

## Regulation of Chinese Medicine Practitioners

### Registration System for Chinese Medicine Practitioners

*The Chinese Medicine Ordinance stipulates a registration system for Chinese medicine practitioners (CMPs). This system protects the rights and health of patients, ensures the professional standards and conduct of Chinese medicine practitioners and, hence, establishes the statutory professional status of Chinese medicine practitioners in Hong Kong. A brief summary of the registration system follows.*

According to the Chinese Medicine Ordinance, any person who intends to practice Chinese medicine in Hong Kong must apply for registration with the Chinese Medicine Practitioners Board (The Practitioners Board) of the Chinese Medicine Council of Hong Kong (the council). He/She must have satisfactorily completed such undergraduate degree course of training in Chinese medicine practice, or its equivalent, as is approved by the Practitioners Board, and must have passed the licensing examination conducted by the Practitioners Board, before he/she may apply to become a registered CMP.

Chinese medicine practice has a long history in Hong Kong. Some CMPs had been practising Chinese medicine in Hong Kong for many years before the registration system for CMPs was introduced. In order not to force such CMPs out of practice immediately upon the implementation of the registration system, the Chinese Medicine Ordinance therefore provided for transitional arrangements for the registration of CMPs. Under the transitional arrangements, any CMP who was practising Chinese medicine in Hong Kong on 3 January 2000, may apply to the Practitioners Board

for listing as a listed CMP. The Practitioners Board will assess the practising experience and academic qualifications of all listed CMPs to determine their alternative qualifying requirements for registration. They may be classified into five categories, and may be eligible to apply for registration through one of three channels of "Direct Registration", "Attending the Registration Assessment" and "Attending the Licensing Examination" as follows :

**First Category:** Listed CMPs who have satisfied the Practitioners Board of practising Chinese medicine in Hong Kong for a continuous period of at least 15 years immediately before 3 January 2000, will be exempted from the Licensing Examination and Registration Assessment, and may directly apply to become a registered CMP.

**Second Category:** Listed CMPs who have satisfied the Practitioners Board of practising Chinese medicine in Hong Kong for a continuous period of at least 10 years (but less than 15 years) immediately before 3 January 2000, and have obtained a qualification acceptable to the Practitioners Board, may be exempted from the Licensing Examination and the Registration Assessment, and may directly apply to become a registered CMP.



**Third Category:** Listed CMPs who have satisfied the Practitioners Board of practising Chinese medicine in Hong Kong for a continuous period of at least 10 years immediately before 3 January 2000, but have not obtained a qualification acceptable to the Practitioners Board, will be exempted from the Licensing Examination, but they must pass the Registration Assessment before they may apply to become a registered CMP. If they fail in the Registration Assessment, they will be required to take the Licensing Examination.

**Fourth Category:** Listed CMPs who have satisfied the Practitioners Board of practising Chinese medicine continuously in Hong Kong for less than ten years immediately before 3 January 2000, and have obtained a qualification acceptable to the Practitioners Board, will be exempted from the Licensing Examination, but they must pass the Registration Assessment before they may apply to become a registered CMP. If they fail in the Registration Assessment, they will be required to take the Licensing Examination.

**Fifth Category:** Listed CMPs who have satisfied the Practitioners Board of practising Chinese medicine continuously in Hong Kong for less than ten years immediately before 3 January 2000, but have not obtained a qualification acceptable to the Practitioners Boards, will be required to pass the Licensing Examination before they may apply to become a registered CMP.

In accordance with the Chinese Medicine Ordinance, a listed CMP who has yet to be registered may continue to practise in Hong Kong by the title of listed CMP under the transitional arrangements, until a date to be determined and announced in the Gazette by the Secretary for Health, Welfare and Food.

A registered CMP must apply for a valid practising certificate before he/she is allowed to practise in Hong Kong. The usual validity period of a practising certificate is 3 years. After the expiry of the practising certificate, the registered CMP may apply for renewal of the certificate, provided that he/she has fulfilled the requirements of continuing education in Chinese medicine as determined by the Practitioners Board.

If a registered CMP, or a listed CMP, is suspected of professional misconduct, the Practitioners Board shall hold an inquiry to determine whether he/she is guilty, and if so, to consider setting a punishment, which may include the issuance of a reprimand or warning to the CMP, or removal of his/her name from the respective Register of CMPs, or List of listed CMPs.

The Chinese Medicine Ordinance also provides a system of limited registration of CMP, in order to facilitate the engagement of Chinese medicine experts for performing clinical teaching and research in Chinese medicine in the specified institution.

## Implementation of Registration of Chinese Medicine Practitioners

*Following the promulgation of the List of listed CMPs in 2001, and the completion of assessment on the alternative qualifying requirements for all listed CMPs in 2002, the initial stage of the transitional arrangements for registration of CMP has been implemented. The Practitioners Board approved the first batch of 2,384 listed CMPs as registered CMPs at the end of 2002. It is a milestone of the registration system for CMPs, leading to profession of Chinese medicine being enhanced.*

The Council and the Practitioners Board further implemented the registration system in 2003. The details are as follows :

In 2003, 2,356 CMPs were registered as registered CMPs. Most of them were listed CMPs who passed the Registration Assessment and the first Chinese Medicine Practitioners Licensing Examination in 2003, under the transitional arrangements for registration of CMPs. Among them, 76 persons who were not listed CMPs passed the 2003 Licensing Examination, including the first batch of graduates from a local university. They possessed an undergraduate degree in Chinese medicine practitioners training recognized by the Practitioners Board.

On 31 December 2003, there were 4,738 registered CMPs, 58 registered CMPs with limited registration and 3,227 listed CMPs in Hong Kong. Under the transitional arrangements, the listed CMPs may continue to practise until a date announced by the Secretary for Health, Welfare and Food in the Gazette.

The Practitioners Board and the Registrar of CMPs will regularly publish the List of listed CMPs, and the Register of CMPs, in the Gazette. The general public may also obtain the latest List of listed CMPs and Register of CMPs at the website of the council.

### The System of Limited Registration of Chinese Medicine Practitioners and Approved Institutions

The Chinese Medicine Ordinance provides for a system of Limited Registration of CMPs. This is to enable educational and scientific research institutions, approved by the Practitioners Board, to employ Chinese medicine experts who are not registered CMPs of Hong Kong for the conduct of Chinese medicine clinical teaching and/or research. This system promotes the development of Chinese medicine in Hong Kong.

Based on this principle, successful applicants for limited registration should meet the needs for the



development of Chinese medicine in Hong Kong. They must be senior educational and research personnel, possessing such academic qualifications and experience as may be approved by the Practitioners Board. CMPs with limited registration may only engage in clinical teaching and/or research in Chinese medicine in an employing institution approved by the Practitioners Board. They cannot carry out private practice.

According to the promulgation of the Practitioners Board in the Gazette, six educational and scientific research institutions in Hong Kong may apply, on behalf of the Chinese medicine experts under their employment, for CMPs with limited registration. The six institutions are the University of Hong Kong, the Chinese University of Hong Kong, the Baptist University of Hong Kong, the Hong Kong Polytechnic University, the City University of Hong Kong and the Hospital Authority. As at 31 December 2003, there were 58 registered CMPs with limited registration in Hong Kong.

### Chinese Medicine Practitioners Licensing Examination

Under the long-term arrangements for registration of Chinese medicine practitioners, people who wish to become registered CMPs should have completed such undergraduate degree courses of training in Chinese medicine practice, or equivalent, as are approved by the Practitioners Board, and to pass the Chinese Medicine Practitioners Licensing

Examination. After passing the Licensing Examination, they may apply to be registered CMPs. The basic requirements of the recognized courses of the Licensing Examination as specified by the Practitioners Board are:

- no fewer than 5 years full-time study on Chinese medicine degree courses, or equivalent;
- should include 10 required courses on Chinese medicine as stipulated by the Practitioners Board;
- no fewer than 30 weeks of internship;
- the course is not a correspondence, distance learning or on-line course;
- fulfill the basic requirements of the university and clinical teaching (for example: instructional facilities, instructional management, information on publications, teachers' qualification and admission standards, clinical practice, etc.)

The basic requirements of the recognized courses for taking the Licensing Examination, and the list of the 30 Chinese medicine institutions recognized by the Practitioners Board, are set out in the candidates' handbook and the application form.

#### *Arrangements of 2003 CMP Licensing Examination*

The CMP licensing examination is a unified examination, and it is conducted once every year. Those listed CMPs who are required to undertake the examination under the CMP transitional registration arrangement, and non-listed CMP

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candidates, undertake the same examination. The Practitioners Board has not restricted the number of examination attempts that a candidate may make.

The CMP licensing examination consists of a Part I written examination and a Part II clinical examination. The scope of the examination is described in the examination handbook. For the Part I examination, all questions are multiple-choice questions, which are divided into paper I and paper 2. The syllabus of paper I includes Hong Kong Healthcare System and Regulatory System of Chinese Medicine, Modern Basic Medical Science, History of Chinese Medicine and Various Theories of Chinese Medicine, Ancient Chinese Medical Proses, Basic Theories of Chinese Medicine, Diagnostics of Chinese Medicine, Chinese Materia Medica, Chinese Medicinal Formulary, Canon of Chinese Medicine, Treatise on Exogenous Febrile Diseases, Synopsis of the Golden Chamber, Seasonal Febrile Diseases, Ophthalmology and Otorhinolaryngology of Chinese Medicine, and Health maintenance and preservation of Chinese Medicine. The syllabus of paper II includes 6 subjects covered by the clinical examination, namely Internal Medicine of Chinese Medicine, External Medicine of Chinese Medicine, Gynaecology of Chinese Medicine, Paediatrics of Chinese Medicine, Acupuncture and Moxibustion, and Orthopaedics and Traumatology of Chinese Medicine. The clinical examination is conducted in the form of an

interview and includes two cases - a complete case and an incomplete case. The purpose of the clinical examination is to test the candidates' fundamental knowledge and skill in Chinese medicine. A candidate who passes the written examination is qualified to participate in the clinical examination. Candidates who pass both parts of the examination are thereby qualified to apply for registration as registered CMPs.

The first CMP licensing examination was conducted in 2003. The application period for non-listed CMP candidates was from 2 to 31 January 2003, whereas the application period for listed CMPs was from 8 April to 24 May 2003. The Practitioners Board received 216 applications from non-listed CMP candidates. It approved 82, and rejected 134 of them. Appeals to the council were made by 61 unsuccessful applicants. The council heard the appeals in August 2003, and decided that 17 appellants fulfilled the qualifications for undertaking the examination. In addition, 1,347 listed CMPs applied to undertake the examination.

The written examination paper I and paper II of the 2003 CMP licensing examination was conducted on 15 and 18 August 2003. 1,442 candidates enrolled for the examination, including 1,347 listed CMPs and 95 non-listed CMP candidates. 1,408 candidates took the examination, with a turn-up rate of 98 per cent and a passing rate of 47 per cent.



652 candidates, including 567 listed CMP candidates and 85 non-listed CMP candidates enrolled for the clinical examination, which was conducted from 22 September to 13 October 2003. 650 candidates attended the clinical examination, with a turn-up rate of 99.7 per cent. The passing rate was 82.3 per cent.

In total, 1,408 candidates participated in the 2003 CMP Licensing Examination, with 535 of them passing the examination, producing an overall pass rate of 38 per cent.

#### *Arrangements of the 2004 CMP Licensing Examination*

The Practitioners Board published the "Handbook on 2004 Chinese Medicine Practitioner Licensing Examination" in October 2003. It was distributed from the CMC Secretariat and uploaded onto the CMC website. The candidates' handbook sets out the eligibility for taking the examination, application procedures, syllabus of written and clinical examination, format of examination, sample questions, etc. The Practitioners Board accepted applications for taking the 2004 Chinese Medicine Practitioners Licensing Examination from 11 November to 20 December 2003, and the deadline of application for listed CMPs was 31 March 2004. The Practitioners Board delegated the responsibility for assessing the eligibility for taking the 2004 Chinese Medicine Practitioners Licensing Examination to the Examination Committee. Any

applicant aggrieved by the decision of the Examination Committee may request the Practitioners Board to review the decision. If the applicant is still aggrieved by the result of the review, he or she may appeal to the council.

#### *Recognized Degree Courses in Chinese Medicine*

It is stipulated in the Chinese Medicine Ordinance that for any persons who wish to undertake the CMP licensing examination, other than under the transitional registration arrangements, they must have satisfactorily completed an undergraduate degree course of training in Chinese medicine practice (or its equivalent) which is approved by the Practitioners Board. In developing the recognized course requirements, the Practitioners Board made reference to the professional training in Chinese medicine in other regions and the practices of other medical professions.

To ensure the standards of the recognized courses in Chinese medicine, the Committee on Assessment of Chinese Medicine Degree Course (ADCC) assessed Chinese medicine degree courses according to the requirements set down by the Practitioners Board, and made appropriate recommendations to the Practitioners Board. ADCC members include members of the Practitioners Board, experienced practitioners, and persons from local universities.

### Registration Assessment

According to the transitional registration arrangements, any listed CMPs who had been practising Chinese medicine in Hong Kong for a continuous period of not fewer than 10 years, or who had obtained a qualification in Chinese medicine practice acceptable to the Practitioners Board by 3 January 2000, may undertake a registration assessment and they may then apply for registration as a registered CMP on passing the assessment. The assessment was conducted in the form of an interview to assess the basic professional knowledge and skills of the candidates. The syllabus includes Basic Theories of Chinese Medicine, Diagnostics of Chinese Medicine, Chinese Materia Medica, Chinese Medicinal Formulary, Internal Medicine of Chinese Medicine, External Medicine of Chinese Medicine, Gynaecology of Chinese Medicine, Paediatrics of Chinese Medicine, Orthopaedics and Traumatology of Chinese Medicine and Acupuncture and Moxibustion. The scope of the assessment was described in the "Handbook of Chinese Medicine Practitioners Registration Assessment". In the first part of the assessment, a candidate was assessed on basic knowledge of Chinese medicine. In the second part of the assessment, a candidate was assessed on the clinical knowledge of his/her main area of practice, as reported by him/ her.

The Registration Assessment was conducted in January to February 2003, with an enrollment of 2,293 listed CMPs. The Practitioners Board subsequently conducted the second Registration Assessment in October 2003, for those listed CMPs who did not participate in the first assessment. Unless under the very special circumstance, the Practitioners Board decided that no more registration assessments would be organized in future. Those listed CMPs who were eligible for undertaking the assessment would henceforth be required to undertake, and pass, the licensing examination, before he/she is qualified to apply for registration as a registered CMP. In 2003, 2,337 listed CMPs participated in the Registration Assessment. The turn up rate was 96%, and 1,869 listed CMPs passed the assessments and the pass rate was 83%.

### System on Continuing Education in Chinese Medicine by Registered CMPs

The requirement for continuing education in Chinese medicine (CME) is an integral component in the registration system of CMPs. Under sections 76 and 82 of the Chinese Medicine Ordinance, registered CMPs can renew their practising certificates only if they have fulfilled the requirements of continuing education in Chinese medicine, as set out by the Practitioners Board. Under a unified and systemic continuing education system, this aims to require all registered CMPs,



through continuing education, to upgrade their professional knowledge and skills, to grasp the latest development of their profession and practising area, and thereby to maintain high professional standards. In 2003, the Practitioners Board discussed intensively the plan of the continuing education system for registered CMPs. The Practitioners Board considered the views from the profession, including major local CMPs associations, some local CMPs training institutes and individual CMPs, as well as the actual practising situation of CMPs, the statutory requirements, and the spirit of such a continuing education system. Moreover, the Registration Committee under the Practitioners Board, through the seminars held in January and June 2003, solicited the views of representatives of major local CMPs associations on the continuing education system. Having consolidated various views, and considered the circumstance of the profession, the Practitioners Board drew up the framework and requirements of the continuing education system.

The proposed overall structure of the continuing education system comprises the Practitioners Board, the recognized CME Administrators and CME Programme Providers and the registered CMPs. The CME Administrators and CME Programme Providers, recognized by the Practitioners Board, would be performed by the appropriate local CMPs associations and local CMPs training institutes respectively. Each registered

CMP must join a recognized Administrator for setting up his/her personal database of CME. All registered CMPs must gain the required CME scores, within the CME cycle set by the Practitioners Board, by participating in CME activities or programmes, including CME courses, seminars, academic conferences, publishing thesis or publications, self-study, etc. The CME Administrators are responsible for recording and managing the database of CME for its registered CMPs, and the CME Programme Providers are responsible for conducting CME courses and activities for registered CMPs. The Practitioners Board will further consult the profession on the proposed model and requirements of the continuing education system.

### Reference Guide on Issuance of Sick Leave Certificate by Registered Chinese Medicine Practitioners

A registered CMP is a medical professional, with statutory professional status. The Labour Department intends to amend employee compensation law to recognize the medical functions that can be performed by a registered CMP, including the issuance of sick leave certificates. To prepare registered CMPs for taking up the statutory medical functions, the Practitioners Board, with assistance from the Department of Health, approached eleven local Chinese medicine associations and formed a liaison group in early 2003, for formulating a reference guide on the

issuance of sick leave certificates by registered CMPs. In mid-2003, the liaison group consulted over 40 local Chinese medicine associations and the Labour Department on the draft reference guide, which covered issues to note on the issuance of sick leave certificates, common illnesses presented to CMPs, suggested duration of sick leave, etc. The reference guide was finalized at the end of 2003 and will be distributed to all registered CMPs in early 2004. The guide is simply a reference for registered CMPs, related employers and insurance bodies, but without statutory status.

### Qualifications and Titles to be Published by Registered CMPs

It is stated in the "Code of Practice for registered Chinese medicine practitioners in Hong Kong" that registered CMPs may publish their recognized qualifications and titles approved by the Practitioners Board, by dissemination of information to the general public via signs, signboards, stationery, newspaper announcements, telephone directories and internet websites.

The Practitioners Board has conducted thorough discussions in formulating policies on the qualifications and titles allowed to be published by registered CMPs. The Practitioners Board has considered various aspects, including the requirements and spirit as set out in the Code of Practice for registered Chinese medicine practitioners in Hong Kong; the qualifications

obtained by registered CMPs at this stage; historical factors and the actual development of training in Chinese medicine; requirements of professional standards on the qualifications and titles to be displayed; the provisions of the Chinese Medicine Ordinance; the future development of the Chinese medicine profession; and similar rules and requirements as set out by other medical professionals. However, due to wide range of standards of the qualifications and titles presently held by the registered CMPs, it is difficult for the profession to work out a standard that could be readily accepted by the whole profession. In order to avoid causing confusion to the public, and considering the fact that the title of "Registered Chinese Medicine Practitioner" can well reflect the professional qualification of the registered CMPs, the Practitioners Board decided that registered CMPs could publish only the title of "Registered Chinese Medicine Practitioner" as stipulated in the Ordinance in their practice promotions, as specified in the "Code of Practice for Registered Chinese Medicine Practitioners in Hong Kong".

### Disciplinary Matters of Chinese Medicine Practitioners

#### *Practice Conduct of Registered CMPs and Listed CMPs*

The Practitioners Board has compiled a "Code of Practice for Registered Chinese Medicine Practitioners in Hong Kong" and "Code of Practice for Listed Chinese Medicine Practitioners" in order to uphold professional standards, as well as the



practice conduct of the registered CMPs and listed CMPs. The codes set out the requirements to which the CMPs should comply, in respect of professional responsibility, professional ethics, practising criteria, medical practice and practice promotion. In order to enhance the CMPs' understanding of the practising criteria, the Practitioners Board will keep the CMPs informed of points to note through the newsletter issued by the board from time to time. It is expected that the CMPs will contribute to the good establishment of their professional image by virtue of their professional self-discipline.

#### *Handling Procedure of Alleged Non-compliance of the Code of Practices by CMPs*

Upon receipt of complaints from the public, referrals from law enforcement departments or media institutions, the Practitioners Board will refer cases to the Disciplinary Committee if non-compliance of the Codes of Practice for CMPs are alleged. The Disciplinary Committee will act in accordance with the procedures stipulated in the Code of Practice for Registered Chinese Medicine Practitioners in Hong Kong and the Code of Practice for Listed Chinese Medicine Practitioners, by requesting the complainant to make clarifications or furnish evidence about the complaint or information, and to invite the CMPs to submit their explanations, or responses, accordingly. Having considered all the materials, the Disciplinary Committee will not refer the cases to the Practitioners Board should the complaint be

considered frivolous or groundless. Otherwise, the complaints will be referred to the Practitioners Board for inquiry to decide on whether the alleged professional misconduct of the CMPs is substantiated.

According to the Chinese Medicine Ordinance, the inquiry held by the Practitioners Board should be conducted by the Board comprising not fewer than five members (of which one must be a lay member) of the Practitioners Board. The Practitioners Board may, in its discretion, order the removal of the name of the registered CMPs from the Register, reprimand or warn the registered CMPs, etc. The Practitioners Board may also remove the name of listed CMPs from the List of listed CMPs, should listed CMP be found guilty of contravening the Code of Practice for Listed Chinese Medicine Practitioners.

#### *Figures on Disciplinary Cases*

In 2003, a total of 321 disciplinary cases were referred to the Disciplinary Committee for follow up. The majority of cases were involved in practice promotion or canvassing, and the rest related to practising criteria, medical practice and previous conviction, etc. The Disciplinary Committee handled 163 disciplinary cases within the year, whilst the remaining 158 cases were carried forward to 2004. Refer to Statistics Table II for the detailed figures of disciplinary cases.

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### *Applicants with Previous Conviction Applying for Registration as Registered CMPs*

Apart from processing disciplinary cases of registered CMPs and listed CMPs, the Disciplinary Committee also has to process applications for registration as registered CMPs in relation to applicants with previous convictions. When it comes to the notice of the Practitioners Board that an applicant may have been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment, the Board shall refer the case to the Disciplinary Committee. The Disciplinary Committee will obtain further clarifications, evidence or statutory declarations as necessary, and also invite the applicant to submit to the Committee his/her representations. Having considered all the materials, the Disciplinary Committee may either ask the Practitioners Board to hold an inquiry on the application, or recommend to the Board that the applicant is suitable for registration without such inquiry. So far the Practitioners Board has referred 139 applications to the Disciplinary Committee for screening and the Committee has finished processing 92 applications, with the rest of 47 applications being carried forward to 2004.

### *Inquiries held by the Practitioners Board*

In accordance with the recommendations made by the Disciplinary Committee, the Practitioners Board has held inquiries against 24 applications for

registration, who had previous convictions. The Board approved 21 applications after the inquiries, and 3 applications were rejected.

The Practitioners Board has also held inquiries against 2 disciplinary cases in 2003: both CMPs involved were listed CMPs. One of the cases is related to practice promotion conducted by a listed CMP - he was found guilty of failing to comply with the Code of Practice for Listed Chinese Medicine Practitioners. The other inquiry related to previous convictions punishable with imprisonment has yet to be completed, and that case has been carried forward to 2004.

### *Communication with the Chinese medicine profession and the general public*

To enhance communication within the profession, the Practitioners Board published three issues of the Newsletter of the Chinese Medicine Practitioners Board in April, June and October 2003. The newsletters were to convey messages to CMPs and to consult the profession on important issues. Members of the editorial board include Mr. Lam Kar Wing, Mr. Gan Fock Wai and Professor Lai Ki Leuk.



## Homepage of the council

To facilitate the Chinese medicine professionals and the public in better understanding the content of the regulatory framework of Chinese medicine, and details of the regulatory measures, the council set up its website at [www.cmchk.org.hk](http://www.cmchk.org.hk) in 2001. The website mainly provides the following sections:

- Latest News
- Introduction of the Council
- Chinese Medicine Ordinance
- Regulation of CMPs and Chinese medicines
- List of Registered CMPs
- List of Listed CMPs
- Addresses of Listed CMPs
- Development of Chinese Medicine in Hong Kong
- Frequently Asked Questions
- Related Publications

Following the implementation of systems of Chinese medicines traders licensing and registration for proprietary Chinese medicines by the council from 2003, the following information was added to the Council's homepage for public viewing:

- Licensing of Chinese Medicine Traders
- Registration of Proprietary Chinese Medicines
- The Import & Export Control on Chinese Medicines
- Fees
- Right of Appeal

The council will update the information on the homepage regularly, to keep the public informed of the latest information.

## 24-hour Telephone Enquiry Service

The council, through the Chinese Medicine Division of the Department of Health's 24-hour enquiry hotline service (2574 9999), provides information on regulatory measures and health education of Chinese medicine. During office hours, staff are available to answer further enquiries. Members of the public who call may choose to listen to a selection of pre-recorded messages, or to obtain relevant information on Chinese medicine by fax.