

Ministry of Social Affairs and Health, Finland
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No. 559/1994

Health Care Professionals Act

Issued in Naantali on 28 June 1994

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 Government decree (*professional with a protected occupational title*). (1200/2007)

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, on a temporary basis, also be carried out by a person studying for the profession in question under direction and supervision of a professional that has been licensed to practise independently the profession. The provisions concerning health care professionals laid down below in this Act shall apply,

as appropriate, to such students. Further provisions on the conditions for practising as a licensed professional are laid down by Government decree. (1200/2007)

Notwithstanding paragraph 2, the service provider referred to in section 9 may on a temporary or occasional basis carry out tasks of a licensed professional and on a temporary or occasional basis use the occupational title of a professional with a protected occupational title. The provisions on health care professionals laid down below in this Act shall then apply to the service provider. (1200/2007)

Section 3 (1200/2007) Right of nationals of the other Nordic countries to practise as health care professionals in Finland

The provisions in the agreement on the common Nordic labour market for certain personnel groups in the health care system and the veterinary system (Treaty Series 2/1994) apply to the right of nationals of the other Nordic countries to practise as health care professionals in Finland.

Chapter 2 (1200/2007) Right to practise as a health care professional

Persons trained in Finland

Section 4 (312/2011) Right to practise the profession of physician, dentist, medical specialist or dental specialist on the basis of training completed in Finland

The National Supervisory Authority for Welfare and Health will grant, upon application, a person who has completed the basic medical or dental education in Finland a right to practise the profession of a physician or dentist as a licensed professional,

The National Supervisory Authority for Welfare and Health will grant, upon application, a person who has taken in Finland the degree prescribed by Government decree a right to practise as a licensed medical specialist or dental specialist.

Provisions on the specific training in general medical practice referred to in the recognition rules of the European Union are laid down by Government decree.

Section 5 (1200/2007) Right to practise certain other health care professions and the right to use an occupational title based on education completed in Finland

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 person who has completed the training for the profession in question in Finland.

A person who has completed in Finland the training for a profession governed by a Government decree has the right to use the occupational title concerned. If the training for the profession is not regulated, the precondition for the right to use the occupational title is that the National Authority for Medicolegal Affairs has upon application approved the training as provided in the Government decree.

Persons educated in another state that is a member of the European Union or the European Economic Area

Section 6 (312/2011) Right to practise the profession of a physician or dentist on the basis of the principle of automatic recognition

The National Supervisory Authority for Welfare and Health will grant, upon application, a national of a state belonging to the European Union (EU State) or the European Economic Area (EEA State) who has completed basic medical or dental education in an EU or EEA State other than Finland a right to practise in Finland the profession of physician or dentist as a licensed professional.

The National Supervisory Authority for Welfare and Health will grant, upon application, a national of an EU or EEA State a right to practise in Finland the profession of medical specialist or dental specialist as a licensed professional in the specialties referred to in the Union's recognition rules that are in use in Finland, provided that the person has been given the evidence of formal qualifications referred to in the recognition rules of the Union on the basis of training completed in an EU or EEA State other than Finland, as is required in the state concerned for being granted a right to practise the profession of medical specialist or dental specialist.

In this Act the recognition rules of the Union mean the provisions of the Directive of the European Parliament and of the Council on the recognition of professional qualifications 2005/36/EC and of the Regulations of the Commission relating to the implementation of the said Directive.

Section 7 (1200/2007) Right to practise the profession of head dispenser, nurse or midwife on the basis of the principle of automatic recognition

The National Authority for Medicolegal Affairs will grant, upon application, a national of an EU or EEA State a right to practise in Finland the profession of head dispenser, nurse or midwife as a licensed professional, provided that the person has been given the evidence of formal qualifications referred to in the recognition rules of the Community on the basis of training completed in an EU or EEA State other than Finland, as is required in the state concerned for being granted a right to practise independently the profession of head dispenser, nurse or midwife.

Section 8 (1200/2007) Right to practise as a health care professional and to use an occupational title on the basis of the general recognition system

The National Authority for Medicolegal Affairs will grant, upon application, a national of an EU or EEA State a right to practise in Finland the profession of psychologist, speech therapist, dietician, pharmacist, public health nurse, physiotherapist, laboratory technologist, radiographer, dental/oral hygienist, occupational therapist, optician or dental technician as a licensed professional, provided that the person has been granted the diploma referred to in the recognition rules of the Community or other evidence of training defined to correspond to it on the basis of training completed in an EU or EEA State other than Finland, as is required in the state concerned for being granted a right to practise independently the professions in question.

The National Authority for Medicolegal Affairs will grant, upon application, a national of an EU or EEA State a right to use in Finland the occupational title of a health care professional governed by Government decree, provided that the person has been granted the diploma referred to in the recognition rules of the Community or other evidence of training defined to

correspond to it on the basis of training completed in an EU or EEA State other than Finland, as is required in the state concerned for being granted a right to practise the professions in question.

In addition to what is provided in paragraphs 1 and 2 the National Authority for Medicolegal Affairs may order a period of adaptation or an aptitude test for the applicant, as provided in the Act on Recognition of Professional Qualifications (1093/2007). The applicant may choose if he or she will complete as the compensation measure the period of adaptation or take the aptitude test. Further provisions on the period of adaptation and aptitude test are laid down by Government decree. An aptitude test is subject to a charge under the Act on Charges Payable to the State (150/1992).

In case a national of an EU or EEA State who has completed the education of a physician, dentist, head dispenser, nurse or midwife in an EU or EEA State does not fulfil the conditions for automatic recognition of professional qualifications referred to in the recognition rules of the Community, the provisions of paragraph 3 shall apply to the person. In case the applicant is required to complete a compensation measure, the National Authority for Medicolegal Affairs may however order whether the applicant shall complete a period of adaptation or take an aptitude test.

Section 9 (1200/2007) *Temporary and occasional provision of services*

A professional who has established him/herself in another EU or EEA State and who is legally entitled to practise independently the profession referred to in sections 6–8 of this Act may provide services related to the said profession in Finland on a temporary or occasional basis. When commencing the provision of services pertaining to his or her profession on a temporary or occasional basis in Finland the professional must however submit an advance notice in writing to the National Authority for Medicolegal Affairs. The same applies to nationals of EU or EEA States who are legally entitled to practise independently a profession with a protected occupational title referred to in the Government decree in an EU or EEA State other than Finland, if the person wants to use the occupational title governed by the Government decree when providing services pertaining to his or her profession on a temporary or occasional basis in Finland.

The notice is in force for one year and must be renewed if the person intends to continue the provision of services. When a service provider intends to provide services for the first time the notice shall be appended with documents that indicate that the service provider is legally entitled to practise the profession in the state of establishment and that he or she fulfils the other conditions for provision of services laid down in the Directive on professional qualifications. If a circumstance related to the right of the service provider to pursue the activity changes considerably the service provider must submit the documents concerning it to the National Authority for Medicolegal Affairs. Further provisions on submitting the notice and the documents to be appended to it are laid down by Government decree.

With a view to securing patient safety the National Authority for Medicolegal Affairs may check the professional qualifications of the service provider before services are provided for the first time. The checking of the professional qualifications however does not apply to the professionals referred to in sections 6 and 7 that are covered by the automatic recognition of professional qualifications. The National Authority shall decide on the outcome of the checking within one month from receipt of the notification of provision of services and appended documents, or inform the service provider within the same period of time that the professional qualifications have not been checked or that additional information is needed in the matter. If the settling of the matter requires further information the decision on the outcome of the checking of professional qualifications must be made within two months from

receipt of adequate documents. Provision of services may be commenced if the decision or notification has not been given within the periods of time referred to above.

If the education of the service provider and the education required of professionals practising the profession in Finland are essentially different to the extent that the difference may jeopardise patient safety, the National Authority for Medicolegal Affairs shall give the service provider an opportunity to prove by means of an aptitude test that the service provider has acquired the knowledge or qualifications that he or she lacked. An opportunity for providing evidence of the professional qualifications must be provided so that the provision of services can be commenced within one month from making the decision on checking the professional qualifications.

Once the professional qualifications of the service provider have been checked, the occupational title referred to in this Act or the relevant Government decree shall be used. Correspondingly, the professionals practising professions that are covered by the automatic recognition of professional qualifications must use the occupational title referred to in this Act when providing services in virtue of this Act. If the National Authority for Medicolegal Affairs has given up checking the professional qualifications, the use of an occupational title is subject to the provisions of the Act on Recognition of Professional Qualifications.

Section 10 (1200/2007) Nationals of a third country who have been educated in another EU or EEA State

What is provided in sections 6–9 shall also apply to the recognition of professional qualifications and provision of services that is based on the Community legislation regarding the status of nationals of states other than EU and EEA States, when a national of such a state has completed the main part of his or her education in an EU or EEA State.

The National Authority for Medicolegal Affairs may, for special reasons and on conditions prescribed by it, grant nationals of states other than EU or EEA States referred to in paragraph 1 who have completed their education in an EU or EEA State, authorisation to practise a profession for carrying out work referred to in section 4 or 5(1) or a right to practise as a licensed professional in Finland, provided that the applicant possesses the qualifications and adequate language proficiency required for managing the work as laid down by Government decree. Correspondingly, the National Authority for Medicolegal Affairs may grant, upon application, nationals of states other than EU or EEA States referred to in paragraph 1 who have completed in an EU or EEA State the education for a profession laid down by Government decree and approved by the National Authority, authorisation to use in Finland the occupational title of a health care professional as laid down by Government decree, provided that the applicant possesses adequate language proficiency for managing the work.

Conditions for practising as a professional for persons educated outside the European Union or the European Economic Area

Section 11 (312/2011) Recognition of education completed by nationals of EU or EEA States outside the EU or EEA

The National Supervisory Authority for Welfare and Health will grant, upon application, a national of an EU or EEA State who has completed outside the EU or EEA the professional education approved by the National Supervisory Authority and who has given evidence that he or she fulfils any other qualification requirements laid down by Government decree, a right to practise in Finland the profession of physician or dentist as a licensed professional.

The National Supervisory Authority for Welfare and Health will grant, upon application, a national of an EU or EEA State a right to practise in Finland the profession of medical specialist or dental specialist as a licensed professional in the specialties in use in Finland, provided that the person has completed comparable education approved by the National Supervisory Authority outside the EU or EEA and has given the evidence that he or she fulfils any other qualification requirements laid down by Government decree.

The National Supervisory Authority for Welfare and Health will grant, upon application, a national of an EU or EEA State a right to practise in Finland the profession referred to in section 5(1) as a licensed professional, provided that the person has completed comparable education approved by the National Supervisory Authority outside the EU or EEA and has given the evidence that he or she fulfils any other qualification requirements laid down by Government decree. Correspondingly, the National Supervisory Authority will grant, upon application, a national of an EU or EEA State who has completed the education approved by the National Supervisory Authority outside the EU or EEA, a right to use in Finland the occupational title of a health care professional as laid down by Government decree.

Notwithstanding the provisions of paragraphs 1– 3 the National Supervisory Authority for Welfare and Health will grant, upon application, a national of an EU or EEA State who has been granted a right to practise the profession concerned in another EU or EEA State on the basis of education completed outside the EU or EEA, provided that the person has practised the profession in an EU or EEA State for at least three years after having been granted the right, a right to practise in Finland the profession referred to in section 4 or 5(1) as a licensed professional or a right to use in Finland the occupational title of a health care professional as laid down by Government decree. The granting of the right is subject to what is provided in section 8(4).

Section 12 (1200/2007) *Application of the Community's rules of recognition in certain cases*

The provisions of this Chapter regarding nationals of EU and EEA States also apply to recognition of professional qualifications that is based on an agreement concluded by the European Communities and their member states with another party.

Section 13 (1200/2007) *Nationals of a third country who have been educated outside the EU or EEA*

The National Authority for Medicolegal Affairs may, for special reasons and on conditions prescribed by it, grant nationals of non-EU or non-EEA States, who have completed their education outside the EU or EEA, authorisation to practise a profession for carrying out work referred to in section 4 or 5(1) or a right to practise as a licensed professional in Finland, provided that the applicant possesses the qualifications and adequate language proficiency required for managing the work as laid down by Government decree. Correspondingly, the National Authority may, upon application, grant nationals of non-EU or non-EEA States who have completed the professional education laid down by Government decree and approved by the National Authority for Medicolegal Affairs outside the EU or EEA, authorisation to use in Finland the occupational title of a health care professional as laid down by Government decree, provided that the applicant possesses adequate language proficiency for managing the work.

Joint provisions

Section 14 (433/2010) *Specific qualifications*

A licensed professional with specific qualifications is a Finnish national or a foreign national who has completed the education required for specific qualifications in Finland, or a national

of Finland or another EU or EEA State who has completed the education required for specific qualifications other than the education referred to in section 6 (3) in an EU or EEA State other than Finland or such education for specific qualifications outside the EU or EEA that the National Supervisory Authority for Welfare and Health has approved upon application. Furthermore, it is required that the person has given the evidence that he or she fulfils any other qualification requirements laid down by Government decree.

The National Supervisory Authority for Welfare and Health enters the information regarding the application for recognition of the specific qualifications prescribed by Government decree in the central register of health care professionals referred to in section 24 a.

In order to ensure the professional knowledge and skills, further provisions on the education and training required for the specific qualifications and its objectives can be laid down by Government decree.

Section 14 a (1200/2007) *Appendices to the application*

The application referred to in sections 4 and 5 shall be appended with a copy of the diploma awarded by the educational institution or other evidence of qualifications in the branch and, as necessary, the completed curriculum.

Other applications for recognition or approval of professional qualifications than those referred to in paragraph 1 shall be appended with the following documents:

- 1) a document indicating the person's nationality;
- 2) copies of documents that provide evidence of the formal qualifications or a copy of the documents awarded on education that entitles the person to commence practising the profession in question;
- 3) if it is question of education completed in an EU or EEA State that is covered by the principle of automatic recognition, a certificate issued by the competent authority in the applicant's home member state that the documents awarded are documents referred to in the Community's rules of recognition;
- 4) if the applicant has been granted a right to practise the profession concerned in some other state than in Finland, a certificate issued by the competent authority of the country not later than three months earlier that the right has not been limited or cancelled because of serious professional infringement or for comparable reason;
- 5) a certificate of professional experience, if necessary;
- 6) in cases referred to in sections 10(2) and 13 a certificate of language proficiency and completion of any additional studies or examinations required of the applicant.

In cases referred to in paragraph 2 the applicant shall at the request of the National Authority for Medicolegal Affairs also submit such information on his or her education by means of which the Authority can determine any essential differences compared to the education required in Finland.

If the document is submitted as a copy, the copy must be officially certified. Translations made by authorised translators in Finnish or Swedish of documents originally drawn up in languages other than Nordic languages must be appended to the application.

Further provisions on the application and the documents to be appended to it are laid down by Government decree.

Section 14 b (1200/2007) *Handling of applications in certain cases*

The National Authority for Medicolegal Affairs must inform the applicant referred to in sections 6–8, section 10 (1), section 11 (5) and section 12 of receipt of the documents supplied by the applicant and of possible other documents that have not been received within one month of receipt of the documents. Decision on an application referred to above must be issued within three months from receipt of all the documents required. In case the general recognition system according to the recognition regulations of the Community is applied to the handling of the application, the decision on the application must however be issued within four months from receipt of all the documents that are required.

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 18 a (1200/2007) *Knowledge of languages*

A health care professional shall have a knowledge of languages necessary for managing his or her duties.

Section 19 (1550/2009) *Compliance with regulations and forwarding of information*

In their professional activities health care professionals must comply with what is prescribed by the National Supervisory Authority for Welfare and Health or a Regional State Administrative Agency 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 Supervisory Authority for Welfare and Health or a Regional State Administrative Agency that are necessary for performance of their duties prescribed in this Act.

Section 20 (1550/2009) *Notification duty*

Health care professionals must make a notification concerning independent practice of a profession to the competent Regional State Administrative Agency 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 22 a (46/2009) Identification code

The National Supervisory Authority for Welfare and Health provides the physicians and dentists and the medical and dental students who have completed the studies laid down by Government decree, as well as the nurses, oral hygienists and opticians who are entitled to prescribe medicines with an identification code that the person concerned must use when giving prescriptions. (433/2010)

The identification code is a dataset consisting of numbers and check digits that does not contain identification data relating to the person.

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 4 a (433/2010) Symptomatic treatment and limited right to prescribe medicines

Section 23 a (433/2010) Symptomatic treatment

A licensed health care professional can, in accordance with his or her education, experience and job description, start the treatment of a patient on the basis of the patient's symptoms, the information available and the patient's need for treatment as assessed by the professional.

Section 23 b (433/2010) *Limited right to prescribe medicines*

Nurses who have sufficient practical experience and have completed the additional training prescribed by Government decree have a limited right to prescribe from a pharmacy medicines used in the treatment for the patients they are treating at the health centre, if it is question of preventive care or continued medication when a physician has made the diagnosis or the medication is based on the need for treatment as assessed by the nurse (*limited right to prescribe medicines*).

A requirement for the limited right to prescribe medicines is a written assignment specifying the medicines that the nurse may prescribe, and possible limitations to the right. The written assignment is given by the physician in charge at the health centre where the nurse is employed. If the hospital district is in charge of the emergence services of a health centre within its region, the assignment is given by the chief physician of the hospital district if the nurse is employed by the hospital district.

Provisions on the practical experience required for the limited right to prescribe medicines are laid down by Government decree, as necessary. Further provisions on the medicines and medical conditions that the limited right may apply to are laid down by decree of the Ministry of Social Affairs and Health. The Ministry confirms the format of the written assignment referred to in paragraph 2.

Section 23 c (433/2010) *Fixed-term right to prescribe medicines*

Nurses may be entitled by Government decree to prescribe the medicines specified in the decree that are used for the prevention and treatment of a communicable disease, when it is question of a widely spread communicable disease and the prescribing is necessary to treat those already infected or to protect the population from the spread of the communicable disease (*fixed-term right to prescribe medicines*). The fixed-term right to prescribe medicines may apply to nurses employed by both public and private health care units.

Provisions on the training or knowledge and skills required for the right to prescribe medicines and other requirements posed by patient and medication safety are laid down by Government decree. The decree is issued for a fixed period of time, not exceeding six months.

The fixed-term right to prescribe medicines is in force at most for the period of validity of the Government decree referred to in paragraph 2 and presupposes, in addition, a written assignment given by the physician in charge of the unit's operations to the nurse concerned.

Section 23 d (433/2010) *The right of opticians and oral hygienists to prescribe medicines*

Opticians and oral hygienists practising the profession independently have the right to prescribe medicines obtained from a pharmacy that are needed in connection with the care provided by them.

Provisions on the additional training required for the right to prescribe medicines are laid down by Government decree, as necessary. With a view to ensuring patient safety, further provisions on the medicines that opticians and oral hygienists may prescribe are laid down by decree of the Ministry of Social Affairs and Health.

Section 23 e (433/2010) *Notification of the right to prescribe medicines*

The giver of the assignment referred to in section 23b (2) and 23c (3) must deliver a copy of the written assignment on the limited and fixed-term right to prescribe medicines, and information about any changes to the assignment and termination of the right to prescribe medicines to the National Supervisory Authority for Welfare and Health.

Chapter 5 Guidance and supervision of health care professionals

General provisions concerning guidance and supervision

Section 24 (1550/2009) *Guidance and supervision*

The National Supervisory Authority for Welfare and Health 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 Regional State Administrative Agency. The National Supervisory Authority for Welfare and Health, under the Ministry of Social Affairs and Health, guides and supervises the operations of the Regional State Administrative Agencies with a view to harmonising their operational principles, procedures and decision-making practices in the guidance and supervision of health care professionals.

The National Supervisory Authority for Welfare and Health 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 Regional State Administrative Agency is disqualified to handle.

Provisions on the detailed division of labour in the guidance and supervision between the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies 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 Supervisory Authority for Welfare and Health 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 (1550/2009) *The central register of health care professionals*

The National Supervisory Authority for Welfare and Health shall keep a central register of health care professionals in order to manage the supervision tasks laid down in the Act on the National Supervisory Authority for Welfare and Health (669/2008). 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 identity code, registration number, 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;
- 2) any decision of the National Supervisory Authority for Welfare and Health and a Regional State Administrative Agency 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;
- 3) identification code and information on the right to practise as medical or dental specialist and on the training it is based on, information on the specific training in general medical practice or comparable training completed by a physician, information on the specific qualifications of a health care professional and on the training it is based on, and information on the health care unit where a nurse has a limited right to prescribe medicines;
- 4) information referred to in section 1 of the Act on Approval of Maritime Physicians (47/2009) about the right to practise as a maritime physician and the training on which that right is based as well as the maritime physician's workplace and contact information of the workplace; and
- 5) name, personal identity code, registration number, date of start of studies and information on the completed studies of medical, dental or pharmacy students who have completed the studies laid down in this Act and the Government decree issued in virtue of it.

(312/2011)

The information referred to in paragraph 2 (1) will be removed from the register in ten years after the National Supervisory Authority for Welfare and Health has received information about the death of a registered person or in two years after the temporary or occasional provision of health care services referred to in section 9 has ended. 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 Data Files in the Administration 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. The information referred to in paragraph 2 (5) will be removed when the person has been granted the right to practise the profession of physician, head dispenser or pharmacist as a licensed professional, in any case at the latest when ten years have passed from the start of studies.

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 Emergency Powers Act (1080/1991), as prescribed in more detail by decree.

Section 24 b (1550/2009) *Submitting information from the central register of health care professionals*

The provisions on confidentiality notwithstanding, the National Supervisory Authority for Welfare and Health must give the information referred to in section 24 a (2) to a Regional State Administrative Agency for managing the supervision tasks referred to in the law, as well as to authorities of the EU and EEA states for granting a right or authorisation to practise a health care profession and for managing tasks related to supervision. The National Supervisory Authority for Welfare and Health must, notwithstanding the confidentiality provisions, 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 Emergency Powers Act.

Apart from what is provided in the Act on the Openness of Government Activities (621/1999), the National Supervisory Authority for Welfare and Health may, notwithstanding the confidentiality provisions, 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 Supervisory Authority for Welfare and Health 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 practise 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 Act on the Openness of Government Activities, the information referred to in section 24 a (2) 2 on decisions of the National Supervisory Authority for Welfare and Health or a Regional State Administrative Agency 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. As distinct from what is provided in the said Act, information on the identification code referred to in section 22 a of this Act may only be submitted to authorities for managing the tasks laid down in this Act, to pharmacies, and for the purpose of scientific research, compilation of statistics, and investigations carried out by authorities.

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 Supervisory Authority for Welfare and Health, except for the part that the Supervisory Authority obtains from an outside service-provider.

Section 24 c (46/2009) *Public information service*

The National Supervisory Authority for Welfare and Health may submit via a public information network information from the central register of health care professionals on the name, registration number, year of birth and the professional qualifications of a professional as well as about restrictions on the person's right to practise a profession (*public information service*). Furthermore, public information service may include information on the name, registration number, year of birth and date of start of studies of medical, dental or pharmacy students entitled to practise as a licensed health care professional.

Information from public information service may only be sought in the form of individual searches by using the name or registration number of the registered person.

The National Supervisory Authority for Welfare and Health shall remove the information on a health care professional from public information service immediately after it has received information about the professional's death or after the right of the health care professional to practise a profession has been withdrawn, the authorisation to practise a profession has been cancelled or the use of an occupational title has been prohibited.

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 (1550/2009) *Sanctions for misconduct*

The National Supervisory Authority for Welfare and Health may issue sanctions to health care professionals for misconduct if a health care professional

- (1) neglects any obligation prescribed in sections 15, 15a, 16–18, 18a or 19–21, or a doctor or dentist neglects any obligation referred to in sections 15, 15a, 16–18, 18 a or 19–23,
- (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 Supervisory Authority for Welfare and Health may, in cases referred to in paragraph 1,

- (1) issue to the person specific regulations and instructions for professional activity;
- (2) impose restrictions on the right to practise professional activity as a licensed professional for a fixed period or until further notice;
- (3) withdraw the right to practise the profession of a licensed professional for a fixed time or until further notice;
- (4) 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
- (5) cancel the right of a licensed professional to practise his or her profession.

If the matter does not give cause to undertake a measure referred to in paragraph 2 or in section 33, the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency 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 Supervisory Authority for Welfare and Health or the Regional State Administrative Agency referred to in this section may not be appealed.

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 (1200/2007) *Refusal of application for right to practise a profession or to use an occupational title*

If the applicant fulfils the qualifications laid down to in section 4, 5 (1), 6–8, 10 (1), 11 or 12 the National Authority for Medicolegal Affairs may reject an application only for a reason justifying limitation or withdrawal of the right of a licensed professional to practise a profession or for a reason justifying forbidding a professional with a protected title to use the occupational title of a health care professional laid down by Government decree.

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 (433/2010) *Appeal*

Decisions made by the National Supervisory Authority for Welfare and Health in virtue of this Act can be appealed to an administrative court as laid down in the Administrative Judicial Procedure Act (586/1996).

If the National Supervisory Authority for Welfare and Health has not issued a decision within the time prescribed in section 14 b, 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 Supervisory Authority 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 (1550/2009) *Right to obtain information*

Confidentiality provisions notwithstanding, the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies are 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 Finnish Centre for Pensions, pension foundations and other pension institutions, insurance institutions, corporations or institutions providing social welfare or medical care services, and pharmacies.

Section 40 a (312/2011) *Information about medical, dental and pharmacy students and about persons who have completed specific training in general medical practice*

The universities providing medical, dental and pharmacy education must notify the National Supervisory Authority for Welfare and Health of the names, personal identity codes, dates of start of studies and completed studies of the medical, dental and pharmacy students who have completed the studies laid down in this Act and the Government decree issued in virtue of it. In regard to medical students the information shall be supplied separately for the students that have completed the studies of the first four years of study and for those who have completed the studies of the first five years of study.

The universities providing medical education must notify the National Supervisory Authority for Welfare and Health of the names and personal identity codes of the physicians who have completed the specific training in general medical practice prescribed in this Act and the Government decree issued in virtue of it.

On the basis of the notification the National Supervisory Authority for Welfare and Health enters in the register referred to in section 24a information on the physicians who have completed specific training in general medical practice or comparable training in another EU State or EEA State. Information about the names, personal identity codes and completed studies of the physicians with specific training in general medical practice must be included in the notification.

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 (1501/1993) 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 April 1964 (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 Acts:

433/2010: This Act enters into force on 1 July 2010.

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

312/2011: This Act enters into force on 1 May 2011.

At the entry into force of this Act the physicians recorded in the central register of health care professionals kept by the National Supervisory Authority for Welfare and Health referred to in section 24 a who are entitled to practise the medical profession under direction and supervision of a professional licensed to practise independently the profession in question are entered without a separate application in the register as licensed physicians. The licensed general practitioners are recorded without a separate application in the register as licensed physicians who have completed specific training in general medical practice or comparable training.

The provisions in force before the entry into force of this Act are applied, as appropriate, to those dentists whose education has not included the advanced practical training of six months.