# 2009 ASEAN MUTUAL RECOGNITION ARRANGEMENT ON MEDICAL PRACTITIONERS

1.The objectives of this MRA are to: facilitate mobility of medical practitioners within ASEAN; exchange information and enhance cooperation in respect of mutual recognition of medical practitioners; promote adoption of best practices on standards and qualifications; and provide opportunities for capacity building and training of medical practitioners.

2.Medical Practitioner refers to a natural person who has completed the required professional medical training and conferred the professional medical qualification; and has been registered and/or licensed by the Professional Medical Regulatory Authority in the Country of Origin as being technically, ethically and legally qualified to undertake professional medical practice.

3.Specialist refers to a Medical Practitioner who has the medical specialist training and postgraduate qualification(s) that are recognised by the Country of Origin and has been registered and/or licensed as a specialist if such registration is applicable in the Country of Origin;

4.Foreign Medical Practitioner refers to a Medical Practitioner including Specialist who holds the nationality of an ASEAN Member State, registered to practise medicine in the Country of Origin and applying to be registered/ licensed to practise medicine in the Host Country.

5.Registration refers to registering and/or certifying and/or licensing of the Medical Practitioner within a jurisdiction or may refer to the issuance of a certificate or licence to a Medical Practitioner who has met or complied with specified requirements for registration to practise medicine in the Country of Origin and/or Host Country.

6.Country of Origin refers to the ASEAN Member State where the Medical Practitioner has a current and valid registration to practise medicine.

7.Host Country refers to the ASEAN Member State where a Foreign Medical Practitioner applies for registration to practise medicine.

8.Professional Medical Regulatory Authority (hereinafter referred to as PMRA) refers to a body vested with the authority by the government in each ASEAN Member State to regulate and control Medical Practitioners and their practice of medicine. PMRA in this context refers to the following:

9.Domestic Regulations include laws, by-laws, regulations, rules, orders, directives and policies relating to the practice of medicine issued by the PMRA and/or relevant authorities.

10.Continuing Professional Development (hereinafter referred to as CPD) is the means by which members of the medical profession maintain, develop or improve their knowledge, skills and professional performance.

11.A Foreign Medical Practitioner may apply for registration in the Host Country to be recognised as qualified to practise medicine in the Host Country in accordance with its Domestic Regulations and subject to the following conditions: in possession of a medical qualification recognised by the PMRA of the Country of Origin and Host Country; in possession of a valid professional registration and current practising certificate to practise medicine issued by the PMRA of the Country of Origin;

12.A Foreign Medical Practitioner who satisfies the above conditions shall be recognised as qualified to practise medicine in the Host Country.

13.A Foreign Medical Practitioner who is allowed to practise medicine in the Host Country shall be subjected to Domestic Regulations and conditions which include but are not limited to the following: to be bound by Professional and Ethical Codes of Conduct and standards of medical practice imposed by the PMRA of the Host Country; to be bound by prevailing laws of the Host Country; to subscribe to any requirement for insurance liability scheme in the Host Country; and to respect the culture and religious practice of the Host Country.

14.This MRA shall not reduce, eliminate or modify the rights, power and authority of each ASEAN Member State, its PMRA and other relevant authorities to regulate and control medical practitioners and the practice of medicine. ASEAN Member States, however, should undertake to exercise their regulatory power reasonably and in good faith for this purpose without creating any unnecessary barriers to the practice of medicine.

15.The AJCCM shall formulate the mechanism to carry out its mandate.

16.The ASEAN Member States recognise that any arrangement which would confer exemption from further assessment by the PMRA of the Host Country may be concluded only with the involvement and consent of that PMRA.

17.The ASEAN Member States note that the PMRA of the Host Country has the statutory responsibility of protecting the health, safety, environment, and welfare of the community within its jurisdiction, and may require the Foreign Medical Practitioners seeking the right to practise in the Host Country to submit themselves to some form of supplementary requirements or assessment.

18.The ASEAN Member States recognise that such requirements or assessment shall provide the PMRA of the Host Country with a sufficient degree of confidence that the Foreign Medical Practitioners concerned: are equipped with the necessary skills and expertise consistent with the medical practice, general and/or specialised, that they intend to carry out and undertake in the Host Country; understand the general principles behind applicable Professional and Ethical Codes of Conduct and standards of medical practice in the Host Country and demonstrate an ability to apply such principles in carrying out medical practice in the Host Country; and are familiar with the Domestic Regulations that govern the operation of medical practice in the Host Country.

19.ASEAN Member States shall at all times endeavour to agree on the interpretation and application of this MRA and shall make every attempt through communication, dialogue, consultation and cooperation to arrive at a mutually satisfactory resolution of any matter that might affect the implementation of this MRA.

20.The ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on 29 November 2004, shall apply to disputes concerning the interpretation, implementation, and/or application of any of the provisions under this MRA upon exhaustion of the mechanism in Article 8.1.

21.Any provision of this MRA may only be amended by mutual written agreement by the Governments of all ASEAN Member States.

22.Notwithstanding Article 9.1, any ASEAN Member State may amend its PMRA listed in Article 2.7 as and when necessary without the mutual agreement of the other ASEAN Member States. Any amendment shall be communicated to the other ASEAN Member States through the ASEAN Secretariat in writing.

23.The terms and definitions and other provisions of the GATS and AFAS shall be referred to and shall apply to matters arising under this MRA for which no specific provision has been made herein.

24.This MRA shall enter into force six (6) months after the signing of this MRA by all ASEAN Member States. Any ASEAN Member State that wishes to defer implementation of this MRA shall notify the ASEAN Secretariat in writing of its intention within 6 months from the date of signature and the ASEAN Secretariat shall thereafter notify the rest of the ASEAN Member States. The deferment shall be effective upon notification by the ASEAN Secretariat to the other ASEAN Member States.

25.Any ASEAN Member State which has, pursuant to Article 10.2 of this MRA, given notice of deferment of its implementation, shall notify the ASEAN Secretariat of the indicated date of implementation of this MRA, which shall not be later than 1 January 2010. The ASEAN Secretariat shall thereafter notify the rest of the ASEAN Member States of the indicated date of implementation of this MRA. An ASEAN Member State which does not notify the ASEAN Secretariat of its date of implementation by 1 January 2010 shall be bound to implement this MRA on 1 January 2010.

26.This MRA shall be deposited with the ASEAN Secretariat, who shall promptly furnish a certified copy thereof to each ASEAN Member State.