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Law Number: 3131	Promulgation Date: 08/08/2005
Promulgated by: EDUARDO RODRIGUEZ VELTZE	Gazette Number: Pages: 4 - 9
Title: LAW OF MEDICAL PROFESSIONAL EXERCISE.	Status: Current

LAW No. 3131

LAW OF AUGUST 8, 2005

EDUARDO RODRIGUEZ VELTZE

CONSTITUTIONAL PRESIDENT OF THE REPUBLIC

Inasmuch as, the Honorable National Congress, has sanctioned the following Law:

THE HONORABLE NATIONAL CONGRESS,

DECREES:

LAW OF MEDICAL PROFESSIONAL EXERCISE

CHAPTER I

OBJECT AND SCOPE OF APPLICATION

ARTICLE 1. (Object of the Law). The purpose of this Law is to regulate the Professional Medical Practice in Bolivia.

ARTICLE 2. (Scope of Application). This Law shall be applied in the National Health System, made up of the sectors: Public; Social Security; Private not-for-profit and Private for-profit, legally authorized.

CHAPTER II

PRINCIPLES AND DEFINITIONS

ARTICLE 3. (Principles).

- a) The medical profession is dedicated to the defense of life, comprehensive health care for the person, family and community.
- b) The doctor exercises a work within the framework of the probability of all science to obtain probable results.
- c) The doctor in the exercise of his profession will act with autonomy and independence, guided by rules and protocols current.
- d) In the medical professional practice, including in the teaching of medicine, medical secrecy is inviolable except for those exceptions provided for in this Law.

ARTICLE 4. (Definitions).

MEDICAL ACT: All professional intervention of the doctor supported by protocols and regulations in force with quality and warmth human.

QUALITY MANAGEMENT: Effective compliance with the legislation, techniques and procedures in force in all medical acts.

IATROGENY: Unexpected result of the application of techniques and drugs.

IDIOSYNCRASIA: Unpredictable result of the application of drugs, dependent on factors of the person.

INSTITUTIONALIZATION: Mandatory administrative procedure for the admission and promotion of doctors in the condition of dependents, by means of a merit contest and competence examination.

GENERAL DOCTOR: Medical professional who, having completed higher studies at legally recognized universities,

He has an Academic Diploma and Title in National Provision, issued by competent authorities.

RESIDENT DOCTOR: Medical professional in training in a specialty, subject to a work regime and academic activity special.

SPECIALIST DOCTOR: Medical professional who has completed his specialization studies in one of the branches of medicine recognized by the Ministry of Health and accredited by the Bolivian Medical College.

EXPERTISE: It is the scientific and technical medical evaluation of the conditions related to a questioned fact, carried out by recognized physicians designated by the competent authority.

MEDICAL SECRET: All information identified during the medical act about the patient's health or illness, his or her treatment and all other personal information must be kept secret, even after death, to safeguard

of the dignity of the patient.

CHAPTER III

MEDICAL ORGANIZATIONS

ARTICLE 5. (Collegiate Entity). The Medical College of Bolivia is the highest organizational, scientific, union and of professional improvement of the medical corps, is governed by the Political Constitution of the State, the Laws of the Republic, its Statutes and Regulations.

ARTICLE 6. (Supervision and Control). The Ministry of the Health area is responsible for the supervision and control of the medical professional practice in coordination with the Bolivian Medical College.

CHAPTER IV

OF THE MEDICAL EXERCISE AND THE FUNCTIONS

ARTICLE 7. (Professional Registration). For professional practice, the doctor must be registered in the Ministry of the health area.

ARTICLE 8. (Functions of the Professional Exercise). The professional medical practice has the following functions:

- a) Health promotion.
- b) Prevention of the disease.
- c) Recovery of health.
- d) Rehabilitation of the patient.

ARTICLE 9. (Related Activities). The following activities are related to professional practice:

- a) Forensic Medicine,
- b) Expertise,
- c) Medical Audit, and;
- d) Others of the same nature.

ARTICLE 10. (Official Medical Documents). Under the protection and custody of the health facility they are for use exclusive of the doctor, being the following:

- a) Medical record.
- b) Clinical history.
- c) Informed consent.
- d) Reports on auxiliary diagnostic and treatment procedures.
- e) Medical certificate.
- f) Medical reports.
- g) Certificate of stillbirth.
- h) Live birth certificate.
- i) Death certificate.
- j) Autopsy protocol.
- k) Expert report.
- l) Anesthetic sheet.
- m) Consultations.
- n) Description of the surgical procedure.
- o) Epicrisis.
- p) Transfers.
- q) Medical legal reports.
- r) Medical prescriptions.

CHAPTER V

RIGHTS AND DUTIES OF THE DOCTOR

ARTICLE 11. (Rights of the Doctor). Every doctor has the right to:

- a) Fair remuneration.
- b) A dignified treatment of the patient, his family and the community.
- c) Work in adequate conditions for the performance of their duties.
- d) Exercise the profession freely and without pressure.
- e) That their medical, diagnostic and therapeutic criteria and their prescriptive freedom be respected, as well as their probable decision to decline the care of a patient, provided that such aspects are supported on ethical, scientific and current protocols.
- f) Receive training and updating from your institution.

ARTICLE 12. (Duties of the Doctor). The duties of the medical professional are:

- a) Comply with the ethical principles of the Declaration of Geneva, approved by the World Medical Association.
- b) Be enrolled in the Medical College of Bolivia.
- c) Collaborate with the authorities of the National Health System in case of epidemics, disasters and emergencies.
- d) Respect the express consent of the patient, when he / she rejects the treatment or hospitalization that has been given to him / her. indicated.
- e) Be guided by official protocols complying with technical standards established by the Ministry of Health.
- f) In an emergency, no doctor, health center, hospital or clinic may deny your basic care.
- g) Provide care when a person is in imminent danger of death even without express consent.
- h) Grant the benefits of medicine to anyone who needs them, without any distinction and without limitations other than those indicated by law.
- i) Inform the patient, or legal guardians, prior to their intervention, about the risks that the medical act.
- j) Comply with the completion of the official medical documents indicated in this Law.
- k) Keep medical secrecy, even if the provision of their services has ceased.
- l) Continuous medical training, for this they must undergo training programs and periodic updating of knowledge that the Bolivian State will define in a mandatory way.

CHAPTER VI

RIGHTS AND DUTIES OF THE PATIENT

ARTICLE 13. (Rights of the Patient). Every patient has the right to:

- a) Receive humanized and quality medical care.
- b) Dignity as a human being and respect for their ethnic-cultural beliefs and values.
- c) Confidentiality.
- d) Medical secret.
- e) Receive adequate and timely information to make decisions freely and voluntarily.
- f) Free choice of your doctor, according to institutional availability.
- g) Claim and report if you consider that your human rights have been violated during medical care.
- h) Have a schedule and enough time for adequate care.
- i) Respect for your privacy.
- j) Fair and equitable treatment without prejudice to their socioeconomic, ethnic, cultural, gender and generational status.
- k) Request the opinion of another doctor at any time.
- l) Refusing to participate in research or teaching medicine, except in situations established by law.
- m) Support medical practice as volunteers in the treatment of serious diseases and help their rehabilitation.

ARTICLE 14. (Duties of the Patient). Every patient has a duty to:

- a) Dignified and respectful treatment of your doctor.
- b) Comply with the prescriptions and medical indications in a timely and disciplined manner.
- c) Communicate truthfully and completely your health, personal and family history.

CHAPTER VII

MEDICAL AUDIT

ARTICLE 15. (Medical Audit). The medical audit is an analytical, evaluative technical procedure, of a character preventive and corrective, in order to issue an independent opinion, report or certification regarding the medical act and the management of quality of health services.

ARTICLE 16. (Accredited Auditors). The medical audit will be performed exclusively by medical professionals duly accredited as medical auditors by the Ministry of the Health area in coordination with the Medical College of Bolivia, with the support of other professionals in certain circumstances.

ARTICLE 17. (Disclosure of the Medical Secret). The doctor is exempted and exempted from keeping the medical secret in the following cases:

- a) When the patient or their legal representative expressly authorizes the doctor to disclose it.
- b) When he acts in the performance of his functions as a forensic doctor at the request of the competent authority.
- c) In the case of notifiable disease cases.
- d) When the health of the family and the community are at imminent risk.
- e) In the case of minors, parents, relatives or those responsible for them may not disclose the information about your medical condition except to comply with the provisions of legal regulations.
- f) When the Law expressly provides.

CHAPTER VIII

MEDICAL CONCILIATION AND ARBITRATION

ARTICLE 18. The Medical Institute of Conciliation and Arbitration is created, which regulates the relationship of medical conflict - patient dealing with their controversies, having to be regulated by Supreme Decree in its structure and operation.

FINAL PROVISIONS

SOLE ARTICLE. The Executive Power will regulate this Law, with the participation of the Bolivian Medical Association, in a period of no more than 60 days from the date of its publication.

Refer to the Executive Branch, for constitutional purposes.

It is given in the Hall of Sessions of the Honorable National Congress, on the nineteenth day of the month of July of two thousand five years.

Signed. Hormando Vaca Díez Vaca Díez, Mario Cossío Cortez, Juan Luis Choque Armijo, Gonzalo Chirveches Ledezma, Erick

Reyes Villa B., Ernesto Poppe Murillo.

Therefore I promulgate it so that it is kept and fulfilled as a Law of the Republic

Government Palace of the city of La Paz, on the eighth day of August two thousand five years.

FOO. EDUARDO RODRIGUEZ VELTZE , Iván Avilés Mantilla, Alvaro Muñoz Reyes Navarro

SOURCE: GACETA