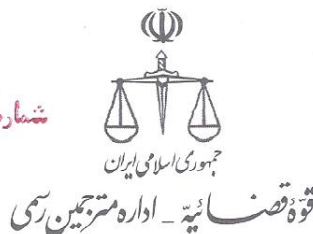


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تهران - خیابان جمهوری - روبه روی سفارت انگلیس

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## Emblem of Iran

## Medical Council of the Islamic Republic of Iran

### Medical Council Laws

#### Establishment Act of the Medical Council of the Islamic Republic of Iran

Establishment Act of the Medical Council of the Islamic Republic of Iran was forwarded to the government by the Iranian parliament as per letter no. 95400 dated Dec.8.2004, after the approval in open courtyard of the Islamic Consultative Assembly (Iranian Parliament) on Apr.14.2004, settlement of disputes between Guardian Council and Majlis, and final approval by Expediency Council on Nov.7.2004. It was notified to the Ministry of Health and Medical Education by the President for the purpose of enforcement as per letter no. 54194 dated Dec.16.2004.

#### Chapter One- Definitions and Objectives:

**Article 1-** Medical Council of the Islamic Republic of Iran hereinafter referred to as "Council" is an independent organization with legal entity which is established for the purpose of achieving the goals and fulfilling the duties specified herein.

**Article 2-** The objectives of Council shall consist of:

- Making effort aimed at realizing the high Islamic values in all medical affairs
- Making effort aimed at promoting and amending the medical affairs
- Creating partnership aimed at improving the medical knowledge level.
- Safeguarding and protecting the patients' rights.
- Safeguarding and protecting the professional & guild rights of health care professionals.
- Regulating the relations between health care professionals and the concerned bodies towards good-performance of the medical rules, laws and regulations.

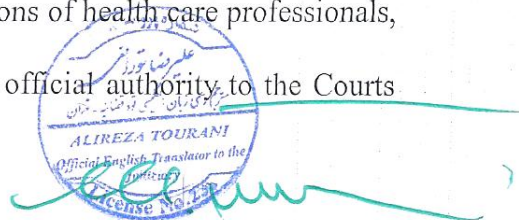
#### Chapter Two- Duties and Powers:

**Article 3-** Duties and powers of the council, considering the above goals, are as follows:

- Expressing the advisory opinion in preparing and compiling the bills, plans, decree laws and by-laws relating to the medical affairs.
- Regulating the publicity instructions and advertisements for pharmaceutical, food & beverage, cosmetic, hygienic and medical products and announcing it to the authorities concerned.

**Note:** Medical Council is obliged to express its opinion to the authorities concerned not later than within 15 days as from date the inquiry received.

- Compiling and ratifying the special guild laws and regulations for standardizing the tableaux and prescription letterheads of the Medical Institutions and also Physicians engaging in medical professions and affiliates thereto.
- Implementing CME programs for the members subject of this law in compliance with CME Act accredited by the Ministry of Health and Medical Education.
- Issuing the membership card for members of the Council, subject of this law.
- Disciplinary investigating to the guild & professional violations of health care professionals, the violations which are not considered as general crimes.
- Expressing the expert's viewpoint on medical crimes as an official authority to the Courts and Public Prosecutor's Offices.





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- h) Cooperating with the competent authorities aimed at investigating non-guild violations and crimes of health care professionals and affiliates thereto, and expressing the expert and advisory opinion in connection herewith, with the authorities concerned.
- i) Cooperating with the competent bodies for keeping the medical respect and dignity in the community
- j) Cooperating with the concerned authorities aimed at developing the scientific and research activities and medical publications.
- k) Expressing the viewpoint and active partnership in determining or revising the tariffs of health and treatment services of public sector and also determining the tariffs in private sector, according to provisions of Clause 8, Article 1 of Treatment Services Public Insurance Law ratified on Oct.25.1994 and cooperation with the competent bodies for its execution.

**Note:** The obligation percentage of the insurer organizations against the said tariffs will be determined by supreme council of treatment services insurance every year.

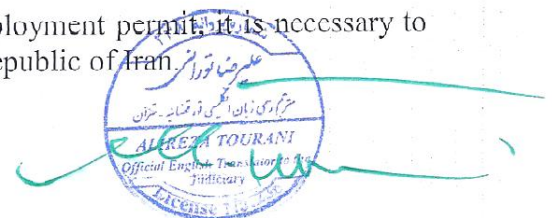
- l) Expressing the viewpoint and active partnership in specifying or revising in rate of tax and occupational duties of the Medical Institutions and health care professionals and cooperation with the competent bodies for its collection.
- m) Making partnership in compiling by-laws and supervisory directives as to the private clinics, health and treatment institutions and other Para-clinic centers in private sector.
- n) Issuing the license to practice the medical clinics and affiliated professions and extending them and partnership in issuing the licence of medical institutions on the basis of regulations and rules of Ministry of Health and Medical Education
- o) Membership in development and planning councils of universities and partnership in determining the capacity of governmental and non-governmental universities.
- p) Cooperating in compiling the evaluation by-laws and partnership in its execution for medical centers and hospitals.
- q) Aiding to remove the welfare and financial problems of persons engaging in low-income and damaged medical professions through Cooperation and Welfare Fund.
- r) Cooperating with the authorities concerned in presenting the relief, health and treatment services when an accident or unforeseen disaster is occurred, through encouragement and mobilization of the council members.
- s) Active partnership in compiling the educational programs of medical group.
- t) Cooperation and partnership for employment of the graduates of the medical group.
- u) Carrying out all liabilities, duties and powers which have been already delegated to the Medical Council of the Islamic Republic of Iran by Islamic Consultative Assembly (Iranian parliament) in the various laws.

### Chapter Three- Membership Conditions:

**Article 4-** All Iranian citizens; Physician, Dentist, Pharmacist, Laboratory Specialists and those who hold Doctor's Degree in Laboratory Science, Medical Pathology and also those who hold licenced B.Sc. in medical group, excluding Nurses, can be admitted as a member of council.

**Note 1:** The members will pay an amount to the council as membership fee every year. The rate and manner of collection of membership fee of the members shall conform with an Instruction to be prepared by the Supreme Council of Medical Council.

**Note 2:** In order to practice the medicine, after securing the employment permit, it is necessary to be admitted as a member of the Medical Council of the Islamic Republic of Iran.





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#### Chapter Four- Main Bodies:

**Article 5-** The main bodies of the Medical Council are as follows:

- General Assembly of the Medical Council of the Islamic Republic of Iran is hereinafter referred to as "Assembly".
  - Supreme Council of the Medical Council of the Islamic Republic of Iran is hereinafter referred to as "Supreme Council" and its secretariat is stationed in the Medical Council of the Islamic Republic of Iran in Tehran city.
  - President
  - Board of Directors of Medical Council Branches and Provincial Coordination Council
- Note:** Duties, powers and structure of Provincial Coordination Council will be approved by supreme council upon the proposal of the President.
- Disciplinary Committees examining the guild and professional violations of health care professionals and the affiliated occupations.
  - Inspectors
  - Welfare and Cooperation Fund

**Article 6-** The assembly of the council is composed of:

Board of Directors of Medical Council in any city, considering the number of participants in elections of the Board of the said city, introduces one or some people among themselves as representative for convening the general assembly under the following circumstances:

- Up to 500 participants in the elections, one people
- From 501 to 1000 participants in the elections, two people
- From 1001 to 1500 participants in the elections, three people

And the same manner, up to maximum eight people as representative in the relevant district are elected as members of the general assembly.

**Article 7-** Duties of assembly shall consist of:

- Hearing the report of supreme council, the president and inspectors and approval of major policies offered by supreme council.
- Electing the principal and substitute members of supreme council for a term of four years and inspectors, annually.
- Negotiating and taking decision in other cases which put in the agenda and are undertaken by the council and within the competency of the assembly, according to the relevant laws and regulations.

**Note 1:** Members of the assembly are elected for a period of four years as mentioned in article 6 herein and in-house regulations of the assembly will be approved by the assembly upon the proposal of the supreme council.

**Note 2:** The proper decision on the election of chairperson, two vice-chairpersons and a secretary will be taken in the first meeting, according to the by-law to be approved by the assembly upon the proposal of the supreme council.

**Article 8-** Members of supreme council shall consist of:

- 25 people of the medical crew as described hereunder:

13 physicians, 3 dentists, 3 pharmacists, 2 people holding Doctor's Degree in Laboratory Science- Pathological Diagnosis (Clinical Laboratory Doctors), 2 experts of midwifery, 2 people of other persons holding licenced bachelor's degree in medical group





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b) 2 people of members of health and treatment commission to be introduced by health and treatment commission and appointed by Islamic Consultative Assembly (as observers) and one people of the medical crew elected by the Minister of Health and Medical Education and Chairman of the State Legal Medicine.

**Note 1:** General assembly shall take decision on adding, composition and the number of Supreme Council members one year prior to election (subject of clause A of this article), upon the proposal of the supreme council.

**Note 2:** The meetings of supreme council of medical council are held at least once every three months and to be official in the presence of 2/3 of members of council. The decisions taken shall be valid with the majority votes and are binding for subsidiary units.

**Note 3:** Minister of Health and Medical Education and his/her deputies as well as persons who are appointed by the Minister, can participate in all meetings of supreme council and Board of Medical Council, with the right of expressing the viewpoint and without the right of vote.

**Note 4:** Supreme council of medical council shall have a chairperson, two vice-chairpersons and a secretary to be elected among members of council with the relative majority vote of the official members of the council for a period of two years.

**Note 5:** Secretary of supreme council shall organize the meetings and administer the secretariat of council. The meetings of council are presided over by chairperson or vice-chairperson of the council.

**Note 6:** All elective members of the supreme council would have been participated & elected in the elections of the Board of Cities.

**Article 9-** The President of the Council is the highest executive, administrative and financial authority and also legal representative of the council in all bodies with the right of substitution and/or his representative. He does have the absolute power within the approvals of the general assembly and supreme council and regulations and rules appertaining thereto. He is elected by general assembly among electives of the Board throughout the country for a term of four years and introduced to the President of the country for issuing the decree.

**Note 1:** General Assembly can assign the election and introduction of the president to its selective supreme council.

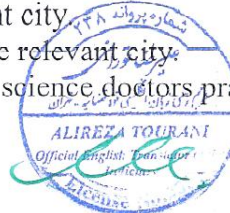
**Note 2:** Supreme council is entitled to interpellate the President. If 2/3 of members of the supreme council give the vote of no-confidence to the President, he will be dismissed, and the extraordinary general assembly is held for electing the President. During this period, Chairperson of supreme council shall assume the supervision of the council.

**Article 10-** In any city in which the number of persons liable to article 4 hereto is at least 100 people, City Medical Council will be organized.

**Note:** All cities which had the Board of Directors in the previous term are excluded from this article, even if their members are lesser than 100 people.

**Article 11:** Board of Directors of City Medical Council up to 500 physicians, is composed of the 11 people as follows:

- Six physicians to be elected by physicians practicing in the relevant city.
- One dentist to be elected by dentists practicing in the relevant city.
- One pharmacist to be elected by pharmacists practicing in the relevant city.
- One doctor of laboratory science to be elected by laboratory science doctors practicing in the relevant city.





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- e) One midwifery bachelor's degree or higher to be elected by Midwifery group in the relevant city.
- f) One licenced bachelor's degree in medical group or higher excluding nurses to be elected by persons who hold the licenced bachelor's degree or higher in medical group of the relevant city.

**Note:** As long as the persons subject of items b, c, d, e and f hereto are not elected, a physician will be designated, instead of each of them.

**Article 12-** Board of Medical Council of Cities which have over 500 members is composed of 17 people as follows:

- a) Ten physicians to be elected by physicians practicing in the relevant city.
- b) Two dentists to be elected by dentists practicing in the relevant city.
- c) Two pharmacists to be elected by pharmacists practicing in the relevant city.
- d) One specialist or doctors of laboratory science- Pathology Diagnosis to be elected by laboratory science doctors practicing in the relevant city.
- e) One midwifery bachelor's degree or higher to be elected by Midwifery group in the relevant city.
- f) One licenced bachelor's degree in medical group or higher to be elected by graduates of Bachelor's Degree and higher.

**Note 1:** Medical council of provincial center city or one of the near cities shall assume the duties of the medical council of cities affiliated to the province in which medical council has not been organized, having approved by supreme council.

**Note 2:** Members of cities in which the Board may not be held, can participate in the elections of one of the other affiliated cities.

**Article 13-** Chairperson of the Board of any city is appointed among electives of the same city upon the proposal of the relevant Board and issuing a decree by the President of Medical Council of the Islamic Republic of Iran for a term of four years.

**Note 1:** Chairpersons of the Board of cities shall fulfill the same duties and powers of the President of the Medical Council within the medical council of the relevant city, excluding special duties of the President.

**Note 2:** The Chairperson of the Board of city may be dismissed by the President, upon the proposal of the Board.

**Article 14-** The Budget of Medical Council is provided by the credit of membership fee, rewards and aids of real and legal entities and to be approved by the Supreme Council.

**Note 1:** Annual budget of the medical council in any city is provided by the Board of the same city and to be charged according to by-law approved by the Supreme Council.

**Note 2:** The rate and terms of collection of annual registration fee of the members and other financial and administrative regulations of the council and manner of budget expenditure will be come into force after the approval of the Supreme Council.

**Article 15-** Duties of Supreme Council of the Medical Council are as follows:

- a) The accurate implementation of the duties specified in article 3 hereto and continuous supervision on their good-performance through President of the council.
- b) Supervising on performance of the medical council of cities.
- c) Supervising on performance of cooperation and welfare fund affiliated to the Medical Council.





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- d) Investigating the disciplinary violations of the Board of Medical Council of Cities referred to by provincial coordination council and settling the disputes between them.
- e) Preparing and approving the required executive instructions within the framework of law.
- f) Dissolving the Board of medical council of cities and organizing the re-elections within the framework of law.
- g) Approving the annual budget of the Medical Council of the Islamic Republic of Iran

**Note:** The Board of Medical Council of Cities shall be dissolved in the following cases:

- 1- Deviating and breaching the duties specified herein upon the discretion of Supreme Council of the Medical Council.
- 2- Death, resignation or unallowable absence of more than 1/2 of the Board members for four consecutive sessions.

**Article 16-** Duties of the Medical Council of City are described hereunder:

- a) Medical Council of City shall have all powers and duties of the Medical Council excluding the cases where are within the competency of the President, General Assembly and Supreme Council within the relevant city.
- b) Executing the approvals of the Supreme Council across the city.

#### Chapter Five- Elections:

**Article 17-** The tenure of office of each Board in the Medical Council of Cities and Supreme Council of the Medical Council is four years.

**Note 1:** The first activity course of the said Boards is commenced maximum 10 days after the finalization of the elections result.

**Note 2:** The engagement of the next terms of the medical council is immediately commenced after the termination of the previous term. If the elections formalities of the next term have not been terminated in any manner, the main bodies of the previous term shall continue its activity till the finalization of the result of new election and the new term will be started as from date the elections finalized.

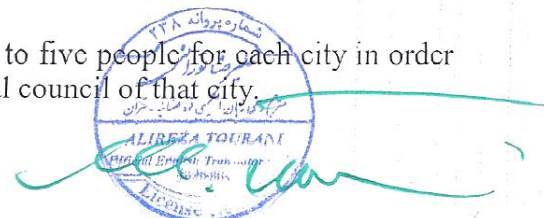
**Article 18-** The next terms of the election will be held three months before termination of each term, upon the announcement of the Minister of Health and Medical Education and holding of Central Committee of the Elections Supervision.

**Note:** The elections of the Board of Medical Council of Cities which were dissolved and/or cancelled by the Central Committee of Supervision, are made not later than three months in collaboration with the Supervision Committee and observing other legal articles.

**Article 19-** The Central Committee of the Elections Supervision who are elected for a term of four years is composed of the followings:

- a) One person representing Public Prosecutor
- b) One person representing Ministry of the Interior
- c) Two people of the medical crew electing and introducing Minister of Health and Medical Education
- d) Three people of the medical crew introducing the Health and Treatment Commission and electing Islamic Consultative Assembly.

**Note 1:** Central Committee of Supervision can designate three to five people for each city in order to supervise on good-performance of the elections of the medical council of that city.





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**Note 2:** Members of the Central Committee of the Elections Supervision may be reelected for the next terms.

**Note 3:** The aforesaid persons should be qualified as described in items a, b, c and d of article 23 of this law.

**Article 20-** The duties of the central committee of supervision are as follows:

- a) Dismissal and appointment of members of the elections supervision committee of the Medical Council of Cities and Supreme Council of the Medical Council.
- b) Supervising on good-performance of the elections in each district and also Supreme Council and the President.
- c) Final verification of the qualification of the candidates for membership in the Board of the Medical Council of Cities and notifying the opinion of the central committee to the executive boards of the elections for public notice.
- d) Examining the complaints to be lodged by candidates whose qualification was not confirmed by the supervision committees and also revising in them.
- e) Examining the election complaints within the framework of legal articles and the relevant by-laws.
- f) Ceasing or annulling the whole or a part of the elections stages within the framework of legal articles and the relevant instructions by itself and/or upon the proposal of the executive boards or supervision committee of the elections.
- g) Final confirmation of the good-performance of the elections of the Board of Medical Council of Cities and members of Supreme Council of the Medical Council and president and signature of the electives credentials.
- h) Examining the written complaints and objections of the persons as to the confirmation of the qualification of the candidates for membership in the Board of the medical councils and revising in them.

**Note:** Central Committee of the Supervision can delegate the whole or a part of the duties specified in this article to any Elections Supervision Committees of the Board of the Medical Council of Cities, according to the instruction to be prepared by itself.

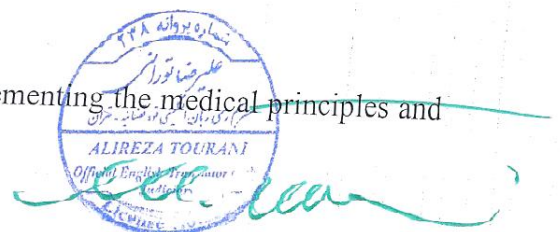
**Article 21-** The elections of the Board of Medical Council and members of the Supreme Council of the Medical Council and President shall be held by executive boards of the elections. The composition, holding and their procedure, quality and organizing the elections will be made as per a by-law to be prepared by supreme council of the medical council and approved by the Minister of Health and Medical Education.

**Article 22:** The following conditions should be met by electors:

- a) Nationality of the Islamic Republic of Iran
- b) Having the membership card in the Medical Council
- c) Employing in city of the election district at the time of elections confirmed by medical council of that city or health and treatment network of the city.

**Article 23-** The following conditions should be met by the elected persons of the Boards of Medical Council and Supreme Council of the Medical Council:

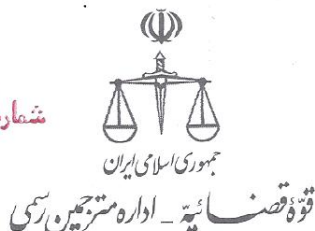
- a) Nationality of the Islamic Republic of Iran
- b) No record of ethical and financial corruption
- c) Having social and occupational good reputation in implementing the medical principles and observing the medical ethics and dignities.





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d) Having good reputation in obligating to fulfill the precepts of the Islam religion and faithfulness to the Constitution of the Islamic Republic of Iran.

**Note:** The religious minority prescribed in the Constitution of the Islamic Republic of Iran shall be subjected to their own belief precepts.

e) Having at least three years of membership record in the Medical Council

**Note:** Members of the executive and supervision committee can not be registered as the elected persons.

**Article 24-** Ministry of Health and Medical Education shall organize the elections of the Board of the Medical Council through executive boards of the elections in compliance with the provisions of this law.

**Article 25-** Provincial coordination council is composed of Chairpersons of the Board of cities in any province, and the council shall be presided over by Chairperson of the Board of the province center city.

**Article 26-** The duties of the provincial coordination council are as follows:

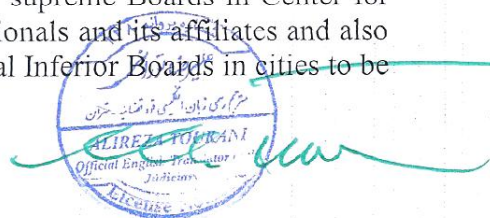
- supervising on performance of the medical council of province cities.
- electing the members of the Disciplinary Revision Boards in cases where these Boards are held upon the approval of the Supreme Council as per provisions of article 28 of this law.
- examining the disciplinary violations of the Board of medical council of cities and presenting the same to Supreme Council and making the required coordination between medical council of cities and verifying their internal disputes.
- Other cases to be delegated to the provinces council, upon the approval of the Supreme Council and within the framework of establishment Act of the council.

**Article 27-** Duties of the Inspectors are described hereunder:

- Supervision on budget expenditure to be spent, according to the approvals of Supreme Council of the council.
- Preparing and submitting the report concerning annual financial function of the central administration and medical council of cities to the Supreme Council and General Assembly.
- Inspectors can, at any time and without inferring in executive affairs of the organization, perform any investigation and required financial inspection so that no cease is made in current affairs of the council. They can also claim and verify the financial deeds, documents and information of the council.
- If the inspectors find any violation or negligence by the President and/or deputies and/or other chairpersons of the Board of cities, the facts should be informed to the Supreme Council.
- Inspectors shall have the responsibility against the organizations and third parties in respect of negligence or violations which are perpetrated in fulfillment of their tasks, according to the existing laws and regulations.

## Chapter Six- Disciplinary Medical Boards:

**Article 28-** Medical Council will organize the disciplinary medical supreme Boards in Center for verifying the guild and professional violations of health care professionals and its affiliates and also the Inferior and Revision Boards in provinces centers and the Medical Inferior Boards in cities to be held according to the next articles of this law.





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**Note 1:** Failure to observe the religious and legal regulations, guild and professional & occupational rules, and negligence in fulfilling the legal duties by health care professionals and persons affiliated to medicine are considered as violation and the violators are convicted to the following punishments in view of the intensity and weakness of the action perpetrated and also its repetition and multiplicity, depending on the case:

- Notification or oral reprimand in the presence of the Board of the locality medical council.
- Notification or written reprimand inserting in dossier of the locality medical council.
- Written reprimand inserting in dossier of the medical council and the Publication of the locality medical council or affixing the judgement in Notice Board of the locality medical council
- Deprivation of the engagement in medical professions and affiliated thereto ranging from three months to one year in the perpetration location of the violation.
- Deprivation of the engagement in medical professions and affiliated thereto ranging from three months to one year throughout the country.
- Deprivation of the engagement in medical professions from over one year to five years throughout the country.
- Permanent deprivation of the engagement in medical professions and affiliated thereto throughout the country.

**Note 2:** The relevant by-laws shall remain valid and take into effect. Any change is made upon the approval of the Supreme Council of the Medical Council, if required.

**Article 29-** Together with the Inferior Disciplinary Board, the members of the Public Prosecutor's Office comprising the Prosecutor and the required number of the assistant-prosecutor are elected by members of the Board and with the decree of the President of the Council, upon the discretion of the Supreme Council.

**Note 1:** The assistant-prosecutors should have at least five years of engagement record in medical professions or affiliated thereto and the Prosecutor should have at least seven years of engagement record in medical professions, too.

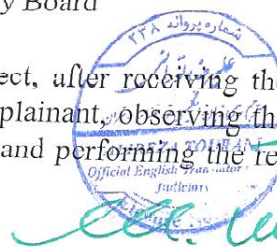
**Note 2:** The assignment term of the members of Public Prosecutor's Office is till the end of the Board term of office.

**Note 3:** Prosecutor can elect one of the assistant-prosecutors as his first deputy in order to fulfill the assigned duties.

**Article 30-** The disciplinary prosecutor's office is obliged to commence the verification in the following cases:

- Lodging any complaint by the beneficiary complainant or guardian or legal representative of the patient.
- Announcing the violation by the judicial and administrative authorities.
- Announcing the violation by the Board, Supreme Council and President of the council.
- Lodging any complaint by Ministry of Health and Medical Education.
- Concerning the tangible violations seen by members of the prosecutor's office and the medical disciplinary boards.
- Referring the case by the Inferior Medical Disciplinary Board

**Article 31-** Public prosecutor's office shall verify the subject, after receiving the complaint and taking the proper actions including investigation of the complainant, observing the relevant deeds and documents and inquiry from the well-informed persons and performing the required tests and





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examinations and attracting the expert's attention. In the event that he believes to follow up the subject, an indictment is drawn up, after attracting the agreement of the public prosecutor or his first deputy and the case file is forwarded to the Inferior Disciplinary Board for trial.

**Article 32-** Indictment should contain the complete particulars of the violator, date and place of violation, manner of perpetration and the relevant reasons.

**Article 33-** If the public prosecutor's office believes not to pursue the violator due to non-occurrence of the violation or lack of reason, and if he issues the prosecution prohibition order with the approval of the public prosecutor and announces the facts to the complainant or the relevant authority notifying the right of complaint. Such order can be examined in the Inferior Disciplinary Board within 20 days as from date of notice to the beneficiary and if the prosecution prohibition order is cancelled, the Inferior Disciplinary Board shall personally verify the subject and an appropriate award will be issued.

**Article 34-** If any of the parties to the complaint shall protest to the award issued by the Inferior Disciplinary Board, the case file is referred to the provincial appeal Board for rehearing.

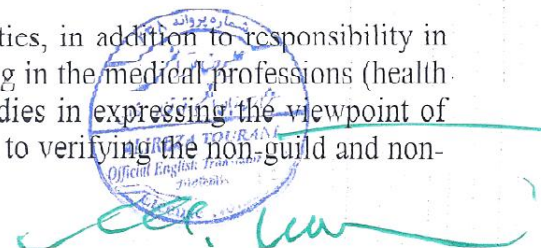
**Article 35-** Inferior Disciplinary Board shall verify the guild and professional violations of the Boards of Medical Council. It is a competent authority with the responsibility of vetting to guild and professional violations of health care professionals and affiliated thereto which is sent by disciplinary prosecutor's office, according to the procedural code. The disciplinary punishments suitable for them will be prescribed by a 13-people Board as follows:

- A) A judge introducing the Head of the Judiciary
- B) A coroner in the relevant city or his representative
- C) Five physicians in the relevant city
- D) A dentist in the relevant city
- E) A pharmacist in the relevant city
- F) A specialist of laboratory science or doctor of laboratory science – Pathology Diagnosis (Clinical Laboratory Doctors) in the relevant city.
- G) A licenced bachelor's degree in the medical group or higher in the relevant city
- H) A nurse upon the proposal of the Nursing Council
- I) A bachelor's degree in the midwifery group or higher in the relevant city

**Note 1:** The persons subject of items c, d, e, f, g, h and I of this article who profess to the Mohammedan religion and with good-reputation in the relevant city and at least five years of experience in the relevant profession, are appointed upon the proposal of the Board of Medical Council in the relevant city and also confirmation and decree of the President of the council. Maximum one out of the said persons with the abovementioned conditions can be appointed among persons professing to one of the religions prescribed in the Constitution of the Islamic Republic of Iran.

**Note 2:** The persons subject of items g, h and I will be a member of the Inferior Disciplinary Board merely in examining the files relating to their field upon the discretion of the Chairperson of the Board in the relevant city.

**Note 3:** Any of the Inferior Medical Disciplinary Boards in cities, in addition to responsibility in hearing the guild and professional violations of persons engaging in the medical professions (health care professionals) and affiliated thereto, are the competent bodies in expressing the viewpoint of expert and specialist to the judicial competent bodies in relation to verifying the non-guild and non-





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professional violations and penalties of persons engaging in the medical professions and affiliated thereto.

**Note 4:** Any of the Inferior Medical Disciplinary Boards can, for examining the guild and professional violations, request the viewpoints of the experts of the professional and advisory commissions of the medical council in the relevant city, the said commissions are obliged to submit their expert viewpoints to the Inferior Disciplinary Boards not later than 15 days.

**Note 5:** In the event that any of the parties or their legal representatives shall protest to the expert viewpoint of the inferior Board concerned, the court and public prosecutor's office can, if required, inquiry the viewpoint of the medical disciplinary appeal Board of the province and/or disciplinary Supreme Board of the Medical Council as a professional authority concerned.

**Article 36-** In order to rehear the files which may be protested by any of the parties after issuing the judgement of the Inferior Disciplinary Boards, a Board entitled "Provincial Disciplinary Appeal Board" is organized in the location of the medical council of the province center city with the following composition:

- a) A judge of Provincial Appellate Courts introducing the Head of the Judiciary
- b) Director-General of Legal Medicine Org. in the relevant province
- c) Five Physicians in the relevant province
- d) A dentist in the relevant province
- e) A pharmacist in the relevant province
- f) A specialist of laboratory science or professional doctor of laboratory science in the relevant province.
- g) A licenced bachelor's degree in the medical group or higher in the relevant province
- h) A bachelor's degree in the midwifery group or higher in the relevant province
- i) A nurse in the relevant province upon the proposal of the Nursing Council.

**Note 1:** The persons subject of items c, d, e, f, g, h and I of this article who profess to the Mohammedan religion, with good-reputation in the relevant province and at least seven years of experience in the relevant profession, are appointed upon the proposal of Provincial Coordination Council and the decree of the President. They will be dismissed by President.

Maximum one out of the said persons with the abovementioned conditions can be appointed among persons professing to one of the religions prescribed in the Constitution of the Islamic Republic of Iran.

**Note 2:** The persons subject of items g, h and I will be a member of the Disciplinary Appeal Board in examining the files relating to their field upon the discretion of the Chairman of the Coordination Council in the relevant province.

**Article 37-** The judgments passed by Medical Disciplinary Appeal Boards of the province shall be made final up to punishments specified in items a, b and c of Note 1 of article 28.

**Article 38-** In order to examine the protests and complaints to be raised by the legal entities as to the procedure of Inferior and Appeal Disciplinary Boards, subject of articles 35 and 36 hereto, Supreme Disciplinary Boards with the following composition are organized in the central administration of the Medical Council for high supervision on Inferior and Appeal Disciplinary Boards and making coordination between them and also appeal in judgments issued by Appeal Disciplinary Boards:

- a) A pious and experienced judge introducing the Head of the Judiciary
- b) Chairman of the State Legal Medicine Org. or his plenipotentiary representative
- c) Five Moslem and reputable physicians with at least seven years of experience in the relevant profession.

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- d) One Moslem and reputable dentist with at least seven years of experience in the relevant profession.
- e) One Moslem and reputable pharmacist with at least seven years of experience in the relevant profession.
- f) One Moslem and reputable specialist and/or doctors of laboratory science- pathology diagnosis with at least seven years of experience in the relevant profession.
- g) One Moslem and reputable licenced bachelor's degree or higher with at least seven years of experience in the relevant profession.
- h) A Nurse upon the proposal of the Nursing Council
- i) One Moslem and reputable midwifery bachelor's degree or higher with at least seven years of experience in the relevant profession.

Maximum one out of the said persons with the abovementioned conditions can be appointed among persons professing to one of the religions prescribed in the Constitution of the Islamic Republic of Iran.

**Note 1:** Supreme Council can assign and delegate the responsibility of verifying the guild and professional violations of the persons engaging in medical professions (health care professionals) and affiliated thereto, to one Inferior Disciplinary Board.

**Note 2:** The persons stipulated in items c, d, e, f, g, h and I of this article are appointed upon the proposal of the President of the council and approval of supreme council of the Medical Council with the decree of President of the Council for a term of four years. The President can dismiss them prior to expiration of the four years. They can be re-elected.

**Note 3:** The persons mentioned in items g, h and I must appear at Supreme Board when the case files relating to their field are examined upon the discretion of the Chairman of the Supreme Disciplinary Board.

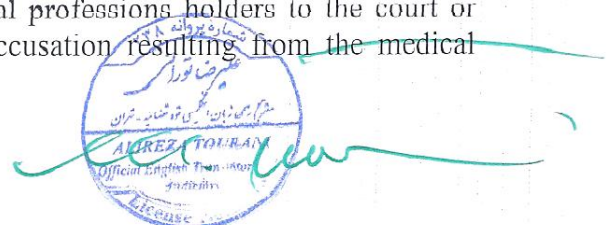
**Article 39-** Upon the decision of the Supreme Council, maximum five branches of the Inferior and Appeal Disciplinary Boards can be organized.

**Article 40-** If the President of the Medical Council of the Islamic Republic Iran shall find the final judgments of the Inferior and Appeal Disciplinary Boards of the province contrary to the law, he can request the High Board for re-hearing. The judgement of High Board is made final.

**Article 41-** Inferior Disciplinary Boards of the Medical Council in any city are obliged to express their expert, professional & advisory opinion in respect of any of the files relating to verifying the misdemeanor accusation resulting from the medical professions, and submit it to the courts and public prosecutor's offices in the relevant cities.

**Note 1:** The expressing the expert, professional & advisory opinion of the Inferior Disciplinary Boards of the Medical Council in any cities to the courts and prosecutor's offices about the files relating to verifying the misdemeanor accusation resulting from the medical professions, should not exceed over two months as from date the courts and prosecutor's office of the relevant city are requested.

**Note 2:** The courts and public prosecutor's offices of the Islamic Republic of Iran in any city should inform the Inferior Disciplinary Board of the Medical Council in the relevant city of the facts at least 48 hours before subpoenaing and arresting any medical professions holders to the court or public prosecutor's office for verifying the misdemeanor accusation resulting from the medical professions.





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**Article 42-** Supreme Council of the Medical Council can organize the professional and advisory commissions for better implementation of the duties of the council as prescribed in this law. The type of commission, their composition and procedure will be specified as per an instruction to be prepared by President and after the approval of the Supreme Council of Medical Council.

**Article 43-** The required credit for implementation of this law is provided by the following credits:

- Credits and assets available in the Medical Council of the Islamic Republic of Iran and Medical Council of Cities.
- Annual membership fee of the Medical Council's members
- Voluntary aids of the government, Institutions and volunteers.
- Providing the credit from the resources which are acquired owing to activities of this law and/or approval of the supreme council.

**Article 44-** All by-laws and instructions relating to implementation of this law are prepared by Supreme Council, and till before its final approval, the previous by-laws shall remain valid.

**Article 45-** Ministry of Health and Medical Education can delegate the whole or a part of its liability in relation to CME Program, organizing the examinations in the various levels and evaluation and supervision on the education and treatment to the Medical Council. In such case, the relevant credits will be paid to the Medical Council.

**Article 46-** Structure and formations of the Medical Council of the Islamic Republic of Iran and its detailed formations and the employment regulations of the personnel will be proposed by the President and to be approved by the Supreme Council. All criminal and administrative affairs of the council will be carried out, according to the formations approved.

**Article 47-** The whole or that part of the laws which are inconsistent with this law shall be regarded null and void. The previous by-laws and regulations which correspond with this law shall remain valid till approving the new by-law and regulations.

The present law comprising 47 articles & 50 notes was approved in open session of the Islamic Consultative Assembly on Tuesday dated Apr.14.2004. Item d of article 23, subnote 1 of article 35, note 1 of article 36 and sub-article 38, items c, d, e, f, g and h of article 38 were amended and approved by Expediency Council on Nov.7.2004.

Mr. Gholamali Haddad Adel  
Speaker of the Islamic Consultative Assembly





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### Addendum No. 139193

Date: Oct.5.2005

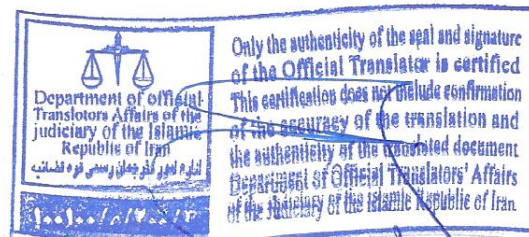
Attn.: Dr. Mahmoud Ahmadinejad  
President of the Islamic Republic of Iran

Referring to letter no. 35422 dated Sept.7.2005 by Legal and Majlis Affairs Deputy's Office of the President and as per letter no. 95400 dated Dec.8.2004 as to the Medical Council Law of the Islamic Republic of Iran, the following Note was annexed to the article 40 hereto and it is forwarded in execution of Principle 123 of the Constitution of the Islamic Republic of Iran:

**Note:** Final judgements passed by Inferior and Appeal Boards as well as Supreme Disciplinary Board of the Medical Council can be appealed before Province Appellate Court within one month as from date of notice.

Mr. Gholamali Haddad Adel  
Date: Oct.17.2005  
Speaker of the Islamic Consultative Assembly

True Translation Certified  
March 2014  
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