

# 医師法

## Medical Practitioners' Act

(昭和二十三年七月三十日法律第二百一号)  
(Act No. 201 of July 30, 1948)

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### 第一章 総則

#### Chapter I General Provisions

第一条 医師は、医療及び保健指導を掌ることによつて公衆衛生の向上及び増進に寄与し、もつて国民の健康な生活を確保するものとする。

Article 1 Medical practitioners are to contribute to the improvement and promotion of public health through the administration of medical care and health guidance, and thereby ensure the healthy lives of the citizens.

### 第二章 免許

#### Chapter II Licensing

第二条 医師になろうとする者は、医師国家試験に合格し、厚生労働大臣の免許を受けなければならない。

Article 2 A person who seeks to become a medical practitioner must pass the national examination for medical practitioners and receive a license from the Minister of Health, Labour and Welfare.



働大臣に届け出なければならない。

- (3) A medical practitioner must notify their name, address (and the address of the place the person engages in medical practice), and any other matters specified by Order of the Ministry of Health, Labour and Welfare as of December 31 of every second year as specified by Order of the Ministry of Health, Labour and Welfare, to the Minister of Health, Labour and Welfare through the prefectural governor for the residential location, by January 15 of the following year.

第六条の二 厚生労働大臣は、医師免許を申請した者について、第四条第一号に掲げる者に該当すると認め、同条の規定により免許を与えないこととするときは、あらかじめ、当該申請者にその旨を通知し、その求めがあつたときは、厚生労働大臣の指定する職員にその意見を聴取させなければならない。

Article 6-2 When the Minister of Health, Labour and Welfare finds that a person who has applied for a medical practitioner's license falls under Article 4, item (i) and decides not to grant the person a license pursuant to the provisions of the same Article, the Minister must notify the applicant to that effect in advance, and must have an official designated by the Minister of Health, Labour and Welfare hear the opinion of the applicant when so requested by the applicant.

第七条 医師が、第三条に該当するときは、厚生労働大臣は、その免許を取り消す。

Article 7 (1) When a medical practitioner comes to fall under Article 3, the Minister of Health, Labour and Welfare revokes their license.

2 医師が第四条各号のいずれかに該当し、又は医師としての品位を損するような行為のあつたときは、厚生労働大臣は、次に掲げる処分をすることができる。

(2) When a medical practitioner comes to fall under any item of Article 4 or has acted in a way that damages their respectability as a medical practitioner, the Minister of Health, Labour and Welfare may render the following dispositions:

一 戒告

(i) admonition;

二 三年以内の医業の停止

(ii) suspension from medical practice for up to three years; or

三 免許の取消し

(iii) revocation of license.

3 前二項の規定による取消処分を受けた者（第四条第三号若しくは第四号に該当し、又は医師としての品位を損するような行為のあつた者として前項の規定による取消処分を受けた者にあつては、その処分の日から起算して五年を経過しない者を除く。）であつても、その者がその取消しの理由となつた事項に該当しなくなつたとき、その他その後の事情により再び免許を与えるのが適当であると認められるに至つたときは、再免許を与えることができる。この場合においては、第六条第一項及び第二項の規定

を準用する。

(3) A person who has been rendered a disposition of revocation pursuant to the provisions of the preceding two paragraphs (excluding persons who have been rendered a disposition of revocation pursuant to the provisions of the preceding paragraph as a person who falls under Article 4, item (iii) or item (iv) or who has acted in a way that damages their respectability as a medical practitioner, for whom five years have not elapsed since the date of disposition) may be granted a new license when the person no longer falls under the circumstances which led to the revocation or when it is found appropriate to grant a new license due to subsequent circumstances. In this case, the provisions of Article 6, paragraph (1) and paragraph (2) apply *mutatis mutandis*.

4 厚生労働大臣は、前三項に規定する処分をなすに当つては、あらかじめ、医道審議会の意見を聴かなければならない。

(4) In rendering a disposition as provided for in the preceding three paragraphs, the Minister of Health, Labour and Welfare must hear the opinions of the Medical Ethics Council in advance.

5 厚生労働大臣は、第一項又は第二項の規定による免許の取消処分をしようとするときは、都道府県知事に対し、当該処分に係る者に対する意見の聴取を行うことを求め、当該意見の聴取をもつて、厚生労働大臣による聴聞に代えることができる。

(5) When the Minister of Health, Labour and Welfare seeks to render a disposition to revoke a license pursuant to the provisions of paragraph (1) or paragraph (2), the Minister may request that the prefectural governor hear the opinions of the person subject to the disposition, and the hearing of opinions may be substituted for the hearing of opinions by the Minister of Health, Labour and Welfare.

6 行政手続法（平成五年法律第八十八号）第三章第二節（第二十五条、第二十六条及び第二十八条を除く。）の規定は、都道府県知事が前項の規定により意見の聴取を行う場合について準用する。この場合において、同節中「聴聞」とあるのは「意見の聴取」と、同法第十五条第一項中「行政庁」とあるのは「都道府県知事」と、同条第三項（同法第二十二条第三項において準用する場合を含む。）中「行政庁は」とあるのは「都道府県知事は」と、「当該行政庁が」とあるのは「当該都道府県知事が」と、「当該行政庁の」とあるのは「当該都道府県の」と、同法第十六条第四項並びに第十八条第一項及び第三項中「行政庁」とあるのは「都道府県知事」と、同法第十九条第一項中「行政庁が指名する職員その他政令で定める者」とあるのは「都道府県知事が指名する職員」と、同法第二十条第一項、第二項及び第四項中「行政庁」とあるのは「都道府県」と、同条第六項、同法第二十四条第三項及び第二十七条第一項中「行政庁」とあるのは「都道府県知事」と読み替えるものとする。

(6) The provisions of Chapter III, Section 2 (excluding Article 25, Article 26, and Article 28) of the Administrative Procedure Act (Act No. 88 of 1993) apply *mutatis mutandis* to the case in which hearing of opinions is conducted by a prefectural governor pursuant to the preceding paragraph. In this case, the

term "hearing" in Section 2 is deemed to be replaced with "hearing of opinions," the term "administrative agency" in Article 15, paragraph (1) with "prefectural governor," the terms "administrative agency," "the administrative agency," and "the administrative agency's" in Article 15, paragraph (3) (including as applied mutatis mutandis pursuant to Article 22, paragraph (3)) with "prefectural governor," "the prefectural governor," and "the prefectural governor's" respectively, the term "administrative agency" in Article 16, paragraph (4) and Article 18, paragraph (1) and paragraph (3) with "prefectural governor," the phrase "an official designated by the administrative agencies or other such persons provided for by Cabinet Order" in Article 19, paragraph (1) with "an official designated by the prefectural governor," the term "administrative agency" in Article 20, paragraph (1), paragraph (2), and paragraph (4) with "prefecture," and the term "administrative agency" in Article 20, paragraph (6), Article 24, paragraph (3), and Article 27, paragraph (1) with "prefectural governor."

7 厚生労働大臣は、都道府県知事から当該処分の原因となる事実を証する書類その他意見の聴取を行う上で必要となる書類を求められた場合には、速やかにそれらを当該都道府県知事あて送付しなければならない。

(7) When documents proving the facts leading to the relevant disposition or other documents necessary for conducting a hearing of opinions is requested by a prefectural governor, the Minister of Health, Labour and Welfare must promptly send the documents to the prefectural governor.

8 都道府県知事は、第五項の規定により意見の聴取を行う場合において、第六項において読み替えて準用する行政手続法第二十四条第三項の規定により同条第一項の調書及び同条第三項の報告書の提出を受けたときは、これらを保存するとともに、当該処分決定についての意見を記載した意見書を作成し、当該調書及び報告書の写しを添えて厚生労働大臣に提出しなければならない。

(8) In conducting a hearing of opinions pursuant to the provisions of paragraph (5), when the prefectural governor has received a record as set forth in Article 24, paragraph (1) of the same Act and a written report as set forth in Article 24, paragraph (3) of the same Act, the governor must, pursuant to the provisions of Article 24, paragraph (3) of the Administrative Procedure Act as applied mutatis mutandis pursuant to paragraph (6) following the deemed replacement of terms, keep the record and the written report, draw up a written opinion stating their opinion concerning the decision on the disposition, and submit this to the Minister of Health, Labour and Welfare along with a copy of the record and the written report.

9 厚生労働大臣は、意見の聴取の終結後に生じた事情にかんがみ必要があると認めるときは、都道府県知事に対し、前項の規定により提出された意見書を返戻して主宰者に意見の聴取の再開を命ずるよう求めることができる。行政手続法第二十二条第二項本文及び第三項の規定は、この場合について準用する。

- (9) When the Minister of Health, Labour and Welfare finds it necessary in light of the circumstances that arose after the conclusion of hearing of opinions, the Minister may request the prefectural governor to return the written report submitted pursuant to the provisions of the preceding paragraph and order the presiding official to resume the hearing of opinions. The provisions of the main text of Article 22, paragraph (2), and paragraph (3) of the Administrative Procedure Act apply *mutatis mutandis* to this case.
- 1 0 厚生労働大臣は、当該処分を決定をするときは、第八項の規定により提出された意見書並びに調書及び報告書の写しの内容を十分参酌してこれをしなければならない。
- (10) In making a decision on the disposition, the Minister of Health, Labour and Welfare must carefully consider the details of the written opinion and copies of the record and written report submitted pursuant to the provisions of paragraph (8).
- 1 1 厚生労働大臣は、第二項の規定による医業の停止の命令をしようとするときは、都道府県知事に対し、当該処分に係る者に対する弁明の聴取を行うことを求め、当該弁明の聴取をもって、厚生労働大臣による弁明の機会の付与に代えることができる。
- (11) When the Minister of Health, Labour and Welfare seeks to order the suspension of medical practice pursuant to the provisions of paragraph (2), the Minister may request the prefectural governor to hear the explanation of the person subject to the disposition, and may substitute the hearing of explanation for the Minister's grant of an opportunity for explanation.
- 1 2 前項の規定により弁明の聴取を行う場合において、都道府県知事は、弁明の聴取を行うべき日時までに相当な期間において、当該処分に係る者に対し、次に掲げる事項を書面により通知しなければならない。
- (12) In conducting an explanation hearing pursuant to the provisions of the preceding paragraph, the prefectural governor must notify the person subject to the disposition of the following matters in writing, within a reasonable period of time prior to the date of the explanation hearing:
- 一 第二項の規定を根拠として当該処分をしようとする旨及びその内容
- (i) that the disposition is to be held based on the provisions of paragraph (2) and its details;
- 二 当該処分の原因となる事実
- (ii) the facts leading to the disposition; and
- 三 弁明の聴取の日時及び場所
- (iii) the time and place of the explanation hearing.
- 1 3 厚生労働大臣は、第十一項に規定する場合のほか、厚生労働大臣による弁明の機会の付与に代えて、医道審議会の委員に、当該処分に係る者に対する弁明の聴取を行わせることができる。この場合においては、前項中「前項」とあるのは「次項」と、「都道府県知事」とあるのは「厚生労働大臣」と読み替えて、同項の規定を適用する。
- (13) In addition to the case referred to in paragraph (11), the Minister of Health, Labour and Welfare may have a member of the Medical Ethics Council hear the

explanation of the person subject to the disposition, in lieu of the Minister's grant of an opportunity for explanation. In this case, the term "preceding paragraph" in the preceding paragraph is deemed to be replaced with "following paragraph," the term "prefectural governor" is deemed to be replaced with "Minister of Health, Labour and Welfare," and the provisions of the same paragraph apply.

1 4 第十二項（前項後段の規定により読み替えて適用する場合を含む。）の通知を受けた者は、代理人を出頭させ、かつ、証拠書類又は証拠物を提出することができる。

(14) A person who has received a notice as set forth in paragraph (12) (including cases where the deemed replacement of terms are applied pursuant to the provisions of the second sentence of the preceding paragraph) may have an agent appear and submit documentary evidence or articles of evidence.

1 5 都道府県知事又は医道審議会の委員は、第十一項又は第十三項前段の規定により弁明の聴取を行つたときは、聴取書を作り、これを保存するとともに、当該処分決定についての意見を記載した報告書を作成し、厚生労働大臣に提出しなければならない。

(15) When an explanation hearing has been conducted pursuant to the provisions of paragraph (11) or the first sentence of paragraph (13), the prefectural governor or a member of the Medical Ethics Council must prepare and keep a hearing report, draw up a written report stating their opinion on the decision of the disposition, and submit this to the Minister of Health, Labour and Welfare.

1 6 厚生労働大臣は、第五項又は第十一項の規定により都道府県知事が意見の聴取又は弁明の聴取を行う場合においては、都道府県知事に対し、あらかじめ、次に掲げる事項を通知しなければならない。

(16) When a prefectural governor is to conduct a hearing of opinions or an explanation hearing pursuant to the provisions of paragraph (5) or paragraph (11), the Minister of Health, Labour and Welfare must notify the governor of the following matters in advance:

一 当該処分に係る者の氏名及び住所

(i) the name and address of the person subject to the disposition;

二 当該処分の内容及び根拠となる条項

(ii) the details of the disposition and the provisions on which it is based; and

三 当該処分の原因となる事実

(iii) the facts leading to the disposition.

1 7 第五項の規定により意見の聴取を行う場合における第六項において読み替えて準用する行政手続法第十五条第一項の通知又は第十一項の規定により弁明の聴取を行う場合における第十二項の通知は、それぞれ、前項の規定により通知された内容に基づいたものでなければならない。

(17) Both the notice under Article 15, paragraph (1) of the Administrative Procedure Act as applied mutatis mutandis pursuant to the provisions of

paragraph (6) following the deemed replacement of terms in which a hearing of opinions is conducted pursuant to the provisions of paragraph (5), and the notice under paragraph (12) in which an explanation hearing is conducted pursuant to the provisions of paragraph (11), must be based on the details notified pursuant to the provisions of the preceding paragraph.

18 第五項若しくは第十一項の規定により都道府県知事が意見の聴取若しくは弁明の聴取を行う場合又は第十三項前段の規定により医道審議会の委員が弁明の聴取を行う場合における当該処分については、行政手続法第三章（第十二条及び第十四条を除く。）の規定は、適用しない。

(18) The provisions of Chapter III of the Administrative Procedure Act (excluding Article 12 and Article 14) do not apply to the disposition when the prefectural governor conducts a hearing of opinions or an explanation hearing pursuant to the provisions of paragraph (5) or paragraph (11), or when a member of the Medical Ethics Council conducts an explanation hearing pursuant to the provisions of the first sentence of paragraph (13).

第七条の二 厚生労働大臣は、前条第二項第一号若しくは第二号に掲げる処分を受けた医師又は同条第三項の規定により再免許を受けようとする者に対し、医師としての倫理の保持又は医師として具有すべき知識及び技能に関する研修として厚生労働省令で定めるもの（以下「再教育研修」という。）を受けるよう命ずることができる。

Article 7-2 (1) The Minister of Health, Labour and Welfare may order a medical practitioner who has been rendered a disposition set forth in paragraph (2), item (i) or item (ii) of the preceding Article, or a person who seeks to receive a new license pursuant to the provisions of paragraph (3) of the same Article to undergo the training on maintenance of ethics as a medical practitioner or the training on the knowledge and skills that should be possessed as a medical practitioner that is specified by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as "reeducation training").

2 厚生労働大臣は、前項の規定による再教育研修を修了した者について、その申請により、再教育研修を修了した旨を医籍に登録する。

(2) Upon application by a person who has completed the reeducation training pursuant to the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare registers the fact that the person has completed the reeducation training in the register of medical practitioners.

3 厚生労働大臣は、前項の登録をしたときは、再教育研修修了登録証を交付する。

(3) When the Minister of Health, Labour and Welfare has made a registration as set forth in the preceding paragraph, the Minister delivers a registration certificate for completion of reeducation training.

4 第二項の登録を受けようとする者及び再教育研修修了登録証の書換交付又は再交付を受けようとする者は、実費を勘案して政令で定める額の手数料を納めなければならない。



(4) A person seeking to be registered as set forth in paragraph (2) or a person seeking to be issued a replacement or redelivery of the registration certificate for completion of reeducation training must pay the amount of fees that is specified by Cabinet Order in consideration of the actual costs.

5 前条第十一項から第十八項まで（第十三項を除く。）の規定は、第一項の規定による命令をしようとする場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(5) The provisions of Article 7, paragraphs (11) through (18) (excluding paragraph (13)) apply mutatis mutandis to the case in which the Minister of Health, Labour and Welfare seeks to render an order pursuant to the provisions of paragraph (1). In this case, the necessary technical replacement of terms is specified by Cabinet Order.

第七条の三 厚生労働大臣は、医師について第七条第二項の規定による処分をすべきか否かを調査する必要があると認めるときは、当該事案に関係する者若しくは参考人から意見若しくは報告を徴し、診療録その他の物件の所有者に対し、当該物件の提出を命じ、又は当該職員をして当該事案に関係のある病院その他の場所に立ち入り、診療録その他の物件を検査させることができる。

Article 7-3 (1) When the Minister of Health, Labour and Welfare finds that it is necessary to investigate whether a disposition should be made regarding a medical practitioner pursuant to the provisions of Article 7, paragraph (2), the Minister may seek the opinions of and collect reports from persons who are connected with the case, or witnesses, order the owners of medical records and other objects to submit them, and have the relevant officials enter the hospital or any other location that is connected with the case and inspect the medical records and other objects.

2 前項の規定により立入検査をしようとする職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) An official seeking to carry out entry and inspection pursuant to the provisions of the preceding paragraph must carry an identification card and produce it when requested to do so by the persons concerned.

3 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority for entry and inspection pursuant to paragraph (1) must not be construed as being approved for the purposes of criminal investigation.

第八条 この章に規定するもののほか、免許の申請、医籍の登録、訂正及び抹消、免許証の交付、書換交付、再交付、返納及び提出並びに住所の届出に関して必要な事項は政令で、第七条の二第一項の再教育研修の実施、同条第二項の医籍の登録並びに同条第三項の再教育研修修了登録証の交付、書換交付及び再交付に関して必要な事項は厚生労働省令で定める。

Article 8 Beyond what is provided for in this Chapter, necessary matters related to application for license, registration, correction, and cancellation in the register of medical practitioners, the delivery, replacement, redelivery, return, and submission of license certificates, and notification of address are specified by Cabinet Order, and necessary matters related to the implementation of reeducation training as set forth in Article 7-2, paragraph (1), registration in the register of medical practitioners as set forth in paragraph (2) of the same Article, and the delivery, replacement, and redelivery of the registration certificate for completion of reeducation training as set forth in paragraph (3) are specified by Order of the Ministry of Health, Labour and Welfare.

### 第三章 試験

#### Chapter III Examinations

第九条 医師国家試験は、臨床上必要な医学及び公衆衛生に関して、医師として具有すべき知識及び技能について、これを行う。

Article 9 The national examination for medical practitioners tests the requisite knowledge and skills related to medical science and public health in clinical practices that a person should possess as a medical practitioner.

第十条 医師国家試験及び医師国家試験予備試験は、毎年少くとも一回、厚生労働大臣が、これを行う。

Article 10 (1) The national examination for medical practitioners and the national preliminary examination for medical practitioners are to be given by the Minister of Health, Labour and Welfare at least once every year.

2 厚生労働大臣は、医師国家試験又は医師国家試験予備試験の科目又は実施若しくは合格者の決定の方法を定めようとするときは、あらかじめ、医道審議会の意見を聴かなければならない。

(2) The Minister of Health, Labour and Welfare must hear the opinions of the Medical Ethics Council in advance when seeking to specify the subjects, implementation, or method of determining successful examinees of the national examination for medical practitioners or the national preliminary examination for medical practitioners.

第十一条 医師国家試験は、左の各号の一に該当する者でなければ、これを受けることができない。

Article 11 A person who does not fall under any of the following items may not take the national examination for medical practitioners:

一 学校教育法（昭和二十二年法律第二十六号）に基づく大学（以下単に「大学」という。）において、医学の正規の課程を修めて卒業した者

(i) a person who has graduated from a university under the School Education

Act (Act No. 26 of 1947) by completing a regular course in medical science (hereinafter simply referred to as "university");

二 医師国家試験予備試験に合格した者で、合格した後一年以上の診療及び公衆衛生に関する実地修練を経たもの

(ii) a person who has passed the national preliminary examination for medical practitioners, and who has subsequently undergone practical training related to medical care or public health for one year or more; or

三 外国の医学校を卒業し、又は外国で医師免許を得た者で、厚生労働大臣が前二号に掲げる者と同等以上の学力及び技能を有し、且つ、適当と認定したもの

(iii) a person who has graduated from a medical school in a foreign state, or who has acquired a medical practitioner's license in a foreign state, who possesses at least the same level of knowledge and skills as the persons set forth in the preceding two items and whom the Minister of Health, Labour and Welfare has approved as eligible to take the national examination for medical practitioners.

第十二条 医師国家試験予備試験は、外国の医学校を卒業し、又は外国で医師免許を得た者のうち、前条第三号に該当しない者であつて、厚生労働大臣が適当と認定したものでなければ、これを受けることができない。

Article 12 A person who has graduated from a medical school in a foreign state or who has acquired a medical practitioner's license in a foreign state may take the national preliminary examination for medical practitioners if the person does not fall under item (iii) of the preceding Article and has been approved as eligible by the Minister of Health, Labour and Welfare.

第十三条及び第十四条 削除

Article 13 and Article 14 Deleted

第十五条 医師国家試験又は医師国家試験予備試験に関して不正の行為があつた場合には、当該不正行為に係る者について、その受験を停止させ、又はその試験を無効とすることができる。この場合においては、なお、その者について、期間を定めて試験を受けることを許さないことができる。

Article 15 When there has been any wrongful act in connection with the national examination for medical practitioners or the national preliminary examination for medical practitioners, the person involved in the wrongful act may be stopped from taking the examination, or may have the examination invalidated. In this case, the person may be barred from taking the examination within a specified period.

第十六条 この章に規定するものの外、試験の科目、受験手続その他試験に関して必要な事項及び実地修練に関して必要な事項は、厚生労働省令でこれを定める。

Article 16 Beyond what is provided for in this Chapter, the subjects for examination, examination procedures, and other necessary matters related to examinations, as well as necessary matters related to practical training, are specified by Order of the Ministry of Health, Labour and Welfare.

### 第三章の二 臨床研修

#### Chapter III-2 Clinical Training

第十六条の二 診療に従事しようとする医師は、二年以上、医学を履修する課程を置く大学に附属する病院又は厚生労働大臣の指定する病院において、臨床研修を受けなければならない。

Article 16-2 (1) A medical practitioner who seeks to engage in medical practice must undergo clinical training for a period of two years or more at a university hospital with a medical science course or at a hospital designated by the Minister of Health, Labour and Welfare.

2 厚生労働大臣は、前項の規定により指定した病院が臨床研修を行うについて不適当であると認めるに至ったときは、その指定を取り消すことができる。

(2) When the Minister of Health, Labour and Welfare subsequently finds that it is inappropriate for the hospital the Minister designated pursuant to the provisions of the preceding paragraph to conduct clinical training, the Minister may revoke the designation.

3 厚生労働大臣は、第一項の指定又は前項の指定の取消しをしようとするときは、あらかじめ、医道審議会の意見を聴かなければならない。

(3) When the Minister of Health, Labour and Welfare seeks to designate a hospital pursuant to paragraph (1) or revoke the designation under the preceding paragraph, the Minister must hear the opinions of the Medical Ethics Council in advance.

4 第一項の規定の適用については、外国の病院で、厚生労働大臣が適当と認めたものは、同項の厚生労働大臣の指定する病院とみなす。

(4) In applying the provisions of paragraph (1), a hospital in a foreign state that is found to be appropriate by the Minister of Health, Labour and Welfare is deemed to be a hospital designated by the Minister of Health, Labour and Welfare pursuant to paragraph (1).

第十六条の三 臨床研修を受けている医師は、臨床研修に専念し、その資質の向上を図るよう努めなければならない。

Article 16-3 A medical practitioner who is undergoing clinical training must devote themselves to the clinical training and endeavor to improve their qualities.

第十六条の四 厚生労働大臣は、第十六条の二第一項の規定による臨床研修を修了した

者について、その申請により、臨床研修を修了した旨を医籍に登録する。

Article 16-4 (1) Upon application by a person who has completed the clinical training pursuant to the provisions of the Article 16-2, paragraph (1), the Minister of Health, Labour and Welfare must register the fact that the person has completed clinical training in the register of medical practitioners.

2 厚生労働大臣は、前項の登録をしたときは、臨床研修修了登録証を交付する。

(2) When the Minister of Health, Labour and Welfare has made a registration as set forth in the preceding paragraph, the Minister delivers a registration certificate for completion of clinical training.

第十六条の五 前条第一項の登録を受けようとする者及び臨床研修修了登録証の書換交付又は再交付を受けようとする者は、実費を勘案して政令で定める額の手数料を納めなければならない。

Article 16-5 A person seeking to be registered as set forth in paragraph (1) of the preceding Article or a person seeking to be issued a replacement or redelivery of the registration certificate for completion of clinical training must pay the amount of fees that is specified by Cabinet Order in consideration of the actual costs.

第十六条の六 この章に規定するもののほか、第十六条の二第一項の指定、第十六条の四第一項の医籍の登録並びに同条第二項の臨床研修修了登録証の交付、書換交付及び再交付に関して必要な事項は、厚生労働省令で定める。

Article 16-6 Beyond what is provided for in this Chapter, necessary matters related to designation as set forth in Article 16-2, paragraph (1), registration in the register of medical practitioners as set forth in Article 16-4, paragraph (1), delivery, replacement, and redelivery of registration certificate for completion of clinical training as set forth in Article 16-4, paragraph (2) are specified by Cabinet Order.

#### 第四章 業務

#### Chapter IV Medical Practices

第十七条 医師でなければ、医業をなしてはならない。

Article 17 No person except a medical practitioner may engage in medical practice.

第十八条 医師でなければ、医師又はこれに紛らわしい名称を用いてはならない。

Article 18 No person except a medical practitioner may use the title of medical practitioner or a title that may be confused with this.

第十九条 診療に従事する医師は、診察治療の求があつた場合には、正当な事由がなけ

れば、これを拒んではならない。

**Article 19 (1) No medical practitioner who engages in medical practice may refuse any request for medical examination or treatment without legitimate grounds.**

2 診察若しくは検案をし、又は出産に立ち会った医師は、診断書若しくは検案書又は出生証明書若しくは死産証書の交付の求があつた場合には、正当の事由がなければ、これを拒んではならない。

**(2) No medical practitioner who has performed an examination or fact examination, or who was in attendance at a birth may refuse a request for a medical certificate, certificate of post mortem examination, birth certificate, or certificate of stillbirth without legitimate grounds.**

第二十条 医師は、自ら診察しないで治療をし、若しくは診断書若しくは処方せんを交付し、自ら出産に立ち会わないで出生証明書若しくは死産証書を交付し、又は自ら検案をしないで検案書を交付してはならない。但し、診療中の患者が受診後二十四時間以内に死亡した場合に交付する死亡診断書については、この限りでない。

**Article 20 No medical practitioner may provide medical treatment or issue a medical certificate or prescription without personally performing a medical examination, nor issue a birth certificate or certificate of stillbirth without personally being in attendance at the birth, nor issue a certificate of post mortem examination without personally performing the fact examination; provided, however, that this does not apply to a death certificate that has been issued where a patient undergoing medical care has died within 24 hours of the medical examination.**

第二十一条 医師は、死体又は妊娠四月以上の死産児を検案して異常があると認めるときは、二十四時間以内に所轄警察署に届け出なければならない。

**Article 21 When a medical practitioner finds any abnormality during the fact examination of a corpse or stillborn baby from a pregnancy that had entered its fourth month or beyond, the medical practitioner must notify the competent police station within 24 hours.**

第二十二条 医師は、患者に対し治療上薬剤を調剤して投与する必要があると認められた場合には、患者又は現にその看護に当たっている者に対して処方せんを交付しなければならない。ただし、患者又は現にその看護に当たっている者が処方せんの交付を必要としない旨を申し出た場合及び次の各号の一に該当する場合においては、この限りでない。

**Article 22 If a medical practitioner finds it necessary to dispense and administer medicine as a part of a patient's treatment, the medical practitioner must issue a prescription to the patient or a person caring for the patient; provided, however, that this does not apply when the patient or a person caring for the patient states that it is not necessary to issue a prescription, or in any of the**

following cases:

一 暗示的効果を期待する場合において、処方せんを交付することがその目的の達成を妨げるおそれがある場合

(i) when a suggestive effect is expected and issuing a prescription is likely to hinder this from being achieved;

二 処方せんを交付することが診療又は疾病の予後について患者に不安を与え、その疾病の治療を困難にするおそれがある場合

(ii) when issuing a prescription is likely to cause anxiety to the patient about their medical care or prognosis, and may complicate the treatment of the illness;

三 病状の短時間ごとの変化に即応して薬剤を投与する場合

(iii) when medicines are administered in response to changes in symptoms over short periods of time;

四 診断又は治療方法の決定していない場合

(iv) when the diagnosis or method of treatment has not been decided;

五 治療上必要な応急の措置として薬剤を投与する場合

(v) when medicine is administered as an emergency measure necessary for treatment;

六 安静を要する患者以外に薬剤の交付を受けることができる者がいない場合

(vi) when there is no person other than the patient who requires rest, to whom the medicines can be delivered;

七 覚せい剤を投与する場合

(vii) when stimulants are to be administered; or

八 薬剤師が乗り組んでいない船舶内において薬剤を投与する場合

(viii) when medicine is administered aboard a vessel with no pharmacist on board.

第二十三条 医師は、診療をしたときは、本人又はその保護者に対し、療養の方法その他保健の向上に必要な事項の指導をしなければならない。

Article 23 When a medical practitioner has provided medical care, the medical practitioner must give guidance to the person in question or to their custodian on the method of treatment and other matters necessary to improve their health.

第二十四条 医師は、診療をしたときは、遅滞なく診療に関する事項を診療録に記載しなければならない。

Article 24 (1) When a medical practitioner has provided medical care, the medical practitioner must enter the matters related to that medical care in a medical record without delay.

2 前項の診療録であつて、病院又は診療所に勤務する医師のした診療に関するものは、その病院又は診療所の管理者において、その他の診療に関するものは、その医師にお

いて、五年間これを保存しなければならない。

- (2) Medical records as set forth in the preceding paragraph must be kept for a period of five years by the administrator of the hospital or clinic where medical care was provided by a medical practitioner works at that hospital or clinic, and by the medical practitioner themselves for medical records related to other medical care.

第二十四条の二 厚生労働大臣は、公衆衛生上重大な危害を生ずる虞がある場合において、その危害を防止するため特に必要があると認めるときは、医師に対して、医療又は保健指導に関し必要な指示をすることができる。

Article 24-2 (1) Where there is a risk of causing serious harm to public health, and the Minister of Health, Labour and Welfare finds it especially necessary to do so in order to prevent the harm, the Minister may give necessary instructions to medical practitioners regarding medical treatment or health guidance.

2 厚生労働大臣は、前項の規定による指示をするに当たっては、あらかじめ、医道審議会の意見を聴かなければならない。

- (2) The Minister of Health, Labour and Welfare must hear the opinions of the Medical Ethics Council in advance before giving instructions pursuant to the provisions of the preceding paragraph.

## 第五章 医師試験委員

### Chapter V - Medical Practitioners' Examiner

第二十五条及び第二十六条 削除

Article 25 and Article 26 Deleted

第二十七条 医師国家試験及び医師国家試験予備試験に関する事務をつかさどらせるため、厚生労働省に医師試験委員を置く。

Article 27 (1) A medical practitioners' examiner is to be assigned at the Ministry of Health, Labour and Welfare to administer affairs related to the national examination for medical practitioners and the national preliminary examination for medical practitioners.

2 医師試験委員に関し必要な事項は、政令で定める。

- (2) Necessary matters related to the medical practitioners' examiner are specified by Cabinet Order.

第二十八条及び第二十九条 削除

Article 28 and Article 29 Deleted

第三十条 医師試験委員その他医師国家試験又は医師国家試験予備試験に関する事務を



つかさどる者は、その事務の施行に当たつて厳正を保持し、不正の行為のないようにしなければならない。

Article 30 The medical practitioners' examiner and other persons in charge of affairs related to the national examination for medical practitioners and the national preliminary examination for medical practitioners must preserve impartiality and not act unfairly in implementing those affairs.

## 第五章の二 雑則

### Chapter V-2 Miscellaneous Provisions

第三十条の二 厚生労働大臣は、医療を受ける者その他国民による医師の資格の確認及び医療に関する適切な選択に資するよう、医師の氏名その他の政令で定める事項を公表するものとする。

Article 30-2 The Minister of Health, Labour and Welfare is to publicize the names of medical practitioners and other matters specified by Cabinet Order, to enable persons receiving medical treatment and the citizens to confirm the qualifications of medical practitioners and to choose adequate medical treatment.

第三十条の三 第六条第三項、第七条第五項及び第九項前段、同条第十一項及び第十二項（これらの規定を第七条の二第五項において準用する場合を含む。）、第七条第六項において準用する行政手続法第十五条第一項及び第三項（同法第二十二条第三項において準用する場合を含む。）、第十六条第四項、第十八条第一項及び第三項、第十九条第一項、第二十条第六項並びに第二十四条第三項並びに第七条第九項後段において準用する同法第二十二条第三項において準用する同法第十五条第三項の規定により都道府県が処理することとされている事務は、地方自治法（昭和二十二年法律第六十七号）第二条第九項第一号に規定する第一号法定受託事務とする。

Article 30-3 The affairs to be administered by the prefectures pursuant to provisions of Article 6, paragraph (3), Article 7, paragraph (5), the first sentence of Article 7, paragraph (9), and Article 7, paragraph (11) and paragraph (12) (including as applied mutatis mutandis pursuant to Article 7-2, paragraph (5)), Article 15, paragraph (1) and paragraph (3) of the Administrative Procedure Act as applied mutatis mutandis pursuant to Article 7, paragraph (6) (including as applied mutatis mutandis to Article 22, paragraph (3) of the same Act), Article 16, paragraph (4), Article 18, paragraph (1) and paragraph (3), Article 19, paragraph (1), and Article 15, paragraph (3) of the Administrative Procedure Act as applied mutatis mutandis to Article 22, paragraph (3) of the same Act, as applied mutatis mutandis to Article 20, paragraph (6), Article 24, paragraph (3), and the second sentence of Article 7, paragraph (9) are to be Type I statutory entrusted functions prescribed in the provisions of Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act

No. 67 of 1947).

## 第六章 罰則

### Chapter VI Penal Provisions

第三十一条 次の各号のいずれかに該当する者は、三年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 31 (1) A person who falls under any of the following items is punished by imprisonment with work for not more than three years, a fine of not more than one million yen, or both:

一 第十七条の規定に違反した者

(i) a person who has violated the provisions of Article 17; or

二 虚偽又は不正の事実に基づいて医師免許を受けた者

(ii) a person who has received a medical practitioner's license based on a false or wrongful fact.

2 前項第一号の罪を犯した者が、医師又はこれに類似した名称を用いたものであるときは、三年以下の懲役若しくは二百万円以下の罰金に処し、又はこれを併科する。

(2) When a person who has committed the crime set forth in item (i) of the preceding paragraph has used the title of medical practitioner or a similar title, the person is punished by imprisonment with work for not more than three years, a fine of not more than two million yen, or both.

第三十二条 第七条第二項の規定により医業の停止を命ぜられた者で、当該停止を命ぜられた期間中に、医業を行つたものは、一年以下の懲役若しくは五十万円以下の罰金に処し、又はこれを併科する。

Article 32 A person who has been ordered to suspend medical practice pursuant to the provisions of Article 7, paragraph (2) and who has engaged in medical practice during the period of suspension is punished by imprisonment with work for not more than one year, a fine of not more than five hundred thousand yen, or both.

第三十三条 第三十条の規定に違反して故意若しくは重大な過失により事前に試験問題を漏らし、又は故意に不正の採点をした者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 33 A person who has violated the provisions of Article 30 and has divulged examination questions in advance either intentionally or through gross negligence, or who has intentionally and wrongfully scored examinations is punished by imprisonment with work for not more than one year or a fine of not more than five hundred thousand yen.

第三十三条の二 次の各号のいずれかに該当する者は、五十万円以下の罰金に処する。

Article 33-2 A person who falls under any of the following items is punished by a fine of not more than five hundred thousand yen:

一 第六条第三項、第十八条、第二十条から第二十二条まで又は第二十四条の規定に違反した者

(i) a person who has violated the provisions of Article 6, paragraph (3), Article 18, Articles 20 through 22, or Article 24;

二 第七条の二第一項の規定による命令に違反して再教育研修を受けなかつた者

(ii) a person who has failed to receive reeducation training in violation of an order pursuant to the provisions of Article 7-2, paragraph (1); or

三 第七条の三第一項の規定による陳述をせず、報告をせず、若しくは虚偽の陳述若しくは報告をし、物件を提出せず、又は検査を拒み、妨げ、若しくは忌避した者

(iii) a person who has failed to make a statement or report, who has made a false statement or report, who has failed to submit objects, or who has refused, obstructed, or evaded inspections, pursuant to the provisions of Article 7-3, paragraph (1).

第三十三条の三 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して前条第三号の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても同条の罰金刑を科する。

Article 33-3 When the representative of a corporation, or an agent, employee or other worker of a corporation or individual violates the provisions of item (iii) of the preceding Article with regard to the practices of the corporation or individual, not only the offender, but also the corporation or individual is punished by the fine prescribed in that Article.

#### 附 則 [抄]

#### Supplementary Provisions [Extract]

第三十四条 この法律施行の期日は、公布の日から起算して九十日を超えない期間内において、政令でこれを定める。

Article 34 This Act comes into force as of the date specified by Cabinet Order within a period not exceeding 90 days from the date of its promulgation.

第三十五条 国民医療法（昭和十七年法律第七十号、以下旧法という。）は、これを廃止する。

Article 35 The Medical Care Act (Act No. 70 of 1942; hereinafter referred to as the "former Act") is hereby repealed.

第三十六条 旧法又は医師法（明治三十九年法律第四十七号、以下旧医師法という。）によつて医師免許を受けた者は、これをこの法律によつて医師免許を受けた者とみなす。旧医師法施行前に医術開業免状を得た者についても同様である。

Article 36 (1) A person who has received a medical practitioner's license under the former Act or the Medical Practitioners' Act (Act No. 47 of 1906; hereinafter referred to as the "former Medical Practitioners' Act") is deemed to have received a medical license under this Act. The same applies to a person who acquired a medical license prior to the enforcement of the former Medical Practitioners' Act.

2 旧医師法施行前医術仮開業免状を得た者の医業については、なお従前の例による。

(2) With regard to the medical practices of persons who acquired a medical license prior to the enforcement of the former Medical Practitioners' Act, prior laws continue to govern.

3 昭和二十年八月十五日以前に、朝鮮総督、台湾総督、樺太庁長官、南洋庁長官若しくは満洲国駐さつ特命全権大使又は満洲国の医師免許を受けた日本国民に対する医師免許及び試験については、この法律施行の日から五年間は、なお従前の例によることができる。

(3) With regard to medical licenses and examinations of Japanese nationals who received medical licenses from the Governor General of Korea, the Governor General of Taiwan, the Governor of the Karafuto Agency, the Governor of the South Pacific Mandate, the Ambassador Plenipotentiary to Manchukuo, or Manchukuo before August 15, 1945, prior laws may continue to govern for a period of five years from the date on which this Act comes into effect.

4 前項に規定する者の外、昭和二十年八月十五日以前に、外国でその地の法令によつて医師免許若しくは医業免許を受け、又は中華民国（満洲及び蒙古を含む。）において領事官の医業免許を受けた日本国民に対する医師免許及び試験については、昭和三十年十二月三十一日まで、前項の例によることができる。

(4) In addition to persons prescribed in the preceding paragraph, with regard to medical licenses received and examinations taken by Japanese nationals who received a medical license or a medical practitioner's license in a foreign country in accordance with the law of that country, or who received a medical practitioner's license through the consulate of the Republic of China (including Manchuria and Mongolia) before August 15, 1945, prior laws may continue to govern until December 31, 1955.

第三十七条 旧法又は旧医師法による医籍の登録は、これをこの法律による医籍の登録とみなす。

Article 37 Registration in a register of medical practitioners made under the former Act or the former Medical Practitioners' Act is deemed to be registration in a register of medical practitioners under this Act.

第三十八条 旧法又は旧医師法によつてした医師免許の取消処分又は医業停止の処分は、それぞれこれをこの法律の相当規定によつてしたものとみなす。この場合において、停止の期間は、なお従前の例による。

Article 38 Dispositions regarding the revocation of a medical license or suspension of a medical practice made under the former Act or the former Medical Practitioners' Act are deemed to have been made pursuant to the corresponding provisions of this Act. In this case, with regard to the period of suspension, prior laws continue to govern.

第四十条 旧法若しくは旧医師法又はこれに基いて発する命令又は右の命令に基いてなした処分に違反した者の処罰については、なお旧法又は旧医師法による。

Article 40 With regard to punishment on persons who have violated the former Act, the former Medical Practitioners' Act, orders issued based on these, or dispositions made based on those orders, the provisions of the former Act and the former Medical Practitioners' Act remain applicable.

第四十一条 国民医療法施行令の一部を改正する勅令（昭和二十一年勅令第四百二号）附則第二項の規定に該当する者は、第二条の規定にかかわらず、医師免許を受けることができる。

Article 41 A person who falls under the provisions of paragraph (2) of the Supplementary Provisions of the Imperial Ordinance to Partially Revise the Order for Enforcement of the Medical Care Act (Imperial Ordinance No. 402 of 1946) may receive a medical license, notwithstanding the provisions of Article 2.

第四十二条 国民医療法施行令の一部を改正する勅令（昭和二十二年勅令第三百七十七号）附則第二項の規定に該当する者は、第十一条の規定にかかわらず、医師国家試験を受けることができる。

Article 42 A person who falls under the provisions of paragraph (2) of the Supplementary Provisions of the Imperial Ordinance to Partially Revise the Order for Enforcement of the Medical Care Act (Imperial Ordinance No. 137 of 1947) may take the national examination for medical practitioners, notwithstanding the provisions of Article 11.

第四十三条 学校教育法（昭和二十二年法律第二十六号）附則第三条の規定により大学令（大正七年勅令第三百八十八号）による大学又は専門学校令（明治三十六年勅令第六十一号）による専門学校として、その存続を認められた大学又は専門学校は、第十一条第一号の大学とみなす。

Article 43 A university as provided for in the University Ordinance (Imperial Ordinance No. 388 of 1918) or a vocational college as provided for in the Vocational Training School Ordinance (Imperial Ordinance No. 61 of 1903) that is recognized as the continuation of a university or vocational college pursuant to the provisions of Article 3 of the Supplementary Provisions of the School Education Act (Act No. 26 of 1947) is deemed to be a university under Article

11, item (i) of this Act.

第四十四条 国は、当分の間、都道府県に対し、第十六条の二第一項に規定する病院に附属する施設のうち臨床研修を行うために必要なものの整備で日本電信電話株式会社の株式の売払収入の活用による社会資本の整備の促進に関する特別措置法（昭和六十二年法律第八十六号）第二条第一項第二号に該当するものにつき、当該都道府県が自ら行う場合にあつてはその要する費用に充てる資金の一部を、都道府県以外の病院の開設者が行う場合にあつては当該開設者に対し当該都道府県が補助する費用に充てる資金の一部を、予算の範囲内において、無利子で貸し付けることができる。

Article 44 (1) Until otherwise provided for by law, the national government may, within the scope of its budget, provide a part of the fund to be allocated to the necessary expenses, where a prefecture is carrying out the relevant training itself, or may provide a part of the fund to be allocated to the expenses that the prefecture is subsidizing for the establisher, where the establisher of the hospital carrying out the training is other than the prefecture, as an interest-free loan for the development of facilities under Article 2, paragraph (1), item (ii) of the Act on Special Measures Concerning the Promotion of Social Infrastructure Development through the Use of Proceeds from the Sale of Stock of Nippon Telegraph and Telephone Corporation (Act No. 86 of 1987) that, among the facilities that belong to a hospital provided for in Article 16-2, paragraph (1), are required for carrying out clinical training.

2 前項の国の貸付金の償還期間は、五年（二年以内の据置期間を含む。）以内で政令で定める期間とする。

(2) The term of repayment for loans provided by the national government under the preceding paragraph is to be a term specified by Cabinet Order not exceeding five years (including any grace period not exceeding two years).

3 前項に定めるもののほか、第一項の規定による貸付金の償還方法、償還期限の繰上げその他償還に関し必要な事項は、政令で定める。

(3) Beyond what is provided for in the preceding paragraph, the method of repayment, advance repayment, and other necessary matters concerning repayment of loans under the provisions of paragraph (1), are specified by Cabinet Order.

4 国は、第一項の規定により都道府県に対し貸付けを行つた場合には、当該貸付けの対象である施設の整備について、当該貸付金に相当する金額の補助を行うものとし、当該補助については、当該貸付金の償還時において、当該貸付金の償還金に相当する金額を交付することにより行うものとする。

(4) The national government is to, when it has provided a loan to a prefecture pursuant to the provisions of paragraph (1), subsidize an amount equivalent to the amount of loan for the development of facilities subject to the loan, and is to do so at the time of the loan's repayment, by delivering an amount of money equivalent to the amount of loan repaid.

5 都道府県が、第一項の規定による貸付けを受けた無利子貸付金について、第二項及び第三項の規定に基づき定められる償還期限を繰り上げて償還を行った場合（政令で定める場合を除く。）における前項の規定の適用については、当該償還は、当該償還期限の到来時に行われたものとみなす。

(5) With regard to the application of the provisions of the preceding paragraph when a prefecture has repaid an interest-free loan under paragraph (1) ahead of the due date for repayment determined pursuant to paragraph (2) and paragraph (3) (excluding cases specified by Cabinet Order), the repayment is deemed to have been made on the due date for repayment.