copy of a state certificate shall have the same legal force as the original certificate.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

#### **Article 28 - State certification examination**

1. A state certification examination is united and unified throughout the country.
2. The following persons shall be allowed to take a state certification examination in order to acquire a state certificate:
  - a) persons who have completed a postgraduate education (vocational training) programme in a respective medical specialty that is certified with an appropriate document;
  - b) persons who have completed a postgraduate education (vocational training) programme in a country determined by Article 9(3)(b) of this Law in a respective medical specialty that is certified with an appropriate document.
3. In the case of negative results of a state certification examination, a person shall have the right to take again the examination only twice during the following year with the interval of six months between the state certification examinations.



## **Chapter IV – Continuing Professional Development**

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

### **Article 29 - (Deleted)**

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

### **Article 29<sup>1</sup> - Continuing professional development**

1. An independent medical practitioner may take part in a continuing professional development system, organise his/her medical practice in accordance with the achievements of contemporary medicine and improve all aspects of his/her practice.

2. Continuing professional development consists of the following components:

- a) continuing medical education;
- b) continuing medical practice;
- c) professional rehabilitation;
- d) continuing improvement of the quality of health care service.

3. The Council shall develop and the Ministry shall approve the procedures for individual types of continuing medical education and professional rehabilitation, as well as the rules and criteria for accreditation.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

### **Article 30 - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

### **Article 31 - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

### **Article 32 - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

### **Article 33 - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*



#### **Article 34 - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 35 - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 36 - (Deleted)**

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 37 - (Deleted)**

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

### **Chapter IV<sup>1</sup> – Medical Sub-specialty**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

#### **Article 37<sup>1</sup> - Right to Independent Medical Practice in a sub-specialty**

1. A medical specialist, who has obtained a certificate in a respective sub-specialty under this Law, shall have the right to engage in independent medical practice in that sub-specialty.
2. Medical specialists must complete an appropriate training programme to obtain a sub-specialty certificate, except for those medical specialists who have at least one year of work experience in that sub-specialty before the entry into force of this Law. In addition, the work experience in that sub-specialty shall not be less than the duration of the training programme.
3. Only medical specialists, whose specialties comply with a certain sub-specialty, shall have the right to complete a training programme in the sub-specialty and obtain a sub-specialty certificate. The Council shall develop the lists of specialties and sub-specialties corresponding with these specialties, in coordination with the professional associations of physicians, and the Ministry shall approve them.
4. The scope and duration of a training programme in a sub-specialty shall be determined by the Council in coordination with the professional associations of physicians and shall be approved by the Ministry.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 37<sup>2</sup> - Sub-specialty certificate**

1. A sub-specialty certificate is a document certifying the right to independent medical practice in a certain sub-specialty.
2. The template for a sub-specialty certificate shall be developed and approved by the Ministry.
3. A sub-specialty certificate is a document of strict accounting with a serial number and other protective marks.
4. A sub-specialty certificate may not be assigned to another person.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

#### **Article 37<sup>3</sup> - Issuance of sub-specialty certificates**

1. A sub-specialty certificate may be issued on the basis of:
  - a) a written application of a sub-specialty certificate seeker that must meet the requirements determined by Article 78 of the General Administrative



Code of Georgia, and also must specify the sub-specialty which the seeker is applying to acquire;

b) a copy of the state certificate in the respective specialty;

c) a document certifying completion of a training programme or work experience in a respective sub-specialty, including the description of the performed work.

2. A decision on the issuance of a sub-specialty certificate shall be made by the Council.

3. A sub-specialty certificate shall be issued for an indefinite period.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 37<sup>4</sup> - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 37<sup>5</sup> - Suspension, resumption and revocation of sub-specialty certificates**

Sub-specialty certificates may be suspended, resumed and revoked as provided for by Articles 77-79 of this Law.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

### **Chapter V – Obligations of Independent Medical Practitioners towards Patients**

#### **Article 38 - Ethical principles and a conflict of interests of independent medical practitioners**

1. In fulfilling professional obligations an independent medical practitioner shall observe the following principles:

a) to promote healthy lifestyle practices among patients and society by personal example;

b) to be guided only by professional standards, humanity principles, the legislation of Georgia and to respect the honour, religion and traditions of a patient;

c) to act in the interests of health of the patient as much as possible;

d) to be gratuitous and to be free and independent when making professional decisions;

e) to impartially observe the doctor's oath.

2. An independent medical practitioner is obliged to observe the ethical principles and the norms of conflicts of interest determined by the Law of Georgia on Health Care, violation of which shall result in professional liability as determined by this Law and administrative liability under the Law of Georgia on Administrative Offences.

*Law of Georgia No 4133 of 17 December 2010 - LHG I, No 76, 29.12.2010, Art. 509*

#### **Article 39 - Providing information to patients**

1. An independent medical practitioner is obliged to provide patients with complete, impartial, timely and understandable information in a manner acceptable for them on the following:

a) their health condition, including:

a.a) on proposed preventive, diagnostic, therapeutic, rehabilitation, palliative interventions and their alternatives, accompanying risks and effectiveness;

a.b) on the results of medical examinations;

a.c) on expected outcomes in case of refusal of the proposed medical intervention;

a.d) on the diagnosis and probable prognosis and on the progress of the treatment;

b) the factors facilitating or negatively impacting health maintenance;



c) the types and possibilities for applying health care services necessary for a patient, and fees for health care services rendered or proposed to the patient and the procedure for their payment.

2. Information determined by paragraph 1(a-c) of this article shall be provided to a patient by an independent medical practitioner only upon the consent of a patient, except if failure to provide such information may seriously damage the health and/or life of the patient and/or a third person.

3. An independent medical practitioner shall not provide a patient with the information determined by paragraph 1(a, b) of this article if there is a reasonable belief that provision of such information may seriously damage the health of the patient. A decision on withholding information shall be approved by a commission on medical ethics, or in case of its absence, by another independent medical practitioner. If a patient insists on acquiring information, an independent medical practitioner is obliged to provide him/her with the information.

4. In the case of failure to provide a patient with the information determined by paragraph 1(a-c) of this article an independent medical practitioner is obliged to make an appropriate record in the patient's medical documentation specifying the basis for withholding the information from him/her.

*Law of Georgia No 4721 of 8 May 2007 - LHG I, No 18, 22.5.2007, Art. 151*

#### **Article 40 - Providing information to minors or patients without decision-making capacity**

If a patient is a minor or lacks the capacity to make conscious decisions, or unless a patient has stated otherwise in the past when he/she was conscious with decision-making capacity, an independent medical practitioner shall provide information determined by Article 39(1)(a-c) of this Law to a relative or a legal representative of the patient.

*Law of Georgia No 3378 of 20 March 2015 - website, 31.3.2015*

#### **Article 41 - Communicating information included in medical records to patients, their relatives or legal representatives**

1. Upon the request of a patient, an independent medical practitioner is obliged to communicate to the patient, or if the patient is a minor or lacks the capacity to make conscious decisions to his/her relative or legal representative the information on his/her health status included in the patient's medical records, including the results of diagnostic examinations, the data related to treatment and care, and the records of consultations provided by another independent medical practitioner.

2. In the cases determined by Article 39(3,4) of this Law an independent medical practitioner shall have the right not to communicate information provided in a patient's medical records to the patient with legal capacity or limit the volume of the communicated information, and if the patient insists on communicating the information provided in his/her medical records, the independent medical practitioner is obliged to communicate such information to the patient.

3. An independent medical practitioner shall have the right to communicate information, provided in a patient's medical records determined by paragraph 1 of this article, to a relative and/or legal representative of the patient who is legally capable and/or able to make conscious decisions only with the consent of the patient.

*Law of Georgia No 3378 of 20 March 2015 - website, 31.3.2015*

#### **Article 42 - Making changes, amendments or explanations to medical records**

1. An independent medical practitioner is obliged to make changes, amendments or explanations to a patient's medical records, as well as to update his/her private life-related and medical data upon the justified request of the patient.

2. If a patient is a minor or lacks the capacity to make conscious decisions, an independent medical practitioner is obliged to make changes, amendments or explanations to the patient's medical records as provided for by paragraph 1 of this article upon the justified request of the patient's relative or legal representative.

3. A medical practitioner shall have the right not to alter the information provided in medical records upon the request of a patient, his/her relative or legal representative if the necessity to register such information is provided for by the legislation of Georgia.

*Law of Georgia No 3378 of 20 March 2015 - website, 31.3.2015*

#### **Article 43 - Obligation to inform patients on the identity and professional status of an independent medical practitioner**

An independent medical practitioner is obliged to inform a patient with legal capacity and/or with decision-making capacity on his/her identity and professional status before rendering health care services, except for the cases where the patient is in a life-threatening condition and/or requires emergency medical care that prevents the independent medical practitioner from informing the patient.

#### **Article 44 - Informed consent**

1. Prior to rendering health care services an independent medical practitioner is obliged to obtain a verbal or written informed consent from a patient to a proposed medical intervention.



2. An independent medical practitioner is obliged to obtain a written informed consent from a patient prior to the following medical interventions:

- a) any surgery (except for minor surgical manipulations)
- b) abortion
- c) vascular catheterisation (except for peripheral venous cannulation)
- d) hemodialysis and peritoneal dialysis
- e) artificial insemination
- f) surgical contraception and sterilisation
- g) genetic testing
- h) gene therapy
- i) radiation therapy
- j) chemotherapy of malignant tumours.

#### **Article 45 - Right to provide health care services to minors or patients without decision-making capacity**

1. An independent medical practitioner shall have the right to provide health care services to minors or unconscious patients lacking decision-making capacity only after obtaining a written informed consent from the patient's relative or legal representative.
2. If a minor or an unconscious patient lacking decision-making capacity is in a life-threatening condition or under the risk of serious deterioration of health status and/or disability due to which he/she requires emergency medical care but the patient's relative or legal representative cannot be found, an independent medical practitioner shall make a decision on rendering health care services based on the best interests of the patient's health.
3. If a minor or an unconscious patient lacking decision-making capacity is in a life-threatening condition and requires emergency medical care, but the patient's relative or legal representative is against providing health care services, an independent medical practitioner shall make a decision on rendering health care services based on the best interests of the patient's health.
4. If a relative or legal representative of a minor or an unconscious patient lacking decision-making capacity decides against the best interests of the patient's health, an independent medical practitioner shall have the right to appeal such decision in a court and require permission to provide the patient with appropriate health care services.

*Law of Georgia No 3378 of 20 March 2015 - website, 31.3.2015*

#### **Article 46 - Patient's refusal to have health care services and termination of health care services**

1. If a patient with legal capacity and/or with decision-making capacity refuses to be provided with health care services or requires termination of ongoing health care services, an independent medical practitioner shall be obliged to provide the patient with comprehensive information on the possible consequences. Final decision shall be made by the patient (except for the cases determined by paragraph 2 of this article) that is certified by signing appropriate medical records.
2. If a woman in labour refuses to be provided with health care services necessary for giving birth to a live foetus and such services bear minimum risk to the health and life of the woman in labour, an independent medical practitioner shall make a decision on providing health care services in the best interests of the foetus.

*Law of Georgia No 4133 of 17 December 2010 - LHG I, No 76, 29.12.2010, Art. 509*

#### **Article 47 - Participation of patients in medical education and biomedical research processes**

1. An independent medical practitioner shall obtain from a patient a verbal informed consent for participation in a medical education process and a written informed consent for participation in a biomedical research process.
2. If a patient is a minor or unconscious and lacks decision-making capacity, an independent medical practitioner shall obtain a written informed consent from the patient's relative or legal representative for patient involvement in a medical education or biomedical research process.

*Law of Georgia No 3378 of 20 March 2015 - website, 31.3.2015*

#### **Article 48 - Confidentiality of information**

1. An independent medical practitioner shall be obliged to observe confidentiality of information concerning the health status and private life of a patient in the course of implementing medical practice or after its termination both during the lifetime and after the death of the patient except for cases determined by the legislation of Georgia.



2. An independent medical practitioner shall have the right to disclose confidential information concerning the health status and private life of a patient if:

- a) the patient permits the disclosure of such information;
- b) the non-disclosure of such information puts the health and/or life of a third person (whose identity is known) at risk;
- c) there is a reasonable doubt about the existence of a disease subject to mandatory registration;
- d) the information is provided to other medical personnel engaged in health care services;
- e) the disclosure of information is necessary for a forensic examination;
- f) the disclosure of information is required by law enforcement bodies under a court decision;
- f<sup>1</sup>) the information deals with a possible fact of domestic violence and/or there is a risk of repeated domestic violence, and such information is provided only to an appropriate state authority to protect the rights and interests of the patient;
- g) the information is provided to state authorities for allocating social allowances for the patient. In this case the consent of a patient is required for the disclosure of information;
- h) while using the information for educational and research purposes the data are presented so that the person cannot be identified.

*Law of Georgia No 2702 of 17 October 2014- website, 31.10.2014*

#### **Article 49 - Intervention in family and private life of patients**

An independent medical practitioner shall have the right to intervene in the family and private life of a patient if:

- a) such intervention is necessary for the prevention of the patient's disease, as well as for diagnostic, treatment, rehabilitation and palliative care of the patient. In this case a patient's consent is required;
- b) non-intervention may put the health and/or life of the patient's family members at a serious risk;
- c) the patient and/or his/her family members are subject to domestic violence and there is a risk of repeated violence, and intervention is necessary to protect the rights and interests of the patient.

*Law of Georgia No 4721 of 8 May 2007 - LHG I, No 18, 22.5.2007, Art. 151*

*Law of Georgia No 2702 of 17 October 2014- website, 31.10.2014*

#### **Article 50 - Delegating health care services to other medical personnel**

1. An independent medical practitioner shall have the right to delegate medical tasks to other medical personnel if:

- a) he/she provided full information concerning the health care services rendered to a patient to the medical personnel to whom the provision of health care services has been delegated;
- b) health care services may be resumed within the period required for providing health care services to the patient;
- c) security and quality of health care services provided to the patient are ensured.

2. An independent medical practitioner shall have the right to delegate a task for performing professional activities to another independent medical practitioner, or to a person performing duties of a doctor, for educational purposes, with no official document necessary for this purpose, if he/she is sure that the medical personnel to whom the task was delegated has appropriate knowledge and professional skills. In that case the person who delegated the task shall be responsible for the quality of health care services.

#### **Article 51 - Providing information to a medical institution management concerning the damage or risk of damage to a patient's health**

If a patient's health is damaged or is at risk of damage when providing health care services, an independent medical practitioner shall be obliged to inform the management of a medical institution in this regard.

#### **Article 52 - Obligation to perform duties by a person performing the functions of a doctor**

Obligations determined by Chapter V of this Law shall also be imposed on a person performing the functions of a doctor.



### **Article 53 - General principles**

In providing health care services to prisoners, detainees or captives an independent medical practitioner shall be obliged to ensure protection and treatment of their mental and physical health by the same quality and standards as for persons who are not prisoners, detainees or captives.

### **Article 54 - Prohibitions**

1. The following shall be prohibited to an independent medical practitioner:

- a) direct or indirect involvement in actions related to the participation in, complicity in, incitement or attempt of incitement to torture or other cruel, inhuman or degrading treatment and/or punishment, as well as attendance at such actions;
- b) professional relationship with prisoners, detainees or captives, unless the sole purpose of such relations is to evaluate, protect or improve their physical and mental health and unless such relationship contradicts the principles of medical ethics;
- c) use of professional knowledge and skills to contribute to questioning of prisoners, detainees or captives with the methods that may negatively impact on their physical or mental health or condition;
- d) use of professional knowledge and skills, and supply of instruments or substances for contributing to torture and other cruel, inhuman or degrading treatment of prisoners, detainees or captives or for mitigating their resistance to such actions;
- e) participation in any restrictive measure taken against prisoners, detainees or captives, unless such measure is based on medical indications, is required for their physical and mental health and social protection and for the security of other prisoners, detainees or captives and/or the guard, and unless such measure puts the physical and mental health of prisoners, detainees or captives at risk.

2. Prohibitions determined by paragraph 1(a-e) of this article shall also be in force in case of a state of emergency, including armed conflicts and civil confrontation.

### **Article 55 - Attitude of independent medical practitioners towards prisoners and detainees on a hunger strike**

1. An independent medical practitioner may not artificially feed prisoners or detainees who are on a hunger strike if they refuse to eat, and in the opinion of the independent medical practitioner they are able to independently and reasonably evaluate the consequences of voluntary refusal to eat. This opinion must be confirmed by at least one other independent medical practitioner. In addition, an independent medical practitioner shall have the right to provide a patient with health care services, unless the patient is against the provision of such services.

2. If a prisoner or detainee refuses to eat, an independent medical practitioner shall be obliged to inform the prisoner or detainee of the possible consequences of refusal to eat, and also whether he/she will be provided with health care services in case of slipping into unconsciousness due to the hunger strike.

3. If a prisoner or detainee slips into unconsciousness due to a hunger strike an independent medical practitioner shall have the right to act in the best interests of a patient's health and/or life despite his/her previously declared will. A decision in this regard shall be made by an independent medical practitioner. Decision-making shall not be affected by opinions of any third person for whom a patient's welfare is not important.

4. If a prisoner or detainee on a hunger strike, with decision-making capacity, refuses to be provided with health care services, an independent medical practitioner shall not be liable for the possible consequences of the hunger.

## **Chapter VII – Obligation of Independent Medical Practitioners to Keep Medical Records**

### **Article 56 - Terms of keeping medical records**

1. An independent medical practitioner shall be obliged to keep medical records for each patient as provided for by the legislation of Georgia.

2. When an independent medical practitioner keeps medical records, in addition to fulfilling other requirements the following rules must be observed:

- a) medical records must be clearly and comprehensibly made in the official language. The records made by a foreign specialist must be translated into the official language;
- b) medical records must be complete. An independent medical practitioner must completely fill in each part of medical records (personal, social, medical and other data of a patient);
- c) information must be entered in medical records in a timely manner and within the specified timeframes;
- d) medical records must adequately include all details related to the health care services provided to a patient;
- e) each new part of medical records must be certified by an independent medical practitioner with a clear signature according to the established rules.





3. An independent medical practitioner shall be obliged to observe the existing procedure for keeping medical records. He/she may communicate medical records to a third person only in the cases determined by this Law.

## **Chapter VIII – Obligations of Independent Medical Practitioners towards Their Colleagues**

### **Article 57 - General principles**

When performing medical practice an independent medical practitioner is obliged to observe the principles of professional ethics, a patient's best interests and the prestige of medical practice and to establish an atmosphere of mutual respect among colleagues.

### **Article 58 - Obligation to provide colleagues with professional services**

Independent medical practitioners shall be obliged to do their utmost, within their competence, to help colleagues who request such services.

### **Article 59 - Providing health care services to patients of other independent medical practitioner**

1. If an independent medical practitioner is addressed by a patient with a request to provide health care services, who was previously supervised by another independent medical practitioner in the same medical specialty, the independent medical practitioner shall be obliged to do his/her utmost to keep the independent medical practitioner who previously supervised the patient informed in this regard by this patient, his/her relative or legal representative. A patient may not be refused to be provided with health care services for the reason that he/she was previously treated by another independent medical practitioner in the same medical specialty.

2. After the end of the treatment of a patient sent by another independent medical practitioner, an independent medical practitioner shall be obliged to refer the patient back to the former independent medical practitioner if further treatment and/or supervision is required. In this case the patient's consent is required.

3. If an independent medical practitioner provided emergency medical care to a patient who was previously treated and/or supervised by another independent medical practitioner, he/she shall be obliged to inform the former independent medical practitioner in this regard as quickly as possible and to delegate to him/her further treatment and/or supervision of the patient with the consent of the patient.

4. An independent medical practitioner shall be obliged to provide appropriate health care services to a patient who is treated and/or supervised by his/her colleague who works in the same medical institution, if the latter is unable to provide these services for some reason.

### **Article 60 - Treatment and/or supervision of patients after discharge from an inpatient facility**

After discharging a patient from an inpatient facility an independent medical practitioner shall be obliged to entrust his/her further treatment and/or supervision to an independent medical practice who treated and/or supervised the patient before his/her admission to the inpatient facility. In this case the patient's consent is required. An independent medical practitioner shall have the right to continue treatment and/or supervision of a patient only upon the request of the patient that must be indicated in writing in the medical records.

### **Article 61 - Council of doctors**

A relative or legal representative of a patient may not attend the examination of the patient by a council of doctors, or the discussion concerning the patient's health status by the members of the council of doctors. The members of the council of doctors must agree upon the person who will communicate the decision of the council of doctors to the patient, his/her relative or legal representative.

### **Article 62 - Invitation of another independent medical practitioner to participate in the provision of health care services to patients**

If an independent medical practitioner invites his/her colleague to participate in the provision of health care services to a patient and he/she has concluded an agreement with the patient on the reimbursement of rendered health care services, the inviting independent medical practitioner shall be obliged to offer the invitee remuneration appropriate to his/her work.

### **Article 63 - Evaluation of a colleague's activity**

In verbal or written evaluation of a colleague's activity who participates in the continuing professional development system under the supervision of the practitioners of unified and independent medical practice, an independent medical practitioner must be honest and impartial and observe the principles determined by Article 57 of this Law.



#### **Article 64 - Participation of a colleague in the continuing professional development system**

An independent medical practitioner shall be obliged to strive for the participation of his/her subordinate colleague in the continuing professional development system in a prescribed manner.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

#### **Article 65 - Prohibitions**

The following shall be prohibited:

- a) biased criticism of the medical practice of a colleague and derogatory remarks concerning his/her personal qualities;
- b) hindrance to the medical practice of a colleague, or an attempt of his/her expulsion or his/her expulsion due to competition;
- c) commencement of medical practice by an independent medical practitioner within less than two years in the territory (in the region, residential area or its part) of medical practice of the independent medical practitioner with whom he/she worked as a junior doctor or completed the residency, or acquired diagnostic and/or treatment methods for at least three months. Exceptions may be made only in case of the consent of the above mentioned independent medical practitioner;
- d) taking advantage of an unemployed colleague and concluding a labour agreement with him/her at remuneration rates less than as determined by the legislation of Georgia;
- e) charging fees for referring a patient or sending test material to another independent medical practitioner or another medical institution, as well as payment for referring the patients or sending test material to him/her.

### **Chapter IX – State Supervision on Medical Practice**

#### **Article 66 - Authority of state supervision on medical practice**

1. The Ministry shall perform state supervision of medical practice by means of the Council.
2. The Ministry shall ensure active participation of university hospitals, professional associations of physicians and other public organisations in the state supervision of medical practice.

#### **Article 67 - Types of state supervision of medical practice**

1. Types of state supervision of medical practice are:

- a) quality controls for health care services,
- b) controls for medical document management,
- c) (Deleted),
- d) (Deleted),
- e) (Deleted).

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 68 - Quality controls for health care services and controls for medical document management**

1. The Ministry shall periodically, at least once a year, perform a random quality control of health care services and of medical document management provided by an independent medical practitioner.
2. An independent medical practitioner, whose activities were inspected, shall participate in all stages of the preparation and review of documents covering inspection results.
3. An independent medical practitioner shall have the right, in his/her own discretion, to attach an explanatory note to the document, determined by paragraph 2 of this article, specifying his/her attitude towards the remarks included in the document.

#### **Article 69 - (Deleted)**



*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 70 - Evaluation of health status of independent medical practitioners in order to determine their professional suitability**

1. If there is a reasonable doubt that an independent medical practitioner is unable/no longer able to perform professional activities due to his/her health status, his/her employer (upon and after recruitment) as well as the Council, shall have the right to require the independent medical practitioner to undergo an appropriate medical examination at a medical institution.

2. An independent medical practitioner shall be obliged to undergo a medical examination determined by paragraph 1 of this article within one month after imposing such requirement.

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

*Law of Georgia No 4122 of 17 December 2010 - LHG I, No 76, 29.12.2010, Art. 507*

#### **Article 71 - Legal consequences caused by refusal of an independent medical practitioner to control the quality of health care services and medical document management provided by him/her, as well as to evaluate his/her health status for determining his/her professional suitability**

If an independent medical practitioner refuses to control the quality of health care services and medical document management provided by him/her, as well as to evaluate his/her health status in order to determine his/her professional suitability, the Council shall have the right to suspend the validity of a state certificate as provided for by Article 77 of this Law.

#### **Article 72 - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

### **Chapter X – Professional Liabilities of Independent Medical Practitioners**

#### **Article 73 - Professional liabilities of independent medical practitioners**

An independent medical practitioner shall have professional liability determined by the legislation of Georgia for violation of medical standards and ethical norms related to the examination, care and treatment of a patient.

#### **Article 74 - Professional liability of independent medical practitioners for medical malpractice**

1. The following forms of professional liability for independent medical malpractice are determined:

- a) a written warning,
- b) suspension of the validity of a state certificate,
- c) revocation of a state certificate,
- d) restrictions on prescribing medicines with narcotic, psychotropic or alcohol content,
- e) other measures of professional liability as provided for by the legislation of Georgia.

2. Decisions in cases of professional liabilities determined by paragraph 1 of this article shall be made by the Council.

3. An independent medical practitioner shall have the right to appeal any form of professional liability determined by paragraph 1 of this article to a court as provided for by the legislation of Georgia.

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 75 - Written warning**

1. A written warning shall be given to an independent medical practitioner who intentionally or negligently fails to perform his/her professional duties under the legislation of Georgia.



2. The basis for a written warning shall be:

- a) an application or a complaint of a patient;
- b) an application or a complaint of a patient's relative or legal representative;
- c) an application or a complaint of the employer of an independent medical practitioner;
- d) an application or a complaint of the head of a medical institution where an independent medical practitioner works that is confirmed by more than two colleagues working at the same institution;
- e) an application or a complaint of more than two colleagues working at the medical institution where an independent medical practitioner works that is confirmed by the head of the same institution;
- f) information provided by the employer of an independent medical practitioner or by the medical institution where the independent medical practitioner works.

3. If criminal proceedings have been initiated against an independent medical practitioner for an action committed in the course of professional activities, an application or a complaint filed for the same action shall not be reviewed.

4. If a written warning was given to an independent medical practitioner at least three times within a calendar year, the Council shall have the right to review the suspension of the validity of a state certificate as provided for by this Law.

5. The Council shall be obliged to:

- a) inform an independent medical practitioner not later than one week after the submission of an application or a complaint by persons specified in paragraph 2(a-f) of this article;
- b) communicate the content of the incoming application or complaint to an independent medical practitioner upon his/her request;
- c) make a decision not later than two months after submission of an application or a complaint by persons specified in paragraph 2(a-f) of this article;
- d) inform an independent medical practitioner, as well as an applicant or a complainant within 10 days after a decision is made.

6. An independent medical practitioner shall not be given a written warning determined by this Law after five years following violation and/or for participation in strikes or other similar acts.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

#### **Article 76 - Suspension of the validity of state certificates**

Suspension of the validity of a state certificate shall be a temporary prohibition of independent medical practice permitted under the state certificate.

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

#### **Article 77 - Basis for suspension of the validity of state certificates**

1. The validity of a state certificate may be suspended if its holder:

- a) violates the conditions determined by the certificate or the requirements determined by the legislation of Georgia for independent medical practice allowed by the state certificate;
- b) receives a written warning at least three times in a year.

2. The validity of a state certificate may be suspended for not more than six months.

3. A decision to suspend the validity of a state certificate shall be communicated in writing to its holder within one week, specifying the basis for such suspension; in addition, an appropriate record shall be made in the state certification registry.

4. A decision to suspend the validity of a state certificate may be appealed to a court.

#### **Article 78 - Renewal of state certificates after their suspension**

1. After eliminating the reasons for suspension of the validity of a state certificate and, therefore, after meeting appropriate requirements, the state certificate shall be renewed by a decision of the Council on the basis of an application of its holder.

2. The Council shall be obliged to review applications of state certificate holders concerning renewal of the state certificates at its first meeting.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*



## **Article 79 - Revocation of state certificates**

1. A state certificate may be revoked on the basis of:

- a) unsuitability of the health status of a state certificate holder with his/her official duties;
- b) (Deleted);
- c) carrying out such activities by a state certificate holder that go beyond the scope of the state certificate;
- d) expiry of the term, prescribed by this Law, for suspending the validity of a state certificate, if the state certificate holder has failed to eliminate the reasons for the suspension and, therefore, to meet appropriate requirements;
- e) systematic or a single serious violation of medical standards and ethical norms, and rules determined by the legislation of Georgia by a state certificate holder that resulted in a significant deterioration of the health of a patient or in the patient's death and/or material damage;
- f) a court decision on imprisonment or dismissal from work of a state certificate holder, including dismissal from work upon the entry into force of a court decision on a criminal offence committed in the course of professional activities;
- g) finding out that a state certificate was granted on the basis of a forged document.

2. In the cases determined by paragraph 1 of this article a decision to revoke a state certificate shall be made by the Council.

3. (Deleted);

4. The Council shall be obliged to:

- a) inform a state certificate holder in writing of revocation of the state certificate within seven days specifying the basis for revocation;
- b) make appropriate records in the state certification registry within three days after making a decision to revoke a state certificate.

5. (Deleted).

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

## **Article 80 - Appealing the Council's decision**

Any decision of the Council regarding a state certificate may be appealed to a court by interested persons as provided for by the legislation of Georgia.

## **Chapter XI – Reviewing Professional Liability Issues for Independent Medical Practitioners**

### **Article 81 - Authority reviewing professional liability issues for independent medical practitioners**

A decision on professional liabilities of an independent medical practitioner determined by this Law shall be made by the Council.

### **Article 82 - Submission of applications or complaints to the Council**

1. Applications or complaints shall be submitted to the Council in writing.

2. An application or complaint submitted to the Council must include:

- a) the name, surname, date of birth and residential address of the applicant or complainant;
- b) the name, surname, medical specialty and workplace address of an independent medical practitioner that the application or complaint concerns;
- c) merits and request of the application or complaint;
- d) other circumstances.

3. An application or a complaint must be signed by an applicant or a complainant.

4. If an application or a complaint is submitted by the relative of an applicant or a complainant or by the legal representative of Georgia, his/her authority must be certified by a notary, or by the head of a medical institution in the cases determined by the legislation of Georgia.



### **Article 83 - Incompleteness of applications or complaints**

If an application or a complaint is incomplete and it may not provide a basis for review, the Council shall require submission of additional documents within the nearest two weeks. In the case of failure to submit additional documents the application or complaint shall not be reviewed.

### **Article 84 - Necessity of notification**

1. In the case of accepting an application or a complaint the Council shall forward its copy to the independent medical practitioner that the application or complaint concerns.
2. Notification is not mandatory if it is known that in the case determined by Article 83 of this Law an application or a complaint shall not be reviewed.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

### **Article 85 - Response to applications or complaints**

1. An independent medical practitioner must respond in writing to the facts identified in an application or a complaint, except if the Council decides that a verbal response is enough.
2. In his/her response, an independent medical practitioner must clearly specify whether he/she agrees or not to the facts indicated in the application or complaint, as well as substantiate his/her opinion with lawful justification.

### **Article 86 - Expertise of the circumstances set out in applications or complaints**

1. If the Council deems necessary to carry out an expertise to solve an issue, it shall have the right to get explanations from appropriate persons, irrespective of their organisational and legal form, as provided for by the legislation of Georgia.
2. The issue of remuneration of a person carrying out an expertise shall be decided by an agreement concluded between the Council and the expert.
3. A professional association of physicians in an appropriate medical specialty shall have the right to participate in the discussion and decision-making regarding an application or a complaint with the consent or upon request of a defendant.

### **Article 87 - Right of the parties to attend the decision-making process**

The parties shall have the right to attend the decision-making process of the Council.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

### **Article 88 - Delegating applications or complaints**

If the Council considers that review of the issue arisen in the application or complaint of a patient, his/her relative or legal representative is beyond the competence of the Council, and unless denial to review the application or complaint violates the patient's rights, the Council may submit the application or complaint to the employer of an independent medical practitioner or a local self-government or government body for consideration.

### **Article 89 - Appealing the Council's decision**

The Council's decision may be appealed to a court.

## **Chapter XII – Telemedicine**

### **Article 90 - Providing medical consultation through telemedicine**

1. Only an independent medical practitioner shall have the right to be provided with medical consultation through telemedicine.
2. Only an independent medical practitioner may give recommendations to a patient on the basis of medical consultation provided through telemedicine.
3. An independent medical practitioner who personally gives recommendations shall be responsible for the results of health care services provided to a patient in such a manner.



#### **Article 91 - Confidentiality of information on patients**

1. In case of application of the means of telemedicine an independent medical practitioner must maintain the confidentiality of patient information.
2. Upon request of a patient, information about his/her identity, health status and private life may be transmitted anonymously by means of telemedicine.

#### **Article 92 - Technical personnel**

1. Technical personnel, participating in transmission of information through telemedicine, may not disseminate the information about provided consultation to the patient.
2. Technical personnel must observe confidentiality of information on the health status of a patient.

### **Chapter XIII – Social and Legal Rights of Independent Medical Practitioners**

*Law of Georgia No 5868 of 14 March 2008 - LHG I, No 6, 25.3.2008, Art. 23*

#### **Article 93 - Adequate working conditions and remuneration**

1. An independent medical practitioner shall have the right to request an employer to provide him/her with working conditions adequate to his/her professional activities.
2. An independent medical practitioner shall have the right to require an employer to remunerate him/her proportionally to his/her professional activities.

*Law of Georgia No 5868 of 14 March 2008 - LHG I, No 6, 25.3.2008, Art. 23*

#### **Article 94 - Legal protection of independent medical practitioners**

1. Any physical or material damage, inflicted on a doctor, other medical personnel and a medical institution in the course of medical practice, shall be compensated by a damaging person as provided for by the legislation of Georgia.
2. Doctors shall have the right to protect via court their honour, dignity, privacy, personal inviolability or professional reputation from humiliation in a prescribed manner.
3. A complaint of a patient, his/her relative or legal representative against a doctor shall be filed with an appropriate professional association (associations) of physicians for expressing an opinion as provided for by the legislation of Georgia, before an appropriate Council of the Ministry of Labour, Health and Social Protection of Georgia considers it.

*Law of Georgia No 5868 of 14 March 2008 - LHG I, No 6, 25.3.2008, Art. 23*

#### **Article 95 - Benefits for independent medical practitioners working in certain medical specialties and regions**

1. Under the state interests, central and local government authorities shall determine bonuses and other benefits, including provision with accommodation and telephone services for independent medical practitioners who work in certain medical specialties and regions.
2. A list of medical specialties and regions determined by paragraph 1 of this article shall be approved by the Government of Georgia.
3. Benefits for independent medical practitioners working in the high mountain regions shall be determined by the Law of Georgia on Health Care. The benefits shall also be determined by the Law of Georgia on the Development of High Mountain Regions in the cases provided for under the same law.

*Law of Georgia No 1246 of 20 September 2013 - website, 8.10.2013*

*Law of Georgia No 4042 of 16 July 2015 - website, 28.7.2015*

#### **Article 96 - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*



## **Article 97 - Right to professional liability insurance**

An independent medical practitioner shall have the right to professional liability insurance for property or non-property losses inflicted to a patient as a result of professional errors.

## **Chapter XIV – Transitional and Final Provisions**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

## **Article 98 - Measures related to the entry into force of this Law**

1. Postgraduate education (vocational training) programmes shall be implemented in accredited institutions and/or educational institutions as of 1 March 2009.

2. Training of residents/seekers admitted before 1 March 2009 shall be continued, irrespective of obtaining appropriate accreditation by an institution and/or an educational institution, until the completion of a postgraduate education (vocational training) programme.

3. The Ministry of Labour, Health and Social Protection of Georgia must develop and approve:

a) the statute of the Professional Development Council before 15 May 2008;

b) rules for certain types of continuing medical education and professional rehabilitation, as well as accreditation procedures and criteria before 1 March 2009;

c) rules for participation in, administration and evaluation of postgraduate education (vocational training) equal to residency;

d) accreditation criteria and procedures for medical institutions and/or educational institutions that provide postgraduate education (vocational training) programmes;

e) the form of a state certificate proving the completion of a postgraduate education (vocational training) programme for general residency and postgraduate education (vocational training) equal to residency before 31 December 2008;

f) the form of a sub-specialty certificate proving the right to independent medical practice in a sub-specialty, before 31 December 2008;

g) organisational rules and conditions for a unified postgraduate qualification examination;

h) residency application process for certain medical specialties.

4. Accreditation procedures and criteria for postgraduate education (vocational training) programmes shall be determined by a joint order of the Minister of Labour, Health and Social Protection and the Minister of Education and Science of Georgia before 1 March 2009.

5. A state certificate of medical specialist shall be granted to Candidates or Doctors of Medical Sciences on the basis of:

a) a written application of a state certificate-seeker including the name, surname, place of birth and residential address of the applicant, as well as specifying a medical specialty in which the seeker is going to obtain the state certificate;

b) a state education certificate certifying higher medical education qualification;

c) the copy of a diploma of a Candidate or a Doctor of Medical Sciences certifying acquisition of the academic degree before 1 November 1997;

d) not less than 10 years of work experience in the relevant medical specialty for the past 15 years for Candidates of Medical Sciences, and not less than five years of work experience in the relevant medical specialty for the past 10 years for Doctors of Medical Sciences;

e) (Deleted);

g) a document certifying labour relations if a state certificate seeker holds such document.

6. The Council is the successor to the council granting state certificates and the Council of Postgraduate Education (Vocational Training) and Continuing Professional Development.

*Law of Georgia No 1135 of 26 October 2001 - LHG I, No 33, 10.11.2001, Art. 133*

*Law of Georgia No 593 of 11 November 2004 - LHG I, No 34, 16.11.2004, Art. 161*

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

*Law of Georgia No 2224 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 341*

*Law of Georgia No 4122 of 17 December 2010 - LHG I, No 76, 29.12.2010, Art. 507*





**Article 99 - (Deleted)**

*Law of Georgia No 593 of 11 November 2004 - LHG I, No 34, 16.11.2004, Art. 161*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

**Article 100 - Acquisition of the right to independent medical practice by junior doctors before 1 October 2015 after passing a state certification examination**

1. Upon a decision of the Professional Development Council a junior doctor may be entitled to pass a state certification examination before 1 October 2015 and acquire the right to independent medical practice if:

- a) he/she has passed the unified postgraduate qualification examination and acquired a certificate of a medical specialty seeker;
- b) as provided for by this Law he/she proves that he/she has worked under the supervision of an independent medical practitioner during the period specified by paragraph 2 of this article;
- c) the work, performed by him/her during the period specified by paragraph 2 of this article, complies with requirements determined for a residency programme in that medical specialty.

1<sup>1</sup>. A junior doctor, who has started a residency or postgraduate education (vocational training) alternative to residency before 1 October 2015 in accordance with this article, may be entitled to pass a state certification examination and acquire the right to independent medical practice if he/she has completed a postgraduate education (vocational training) programme in accordance with the procedure provided for by the legislation of Georgia.

2. For obtaining the right to take a state certification examination by a junior doctor the duration of his/her work in an appropriate medical specialty must not be less than the duration of the residency programme in that medical specialty.

3. The procedure for granting the right to a junior doctor to take a state certification examination shall be developed by the Ministry of Labour, Health and Social Protection of Georgia.

4. A person, who was appointed as a junior doctor before 1 September 2005 and who has completed the part (parts) of a residency programme in a prescribed manner, shall be granted the right to take a state certification examination after passing a unified postgraduate qualification examination and obtaining a certificate of a medical specialty seeker; and while making a decision on entitling this person to take the state certification examination the work performed by him/her before 1 September 2005 and its duration shall be considered as the part of the residency programme.

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*

*Law of Georgia No 5840 of 13 March 2012 - website, 21.3.2012*

*Law of Georgia No 213 of 28 December 2016 – website, 5.1.2016*

**Article 100<sup>1</sup> - (Deleted)**

*Law of Georgia No 1434 of 13 May 2005 - LHG I, No 25, 2.6.2005, Art. 162*

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

**Article 100<sup>2</sup> - Performing duties of a doctor during the period of postgraduate studies in clinical medicine before 1 January 2008**

The duties of a doctor during the period of postgraduate studies in clinical medicine before 1 January 2008 shall be performed as follows:

- a) in the cases determined by Article 14(2)(b) of this Law, during the period of postgraduate studies in clinical medicine postgraduate students shall have the right to perform the duties of a doctor in an appropriate medical specialty according to a residency programme, unless they have previously obtained a state certificate in a medical specialty;
- b) postgraduate studies in clinical medicine are equalled to a residency training programme in an appropriate medical specialty. If the period of residency training exceeds the duration of postgraduate studies, the years of study in clinical medicine shall be included in the duration of the residency;
- c) a person, who obtained a state certificate before the commencement of postgraduate studies in clinical medicine, shall have the right to be engaged in independent medical practice in a medical specialty determined by the state certificate during the period of postgraduate studies in clinical medicine.

*Law of Georgia No 2055 of 10 November 2005 - LHG I, No 48, 29.11.2005, Art. 323*



**Article 100<sup>3</sup> - Extension of the validity of state certificates issued before 1 May 2008**

1. Validity of state certificates issued before 1 May 2008 shall be extended indefinitely irrespective of their legal force.
2. Paragraph 1 of this article shall not apply to state certificates decisions on the revocation of which are rendered by a court.
3. The Council shall issue a newly designed state certificate upon the application of the holder of a state certificate.

*Law of Georgia No 5999 of 21 March 2008 - LHG I, No 9, 4.4.2008, Art. 74*

**Article 101 - Entry into force of the Law**

This Law shall enter into force upon promulgation.

**President of Georgia**

**Eduard Shevardnadze**

**Tbilisi,**

**8 June 2001**

**№904-III**

