Ministry of Social Affairs and Health
Unofficial translation

No. 559/1994

Act on Health Care Professionals

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Chapter 1 **General provisions**

Section 1 *Purpose of the Act*

The purpose of this Act is to promote the safety of patients and to improve the quality of health care services by:
(1) ensuring that a health care professional referred to in this Act has the education and training necessary for the practice of the profession, other adequate professional qualifications and other knowledge and skills necessary for the practice of the profession;
(2) organising the supervision of health care professionals within health and medical care; and
(3) facilitating professionally appropriate co-operation between and appropriate employment of health care professionals.

Section 2 *Health care professional*

In this Act, a health care professional is:
(1) a person who, on the basis of this Act, has been given the right to practise a profession (*licensed professional)* or the authorisation to practise a profession *(authorised professional*); and
(2) a person who, on the basis of this Act, is entitled to use the occupational title of a health care professional as laid down by Decree *(professional with a protected occupational title*).

A licensed or authorised professional or a professional with a protected occupational title is entitled to practise the profession in question and to use the related occupational title. The profession of professionals with a protected occupational title can also be practised by other persons with adequate training, experience and professional skills and knowledge. This provision notwithstanding, licensed and authorised professionals and those with a protected occupational title may however carry out each other's tasks, in accordance with their training, experience and professional skills and knowledge, when this is reasonable with regard to the organisation of work and supply of health services, unless otherwise prescribed in this Act or by Decree.

Notwithstanding paragraph 2, the tasks of a licensed professional may also be carried out by a person studying for the profession in question as prescribed by Decree. The provisions concerning health care professionals laid down later in this Act shall apply, as appropriate, to such students.

Section 3 has been repealed by Act 1030/2000.

Chapter 2 **Right to practise as a health care professional**

Conditions for practising as a health care professional applicable to Finnish citizens and citizens of other EEA states trained in Finland or outside Finland, and to other foreign nationals trained in Finland

Section 4 (1030/2000) *Right to practise the profession of a physician or dentist as a licensed professional and as a medical specialist or dental specialist*

The National Authority for Medicolegal Affairs will grant, upon application, a right to practise the profession of a physician or dentist as a licensed professional under direction and supervision of a professional that has been licensed to practise independently the profession concerned in a health care unit referred to in section 2 (4) of the Act of the Status and Rights of Patients (785/1992) or in a social welfare unit referred to in section 24 of the Social Welfare Act (710/1982). The right is granted to any Finnish citizen or foreign national who has completed the basic training for the profession in question in Finland, or to any Finnish citizen or citizen of another Member State of the European Economic Area (EEA state) who has completed similar training in a non-EEA state, as approved by the National Authority for Medicolegal Affairs. The person concerned must also have provided evidence of any other qualifications prescribed by Decree.

The National Authority for Medicolegal Affairs will grant, upon application, a right to practise independently the profession of a general practitioner as a licensed professional to a physician referred to in paragraph 1 who has completed specific training in general practice or similar training as prescribed by Decree in Finland, or similar training in a non-EEA state, as approved by the National Authority for Medicolegal Affairs upon application.

The National Authority for Medicolegal Affairs will grant, upon application, a right to practise independently as a licensed dentist to a dentist referred to in paragraph 1 who has completed the pre-licensing training prescribed by Decree.

The National Authority for Medicolegal Affairs will grant, upon application, a right to practise independently the profession of a medical specialist or dental specialist as a licensed professional to a Finnish national or foreign national who has taken in Finland the degree referred to in section 8 of the Decree on Health Care Professionals (564/1994).

Section 5 (614/2005) *Right to practise certain other health care professions as licensed professionals*

The National Authority for Medicolegal Affairs will grant, upon application, the right to practise the profession of head dispenser, psychologist, speech therapist, dietician, pharmacist, nurse, midwife, public health nurse, physiotherapist, laboratory technologist, radiographer, dental/oral hygienist, occupational therapist, optician or dental technician as a licensed professional to any Finnish citizen or foreign national who has completed the training for the profession in question in Finland, or to any citizen of Finland or another EEA state who has completed similar training in a non-EEA state, as approved by the National Authority for Medicolegal Affairs. The person concerned must also have provided evidence of any other qualifications prescribed by Government Decree.

Section 6 *Specialist qualifications*

A licensed professional with specialist qualifications is a Finnish citizen or a foreign national who has completed the required specialist training in Finland or any citizen of Finland or another EEA state who has completed the training required for obtaining specialist qualifications other than those referred to in section 9 (3) in another EEA state, or the training required for specialist qualifications in a non-EEA state, as approved by the National Authority for Medicolegal Affairs upon application. The person concerned must also have provided evidence of any other qualifications prescribed by Decree.

Section 7 (1030/2000) *Right to use an occupational title*

An occupational title of a health care professional as defined by Decree may be used by any Finnish citizen or foreign national who has completed the training for the profession in question or corresponding training in Finland or in some other EEA state, as well as by any citizen of Finland or another EEA state who has completed corresponding training in a non-EEA state, as approved by the National Authority for Medicolegal Affairs upon application.

Section 8 (1030/2000) *Nordic citizens' right to practise as health care professionals*

The provisions of the Agreement on Joint Nordic Labour Market for Health Care Personnel and Veterinarians (Treaty Series 2/1994) shall apply in relation to rights of Nordic citizens to practise as health care professionals in Finland.

Conditions for practising as a health care professional in accordance with the Agreement on the European Economic Area

Section 9 *Right to practise the profession of physician or dentist as a licensed professional in particular cases*

The National Authority for Medicolegal Affairs will grant, upon application, a right to practise the profession of physician or dentist as a licensed professional under the direction and supervision of another person in Finland to any citizen of Finland or another EEA state who has taken the basic medical or dental degree in another EEA state.

Entitled to practise the profession of general practitioner or dentist independently as a licensed professional in Finland is any citizen of Finland or another EEA state who, on the basis of training corresponding to specific training in general practice or dental training completed in another EEA state, has obtained in that state a diploma, certificate or other evidence of formal qualifications as referred to in the EEA Agreement and as required in the state in question for obtaining a right to practise independently as a general practitioner or dentist.

Entitled to practise the profession of medical specialist or dental specialist as a licensed professional in Finland in specialties covered by the EEA Agreement and applicable in Finland is any citizen of Finland or another EEA state who, on the basis of training completed in another EEA state, has obtained in that state a diploma, certificate or other evidence of formal qualifications as referred to in the EEA Agreement and as required in the state in question for obtaining a similar right to practise the profession of medical specialist or dental specialist.

The right to practise a profession conferred by a diploma, certificate or other evidence of formal qualifications referred to in paragraphs 2 and 3 will be decided upon application by the National Authority for Medicolegal Affairs.

Decisions on the applications referred to in paragraphs 1 and 4 shall be taken within three months from the submission of the application and the relevant supporting documentation to the National Authority for Medicolegal Affairs.

Section 10 *Right to practise the profession of head dispenser, nurse or midwife as a licensed professional*

The National Authority for Medicolegal Affairs will grant, upon application, a right to practise the profession of head dispenser, nurse or midwife as a licensed professional in Finland to any citizen of Finland or another EEA state who, on the basis of training completed in another EEA state, has obtained in that state a diploma, certificate or other evidence of formal qualifications as referred to in the EEA Agreement and required in the state in question for obtaining a right to practise independently as a head dispenser, nurse or midwife.

Decisions on the applications referred to in paragraph 1 shall be taken within three months from the submission of the application and the relevant supporting documentation to the National Authority for Medicolegal Affairs.

Section 11 *Right to practise health care professions other than those referred to in sections* 9 *and 10 as a licensed professional, and right to use an occupational title*

The National Authority for Medicolegal Affairs will grant, upon application, a right to practise the profession of psychologist, speech therapist, dietician, pharmacist, public health nurse, physiotherapist, laboratory technologist, radiographer, dental/oral hygienist, occupational therapist, optician and dental technician as a licensed professional in Finland to any citizen of Finland or another EEA state who has a diploma or a corresponding certificate of training as referred to in the EEA Agreement, granted in that state on the basis of training obtained in another EEA state or on the basis of training obtained elsewhere and approved by another EEA state, as required in the state in question for obtaining the right to practise the said professions. (614/2005)

Entitled to use the occupational title of a health care professional in Finland as laid down by Decree is any citizen of Finland or another EEA state who has a diploma or corresponding certificate of training as referred to in the EEA Agreement, granted in that state on the basis of training completed in another EEA state or on the basis of training completed elsewhere and approved by another EEA state, as required in the state in question for obtaining the right to practise the said professions. The National Authority for Medicolegal Affairs will decide upon application on a right arising from possession of a diploma or corresponding certificate of training to use the occupational title of a health care professional as laid down by Decree.

In addition to what is prescribed in paragraphs 1 and 2 above, the applicant must have such professional experience as may be required by the National Authority for Medicolegal Affairs, and must have completed any adaptation period or have passed any qualification test prescribed by the National Authority for Medicolegal Affairs. Applicants will be charged for the test in accordance with the Act on the Charge Criteria of the State (150/1992). More detailed provisions concerning professional experience, adaptation period and qualification test are laid down by Decree.

Decisions on the applications referred to in paragraphs 1 and 2 above shall be taken within four months from the submission of the application and relevant supporting documentation to the National Authority for Medicolegal Affairs.

Section 12 *Right to practise temporarily particular health care professions*

Any citizen of Finland or another EEA state who has a legal right to practise independently the profession of physician, dentist, nurse or midwife in another EEA state may, notwithstanding sections 9 and 10, temporarily practise the profession in question in Finland after making a prior notification to the National Authority for Medicolegal Affairs concerning the provision of services. In urgent cases, the notification may be given as soon as possible after initiation of the provision of services. More detailed provisions concerning notification and temporary provision of services are laid down by Decree.

Conditions for practising as a health care professional applicable to those citizens of non-EEA states who have been trained abroad

Section 13 *Authorisation to carry on the occupations referred to in sections 4 to 6, and right to practise as a licensed professional*

Upon application, the National Authority for Medicolegal Affairs may, for specific reasons and under such conditions as it may determine, grant a citizen of a non-EEA state who has completed the training referred to in sections 4 to 6 outside Finland and who has the qualifications for the occupation as prescribed by Decree as well as adequate language skills:
(1) an authorisation to carry on the occupations referred to in sections 4 to 6; or
(2) a right to practise a profession as licensed professional in Finland.

Section 14 *Right to use an occupational title in particular cases*

Citizens of non-EEA states who have completed outside Finland the training for the profession in question, as approved by the National Authority for Medicolegal Affairs upon application, and who have adequate language skills for managing the occupation in question are entitled to use in Finland the occupational title of a health care professional as laid down by Decree.

Section 14 a (766/2001) *Application of the Act to persons referred to in an agreement made by the European Community and its Member States*

The provisions of this Act are also apply to persons who are in virtue of an agreement made by the European Community and its Member States with another party entitled to practise a health care profession.

Chapter 3 **General obligations of a health care professional**

Section 15 *Obligations related to professional ethics*

The aim of the professional activities of health care professionals is to promote and maintain health, to prevent illness, to cure those who are ill and to alleviate their suffering. In their professional activities, health care professionals must employ generally accepted, empirically justified methods, in accordance with their training, which should be continually supplemented. Each health care professional must weigh the benefits of their professional activity to the patient and its possible hazards.

Health care professionals must take account of the provisions concerning patients' rights.

Health care professionals must always provide help to those in need of urgent care.

Section 15 a (5.9.1997/859) *Duty to report births and deaths*

Separate provisions have been enacted on health care professionals' duty to report births and deaths.

Section 16 *Preparation and retention of patient documents, and confidentiality of information in them*

The provisions of the Act on the Status and Rights of Patients (785/1992) shall apply in relation to the duty of health care professionals to prepare and retain patient documents, and to keep the information in them confidential.

Section 17 *Secrecy obligation*

No health care professional may reveal without permission to a third party any secret concerning an individual or a family that he or she has learned on the basis of his or her position or tasks. The obligation to maintain secrecy shall continue after their professional activity has ended.

Section 18 *Obligation to take part in further training*

Health care professionals must maintain and improve their professional knowledge and skills required to carry on their professional activity and familiarise themselves with the provisions and regulations concerning them.

Employers of health care professionals shall create opportunities for participation of the latter in necessary further training for the profession.

Section 19 *Compliance with regulations and forwarding of information*

In their professional activities health care professionals must comply with what it prescribed by the National Authority for Medicolegal Affairs or a State Provincial Office on the basis of the relevant provisions or regulations.

Provisions concerning confidentiality notwithstanding, a health care professional must provide the notifications, explanations and reports requested by the National Authority for Medicolegal Affairs or a State Provincial Office that are necessary for performance of their duties prescribed in this Act.

Section 20 (690/2005) *Notification duty*

Health care professionals must make a notification concerning independent practice of a profession to the competent State Provincial Office prior to starting such practice, as laid down in the Act on Private Health Care (152/1990).

Section 21 *Obligation to insure*

Health care professionals must take out insurance as prescribed in the Patient Injury Act (585/1986).

Chapter 4 **Particular rights and obligations of physicians and dentists**

Section 22 *Right to make diagnosis and to prescribe medicines*

A licensed physician shall decide on the medical examination, diagnosis and appropriate treatment of a patient. Similarly, a licensed dentist shall decide on the dental examination, diagnosis and appropriate treatment of a patient.

Licensed physicians or dentists are entitled to prescribe medicines from a pharmacy, physicians for medicinal or medical purposes, and dentists for dental medicinal or odontological purposes, in compliance with what is separately provided or prescribed.

The Ministry of Social Affairs and Health may issue more specific regulations and instructions concerning the prescription of medicines, as necessary.

Section 23 *Medicolegal certificates and statements*

In issuing medicolegal certificates and statements, and other certificates intended to be presented to a court of justice or other public authority, licensed physicians or dentists must add to them the words "which I certify on my honour and conscience". A certificate or statement bearing these words shall be valid without confirmation under oath, unless the court of justice or authority orders, for specific reasons, that it must be confirmed by oath or affirmation.

The Ministry of Social Affairs and Health may issue, as necessary, more specific regulations and instructions concerning the matters that licensed physicians or dentists need to consider when issuing certificates and statements, and even otherwise when practising their profession.

Chapter 5 **Guidance and supervision of health care professionals**

General provisions concerning guidance and supervision

Section 24 (1261/2005) *Guidance and supervision*

The National Authority for Medicolegal Affairs is responsible for the national guidance and supervision of health care professionals. In the territory of a province the activities of health care professionals are guided and supervised by the competent State Provincial Office. The National Authority for Medicolegal Affairs, under the Ministry of Social Affairs and Health, guides and supervises the operations of the State Provincial Offices with a view to harmonising their operational principles, procedures and decision-making practices in the guidance and supervision of health care professionals.

The Authority for Medicolegal Affairs deals with matters related to the guidance and supervision of health care professionals in particular as far it is question of:

1) matters that are important as a matter of principle or far-reaching;
2) a suspicion of medical malpractice that has caused the death or a person or a difficult permanent disability to a person;
3) matters that are related to investigation of the cause of death carried out by a medicolegal expert;
4) matters that may require precautionary or disciplinary measures; or
5) matters that the relevant State Provincial Office is disqualified to handle.

Provisions on the detailed division of labour in the guidance and supervision between the National Authority for Medicolegal Affairs and the State Provincial Offices may be laid down by Government Decree, as necessary.

The supervisory authority referred to in paragraph 1 or 2 does not consider a complaint related to the activity of a health care professional that concerns a matter that took place more than five years ago, unless there are particular grounds for considering the complaint.

For the supervision of health care professionals, the National Authority for Medicolegal Affairs has established a Board for the Supervision of Health Care Professionals, the composition and tasks of which are prescribed by Government decree.

Section 24 a (1030/2000) *The central register of health care professionals*

The National Authority for Medicolegal Affairs shall keep a central register of health care professionals in order to manage the supervision tasks laid down in the Act on the National Authority for Medicolegal Affairs (1074/1992). Apart from what is provided in this Act, the provisions of the Personal Data File Act (523/1999) shall apply to the keeping of the register.

The register shall contain the following information on health care professionals:
1) name, personal identification code, home address, right to practice a profession and restrictions on it or its withdrawal, authorisation to practise a profession or its cancellation, right to use an occupational title of a health care professional and its prohibition, and information on the training on which the right or authorisation to practice a profession or to use a protected title is based; (690/2005)
2) any decision of the National Authority for Medicolegal Affairs and a State Provincial Office indicating that erroneousness, neglect or reprehensibility has been perceived in the professional activity of a professional, as well as information on any reprimands, fines or sentences of imprisonment related to the practice of the profession, dismissal or suspending from office; and
3) information on the right to practise as medical or dental specialist and on the training it is based on.

The information referred to in paragraph 2 (1) will be removed from the register in ten years after the National Authority for Medicolegal Affairs has received information about the death of a registered person. The information referred to in paragraph 2 (2) will be removed after ten years have passed from the issuing of the decision or equivalent, unless the Personal File Act (1010/1989) provides for a more longer period for removing the entry. Information on punishment shall also be deleted if the punishability of the act on which the punishment was based has been rescinded.

In addition, in the central register is entered, if necessary, information about the workplace of a health care professional and about reserving a health care professional for preparedness for conditions of emergency in accordance with the Readiness Act (1080/1991), as prescribed in more detail by Decree.

Section 24 b (1030/2000) *Giving information from the central register of health care professionals*

The provisions on confidentiality notwithstanding, the National Authority for Medicolegal Affairs must give the information referred to in section 24 a (2) to a State Provincial Office for managing the supervision tasks referred to in the law, as well as to authorities of EEA states for granting a right or authorisation to practise a health care profession and for managing tasks related to supervision. The National Authority for Medicolegal Affairs must, notwithstanding the provisions on confidentiality, give the information referred to in section 24 a (4) to the Ministry of Social Affairs and Health for managing the tasks referred to in the Readiness Act.

Apart from what is provided in the Act on the Openness of Government Activities (621/1999), the National Authority for Medicolegal Affairs may, without prejudice to the provisions on confidentiality, give authorities and health care units information about the criminal sanctions referred to in section 24 (2) with a view to assessing the suitability of a job seeker.

Apart from what is provided in the Act on the Openness of Government Activities, the National Authority for Medicolegal Affairs may submit from the central register information, in the form of copies or in electronic form, on names and addresses of persons entered into the register, as well as information on their right and authorisation to practice a profession and on their training, with a view to sending information related to the profession of registered persons. As distinct from what is provided in the said Act, the information referred to in section 24 a (2) 2 on decisions of the National Authority for Medicolegal Affairs and a State Provincial Office and on reprimands obtained in practising a profession and suspending from office may only be submitted for scientific research and compilation of statistics, and for investigations carried out by authorities, or to an authority for managing tasks prescribed in the law or for activities related to health care to health care units, pharmacies and communities operating in the field of health care, unless it is question of information on a single registered person.

There are separate provisions on the fees charged for submitting information. Giving the information referred to in paragraph 1 shall be free of charge. In addition, the Ministry of Social Affairs and Health shall, upon request, have access to the information service based on the central register of health care professionals of the National Authority for Medicolegal Affairs, except for the part that the National Authority obtains from an outside service-provider.

Precautionary measures

Section 25 (1030/2000) *Investigation into the appropriateness of professional activities*

If there is good reason to presume that a health care professional, owing to illness, substance abuse, reduced functional capacity or for equivalent reason, is no longer capable of practising his or her profession, the National Authority for Medicolegal Affairs may order the health care professional to undergo a medical examination or examinations at a hospital *(examination of capacity for professional activity and state of health).*

If there is good reason to presume that the professional skills or knowledge of a health care professional are inadequate, the National Authority for Medicolegal Affairs may order the health care professional to sit an examination, to demonstrate skills or to undergo an investigation in order to get his or her professional skills or knowledge assessed *(investigation of professional skills).* The costs of an investigation of professional skills are compensated out of State funds. (923/2003)

Paragraphs 3 and 4 were repealed by Act No. 1261/2005.

If a health care professional refuses to allow the examination referred to in paragraphs 1 to 2, the National Authority for Medicolegal Affairs may forbid the licensed professional to practise his or her profession or revoke the authorisation to practise a profession granted to a professional or forbid a professional with a protected title to use the occupational title of a health care professional as laid down by Decree. (1261/2005)

Section 26 (1030/2000) *Sanctions for misconduct*

If a health care professional
(1) neglects any obligation prescribed in sections 15 to 21, or a doctor or dentist neglects any obligation referred to in sections 15 to 23,
(2) performs tasks for which his or her training and professional skills and knowledge shall be considered inadequate or his or her opportunities for action limited, or
(3) acts otherwise incorrectly or reprehensibly,

the National Authority for Medicolegal Affairs
a) may issue specific regulations and instructions for professional activity;
b) impose restrictions on the right to practise professional activity as a licensed professional for a fixed period or until further notice;
c) withdraw the right to practise the profession of a licensed professional for a fixed time or until further notice; or
d) prohibit a professional with a protected title to use the occupational title of a health care professional as prescribed by Decree for a fixed period or until further notice; or
e) cancel the right of a professional to practise his or her profession.

If the matter does not give cause to undertake a measure referred to in paragraph 1 (a) to (e) or in section 33, the National Authority for Medicolegal Affairs or the State Provincial Office can give the health care professional an admonition or draw his or her attention to appropriate professional practice. The admonition issued or the drawing of attention by the National Authority for Medicolegal Affairs or the State Provincial Office referred to in this section may not be appealed. (1261/2005)

Section 27 *Criminal offence committed in the course of professional activity*

If a health care professional has been sentenced to imprisonment for a criminal offence that he or she has committed while carrying on professional activity, and the decision of the court has gained legal force, and if the circumstances relating to the offence show that he or

she is not worthy of the confidence he or she should enjoy, the National Authority for Medicolegal Affairs may withdraw the right to practise a profession of a licensed professional for a fixed period or, under aggravating circumstances, permanently, or cancel the authorisation of an authorised professional for a fixed period or, under aggravating circumstances, permanently, or forbid a professional with a protected occupational title to use the occupational title of a health care professional as provided by Decree for a fixed period or, under aggravating circumstances, permanently.

If a health care professional holding a state or municipal office or an office in a joint municipal board has been ordered to be suspended from office or dismissed from office because of a criminal offence, the provisions in paragraph 1 above shall apply correspondingly.

The court of justice shall send copies of the record and decision concerning the case referred to in paragraphs 1 and 2 to the National Authority for Medicolegal Affairs without delay.

Before a court decision under which a health care professional has been sentenced to imprisonment or dismissed or suspended from office has become legally valid, the National Authority for Medicolegal Affairs may forbid a licensed professional from practising his or her profession or cancel the authorisation of an authorised professional or forbid a professional with a protected occupational title to use the occupational title of a health care professional as provided by Decree.

Section 28 (1030/2000) *Incapacity for practising a profession*

If a health care professional, owing to illness, substance abuse, reduced functional capacity or for equivalent reason, or otherwise because of inadequate professional skill, which has been properly ascertained, is incapable to work as a health care professional, the National Authority for Medicolegal Affairs may decide on a measure laid down in section 26.

Section 29 *Temporary precautionary measures*

In dealing with matters referred to in sections 25 to 28, the National Authority for Medicolegal Affairs may, as necessary, temporarily forbid a licensed professional to practise a profession, or temporarily limit the right to practise a profession, or temporarily cancel the authorisation of an authorised professional, or temporarily forbid a professional with a protected occupational title to use the occupational title of a health care professional as prescribed by Decree.

Section 30 *Transfer of patient documents to a health centre*

When undertaking precautionary measures as stipulated in this Act, the National Authority for Medicolegal Affairs may for a specific reason order a health care professional who has been practising his or her profession independently to submit patient documents to the health centre of the locality in which he or she practises his or her profession, to be kept in a separate file.

Section 31 *Withdrawal of a right or authorisation to practise a profession upon personal request of a health care professional*

The National Authority for Medicolegal Affairs may, upon personal request of a health care professional, limit his or her right to practise a profession as a licensed professional or withdraw it, or cancel the authorisation of an authorised professional.

Section 32 *Restoration of the right or authorisation to practise a profession or of the right to use an occupational title*

When the right to practise as a health care professional has been withdrawn for a fixed period or until further notice or has been limited or denied, when the authorisation to practise professional activity has been cancelled or when use of a health care professional occupational title as prescribed by Decree has been forbidden, the health care professional may apply for restoration of the right to practise a profession or nullification of any limitation on professional activity, restoration of authorisation to practise a profession, or restoration of right to use the occupational title of a health care professional as prescribed by Decree from the National Board of Medicolegal Affairs once the reason for the withdrawal or limitation of the right, for cancellation of authorisation or for prohibition of the use of occupational title has expired.

Explanation of the expiration of the reason referred to in paragraph 1 shall be appended to the application.

Disciplinary and penal provisions

Section 33 *Written caution*

If a health care professional has in the course of his or her professional activity violated the law or the provisions or regulations issued on the basis of it or is otherwise guilty of error or neglect in his or her duty, the error or neglect not being of a kind requiring prosecution in a court of justice, the National Board of Medicolegal Affairs may issue a written caution to the person concerned.

Section 34 (409/2002) *Reference to provisions regarding punishments*

Anyone practising as a health care professional as referred to in this Act without a legal right shall be subject to punishment as laid down in Chapter 44, section 3, of the Penal Code (39/1889).

Section 35 was repealed by Act No. 409/2002.

Section 36 (682/1999) *Breach of confidentiality*

The punishment for violating the secrecy obligation prescribed in section 17 shall be imposed according to chapter 38, section 1 or 2, of the Penal Code, unless the act is

punishable under chapter 40, section 5, of the Penal Code, or unless more severe punishment for it is prescribed elsewhere in the law.

Chapter 6 **Miscellaneous provisions**

Section 37 *Refusal of application for right to practise a profession*

The National Authority for Medicolegal Affairs may reject any application concerning right to practise a profession referred to in sections 4 (1), 5, 9 (1), 10 and 11(1) only for a reason justifying limitation or withdrawal of the right of a licensed professional to practise a profession.

Section 38 *Hearing*

Before making a final decision in a matter referred to in sections 25 to 28, the National Authority for Medicolegal Affairs shall provide the health care professional with an opportunity to offer an explanation.

Before making a decision in a matter referred to paragraph 1, the National Authority for Medicolegal Affairs may hear experts. (682/1999)

Section 39 *Appeal*

Decisions made by the National Authority for Medicolegal Affairs in virtue of this Act are appealed as laid down in section 4 of the Act on the National Authority for Medicolegal Affairs (1074/1992). (724/2005)

If a decision contrary to the provisions of sections 9 (5), 10 (2) or 11 (4) is not issued within the prescribed time, the applicant may appeal that. The appeal is then considered to be directed at the decision on rejection of an application. Any such appeal may be made until a decision has been issued. The National Authority for Medicolegal Affairs shall notify the appellate authority about the decision. Concerning the appeal referred to in this paragraph and its handling, the provisions of paragraph 1 shall otherwise apply, as appropriate.

The decisions referred to in sections 25 to 30 shall be enforced immediately, regardless of any appeal.

Section 40 *Right to obtain information*

Confidentiality provisions notwithstanding, the National Authority for Medicolegal Affairs and the State Provincial Offices shall be entitled to obtain at request any information and reports necessary for the performance of their tasks prescribed in this Act, free of charge, from government and municipal authorities, authorities of joint municipal boards and other

public corporations, the Social Insurance Institution, the Central Pension Security Institute, pension foundations and other pension institutions, insurance institutions, corporations or institutions providing social welfare or medical care services, and pharmacies.

Section 41 *Advisory Board*

The Government shall appoint an Advisory Board for a period of three years to issue statements and take initiatives regarding the training and professional activities of health care professionals and co-operation between authorities.

Further provisions concerning the composition and tasks of the Advisory Board are laid down by Decree.

Section 42 *Announcement in the Official Gazette*

The National Authority for Medicolegal Affairs shall without delay announce in the Official Gazette any limitation, withdrawal, denial or restoration of a right to practise a profession, cancellation or restoration of an authorisation to practise a profession, or denial or restoration of a right to use the occupational title of a health care professional as prescribed by Decree.

Section 43 *Further provisions*

Further provisions on the implementation of this Act shall be issued by Decree.

Chapter 7 **Implementation and transitional provisions**

Section 44 *Implementation provisions*

This Act enters into force on 1 July 1994.

The provisions concerning practise as a health care professional of section 35 of the Value Added Tax Act (150l/1993) shall apply to the health care professionals referred to in this Act from 1 June 1994.

Any person practising as a health care professional as referred to in this Act who is not covered by the Acts referred to in section 45 is entitled to practise as said health care professional until a decision concerning his or her application for a right to practise a profession or a right to use an occupational title is reached. Any such application must be submitted to the National Authority for Medicolegal Affairs within six months from the entry into force of this Act. The National Authority for Medicolegal Affairs shall decide on the application within not more than one year from the receipt of the application. The

National Authority for Medicolegal Affairs may order that a decision be implemented before it has become legally valid, unless the appellate authority forbids its implementation.

The requirement of sections 4 (2) and 9 (2) of this Act concerning the completion of specific training in general medical practice or similar training shall however apply from 1 January 1995.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 45 *Provisions to be abrogated*

This Act repeals the following Acts with amendments:
(1) the Act on medical practice of 14 July 1978 (562/1978);
(2) the Act on dental practice of 14 July 1978 (563/1978);
(3) the Act on practice as a head dispenser and on practice as a pharmacist of 31 December 1987 (1275/1987);
(4) the Act on the practice of opticianry of 11 November 1960 (429/1960);
(5) the Act on practice as a dental technician of 30 Apri11964 (220/1964);
(6) the Act on nursing practice of 31 October 1962 (554/1962); and
(7) the Act on the practice as a masseur of 20 December 1945 (1231/1945).

Section 46 *Transitional provisions*

All physicians, dentists, head dispensers, pharmacists, opticians, dental technicians or masseurs that are licensed or authorised on the basis of provisions effective when this Act comes into force, as well as persons entered into the list of nursing practitioners, shall be considered as health care professionals referred to in this Act.

Concerning the right of persons engaged in 1994 in the pre-licensing training referred to in section 3 (1) 2 of the Act to be abrogated as referred to in section 45 (1) to practise medicine independently in Finland as a licensed professional, the provisions of the Act to be abrogated shall apply.

As to the right of a citizen of an EEA state to practise medicine independently as a licensed professional, section 6 (2) of the Act to be abrogated as referred to in section 45, subparagraph 1, shall apply until the end of 1994.

Entry into force of Amended Act 1261/2005

This Act enters into force on 1 September 2006.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.