

Client Alert

November 2011

www.bakermckenzie.com

Should you wish to obtain further information or want to discuss any issues raised in this alert with us, please contact:

Simon Taylor

+84 4 3936 9404

simon.taylor@bakermckenzie.com

Dang Chi Lieu

+84 4 3 936 9341

chilieu.dang@bakermckenzie.com

Baker & McKenzie (Vietnam) Ltd.
12th Floor, Saigon Tower
29 Le Duan Blvd
District 1
Ho Chi Minh City
Socialist Republic of Vietnam
Tel: +84 8 3829 5585
Fax: +84 8 3829 5618

Baker & McKenzie (Vietnam) Ltd.
Hanoi Branch Office
13th Floor, Vietcombank Tower
198 Tran Quang Khai Street
Hoan Kiem District, Hanoi
Socialist Republic of Vietnam
Tel: +84 4 3825 1428
Fax: +84 4 3825 1432

Professional Liability Insurance for Medical Establishments

Decree No. 102¹ effectively makes the purchase of liability insurance in medical examination and treatment compulsory for medical examination and treatment establishments in Vietnam under the following schedule:

- By 31 December 2015 for all medical examination and treatment establishments operated under the form of hospital (including general hospitals, specialized hospital and traditional medicine hospitals); and
- By 31 December 2017 for all medical examination and treatment establishments operated under other forms.

The scope of insurance must cover the incidents in medical examination and treatment due to professional and technical mistakes caused to patients by negligence or omission of the practitioners at the medical examination and treatment establishments. A medical examination and treatment establishment and its insurer may agree to cover additional scope.

The practitioners at the medical examination and treatment establishments as mentioned above are those who have been granted with practice certificates and conduct medical examination and treatment activities, including (i) doctors, assistant doctors, (ii) nurses, (iii) midwives, (iv) technicians, (v) herbalists; and (vi) owners of family herbal remedies or treatment methods.

Insurance companies will have to use a part of their revenues collected from the premiums of liability insurance in medical examination and treatment to build the database on liability insurance in medical examination and treatment under the guidance of the Ministry of Finance.

Decree No. 102 was issued by the Government on 14 November 2011 and will take effect as of 1 January 2012.

¹ Decree No. 102/2011/ND-CP on Liability Insurance in Medical Examination and Treatment ("Decree No. 102").

This client alert provided by Baker & McKenzie (Vietnam) Ltd. is intended to provide our clients, and other interested parties, with an overview of the recent legal changes in the relevant area for information purposes only. The information contained in this client alert does not constitute legal advice or legal opinion, and should not be regarded as a substitute for detailed advice in individual cases. The information, as referred to in this client alert, is based on the laws, regulations, notifications, practice and policy at the time of its production. The laws, regulations, notifications, practice and policy may change from time-to-time and, therefore, the use of this client alert must be taken with due care. You are strongly advised that no use should be made of the information in this client alert without prior consultation with Baker & McKenzie (Vietnam) Ltd.. No portion hereof may be reproduced or transmitted, by any means, without the prior written permission from Baker & McKenzie (Vietnam) Ltd.. All rights reserved.

Baker & McKenzie (Vietnam) Ltd. is a member of Baker & McKenzie International, a Swiss Verein with member law firms around the world. In accordance with the common terminology used in professional service organizations, reference to a "partner" means a person who is a partner, or equivalent, in such a law firm. Similarly, reference to an "office" means an office of any such law firm.

©2011 Baker & McKenzie (Vietnam) Ltd. All rights reserved.

This may qualify as "Attorney Advertising" requiring notice in some jurisdictions. Prior results do not guarantee a similar outcome.