

<p style="text-align: center;"><u>中华人民共和国精神卫生法</u></p>	<p style="text-align: center;"><u>People's Republic of China Mental Health<sup>1</sup> Law</u></p>
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<p style="text-align: center;">第一章 总 则</p>	<p style="text-align: center;">Part 1: General Provisions</p>
<p><b>第一条</b> 为了发展精神卫生事业，规范精神卫生服务，维护精神障碍患者的合法权益，制定本法。</p>	<p><b>Article 1:</b> This law is formulated to develop mental hygiene undertakings, regulate mental hygiene services and protect the lawful rights and interests of those with mental disorders.</p>
<p><b>第二条</b> 在中华人民共和国境内开展维护和增进公民心理健康、预防和治疗精神障碍、促进精神障碍患者康复的活动，适用本法。</p>	<p><b>Article 2:</b> This law applies to activities within the territory of the People's Republic of China developed to maintain and enhance citizens' mental health, to prevent and treat mental disorders and to advance rehabilitation activities for those with mental disorders.</p>
<p><b>第三条</b> 精神卫生工作实行预防为主方针，坚持预防、治疗和康复相结合的原则。</p>	<p><b>Article 3:</b> Mental hygiene work puts into practice the directive of putting prevention first and adheres to the principal of integrating prevention, treatment and rehabilitation.</p>
<p><b>第四条</b> 精神障碍患者的人格尊严、人身和财产安全不受侵犯。</p> <p>精神障碍患者的教育、劳动、医疗以及从国家和社会获得物质帮助等方面的合法权益受法律保护。</p>	<p><b>Article 4:</b> The security of persons with mental disorders' personal dignity, physical person and property are not to be infringed.</p> <p>The law protects the lawful rights and interests of persons with mental disorders in areas such as education, labor, medical treatment and receipt of material assistance from the nation and society.</p>

<sup>1</sup> The Law's title has been translated as "Mental Health" to follow the media convention, but through the translation of the law, the term "mental hygiene" is used for 精神卫生, while "mental health" is used for "心理健康". The former refers to a psychiatric state relating to mental illnesses, while the latter refers to more general psychological well-being.

<p>有关单位和个人应当对精神障碍患者的姓名、肖像、住址、工作单位、病历资料以及其他可能推断出其身份的信息予以保密；但是，依法履行职责需要公开的除外。</p>	<p>Relevant units and individuals shall maintain the secrecy of information from which the identities of persons with mental disorders might be deduced, such as their names, images, addresses, workplaces and medical history materials; except when lawful performance of professional duties requires it be released.</p>
<p><b>第五条</b> 全社会应当尊重、理解、关爱精神障碍患者。</p> <p>任何组织或者个人不得歧视、侮辱、虐待精神障碍患者，不得非法限制精神障碍患者的人身自由。</p> <p>新闻报道和文学艺术作品等不得含有歧视、侮辱精神障碍患者的内容。</p>	<p><b>Article 5:</b> The entire society shall respect, understand and show compassion for persons with mental disorders.</p> <p>Organizations and individuals must not discriminate, demean or mistreat persons with mental disorders, and must not illegally limit the personal freedom [physical freedom] of persons with mental disorders.</p> <p>News reports and literary artistic works etc. must not include content that discriminates against or demeans persons with mental disorders.</p>
<p><b>第六条</b> 精神卫生工作实行政府组织领导、部门各负其责、家庭和单位尽力尽责、全社会共同参与的综合管理机制。</p>	<p><b>Article 6:</b> Mental hygiene work implements the comprehensive management mechanism of government organization's leading, each department having responsibility for its own duties, households and workplaces striving to fulfill their duties and the joint participation of entire society.</p>
<p><b>第七条</b> 县级以上人民政府领导精神卫生工作，将其纳入国民经济和社会发展规划，建设和完善精神障碍的预防、治疗和康复服务体系，建立健全精神卫生工作协调机制和工作责任制，对有关部门承担的精神卫生工作进行考核、监督。</p> <p>乡镇人民政府和街道办事处根据本地区的实际情况，组织开展预防精神障碍发生、促进精神障碍患者康复等工作。</p>	<p><b>Article 7:</b> People's governments at the county level and above lead mental hygiene work; put it in the national economic and social development plan; establish and perfect mental disorder prevention, treatment and rehabilitation services systems; fully establish mental hygiene work coordination mechanisms and systems of responsibility and evaluate and supervise the mental hygiene work undertaken by relevant departments.</p> <p>Village or town governments and sub-district offices, in accordance with their actual local conditions, organize the performance of work such as preventing occurrences of mental disorders and promoting rehabilitation of those with mental disorders</p>

<p><b>第八条</b> 国务院卫生行政部门主管全国的精神卫生工作。县级以上地方人民政府卫生行政部门主管本行政区域的精神卫生工作。</p> <p>县级以上人民政府司法行政、民政、公安、教育、人力资源社会保障等部门在各自职责范围内负责有关的精神卫生工作。</p>	<p><b>Article 8:</b> The State Council administrative departments of health<sup>2</sup> manage mental hygiene work for the entire nation. Administrative departments of health under people’s governments at the county level and above manage mental hygiene work in their areas.</p> <p>Judicial administration, civil administration, public security, education, human resources and social security and other departments under people’s governments at the county level and above are responsible for relevant mental hygiene work within the scope of their particular professional responsibilities.</p>
<p><b>第九条</b> 精神障碍患者的监护人应当履行监护职责，维护精神障碍患者的合法权益。</p> <p>禁止对精神障碍患者实施家庭暴力，禁止遗弃精神障碍患者。</p>	<p><b>Article 9:</b> Guardians of persons with mental disorders shall perform their guardianship duties and protect the lawful rights of interests of persons with mental disorders.</p> <p>Domestic violence against persons with mental disorders and the abandonment of persons with mental disorders is prohibited.</p>
<p><b>第十条</b> 中国残疾人联合会及其地方组织依照法律、法规或者接受政府委托，动员社会力量，开展精神卫生工作。</p> <p>村民委员会、居民委员会依照本法的规定开展精神卫生工作，并对所在地人民政府开展的精神卫生工作予以协助。</p> <p>国家鼓励和支持工会、共产主义青年团、妇女联合会、红十字会、科学技术协会等团体依法开展精神卫生工作。</p>	<p><b>Article 10:</b> The China Federation of Disabled Persons and its local organizations mobilize social forces to carry out mental hygiene work, as provided by laws and regulations or as entrusted by the government.</p> <p>Villagers’ committees and residents’ committees carry out mental hygiene work and provide assistance to the local government’s mental hygiene work as provided by laws and regulations.</p> <p>The nation encourages and supports unions, communist youth groups, the women’s federations, the Red Cross, scientific and technical associations and other groups to carry out mental hygiene work in accordance with law.</p>
<p><b>第十一条</b> 国家鼓励和支持开展精神卫生专门人才的培养，维护精神卫生工作人员的合法权益，加强精神卫生专业队伍建设。</p>	<p><b>Article 11:</b> The nation encourages and supports the furtherance of training of professional personnel for mental hygiene work, preservation of the lawful rights and interests of mental hygiene workers and strengthening of the professional mental health establishment.</p> <p>The nation encourages and supports the</p>

<sup>2</sup> Administrative departments of health (卫生行政部门) includes more than the Ministry of Health (卫生部), and includes other health related departments.

<p>国家鼓励和支持开展精神卫生科学技术研究，发展现代医学、我国传统医学、心理学，提高精神障碍预防、诊断、治疗、康复的科学技术水平。</p> <p>国家鼓励和支持开展精神卫生领域的国际交流与合作。</p>	<p>furtherance of research into scientific mental hygiene techniques; the development of modern medicine, Chinese traditional medicine and psychology; and improving the level of science and technology for preventing, diagnosing, treating and rehabilitating mental disorders.</p> <p>The nation encourages and supports the furtherance of international exchange and cooperation in the field of mental hygiene.</p>
<p><b>第十二条</b> 各级人民政府和县级以上人民政府有关部门应当采取措施，鼓励和支持组织、个人提供精神卫生志愿服务，捐助精神卫生事业，兴建精神卫生公益设施。</p> <p>对在精神卫生工作中作出突出贡献的组织、个人，按照国家有关规定给予表彰、奖励。</p>	<p><b>Article 12:</b> All levels of people’s government and relevant departments under people’s governments at the county level and above shall adopt measures to encourage and support organizations and individuals providing volunteer services to persons with mental disorders, contribute to mental health affairs and establish public interest mental hygiene facilities.</p> <p>Organizations and individuals making outstanding contributions in mental hygiene work will be given commendations and awards in accordance with relevant national regulations.</p>
<p><b>第二章 心理健康促进和精神障碍预防</b></p>	<p><b>Part 2: Promoting Mental Hygiene and Preventing Mental Disorders</b></p>
<p><b>第十三条</b> 各级人民政府和县级以上人民政府有关部门应当采取措施，加强心理健康促进和精神障碍预防工作，提高公众心理健康水平。</p>	<p><b>Article 13:</b> All levels of people’s government and relevant departments under people’s governments at the county level and above shall adopt measures to strengthen work for the promotion of mental hygiene and prevention of mental disorders, and increase citizens’ mental health levels.</p>
<p><b>第十四条</b> 各级人民政府和县级以上人民政府有关部门制定的突发事件应急预案，应当包括心理援助的内容。发生突发事件，履行统一领导职责或者组织处置突发事件的人民政府应当根据突发事件的具体情况，按照应急预案的规定，组织开展心理援助工作。</p>	<p><b>Article 14:</b> Emergency response plans formulated at all levels of people’s government and relevant departments under people’s government at the county level and above shall include content on psychological assistance. When emergencies occur, people’s governments performing centralized leadership or organizing emergency response shall, in accordance with the specific conditions of the emergency, follow the provisions in the response plan to organize psychological assistance work.</p>
<p><b>第十五条</b> 用人单位应当创造有益于职工身心健康的工作环境，关注职工的心理健</p>	<p><b>Article 15:</b> Workplaces shall create an environment beneficial to the physical and mental health of employees and keep a watch on</p>

<p>业发展特定时期或者在特殊岗位工作的职工，应当有针对性地开展心理健康教育。</p>	<p>employees' mental health; focused mental health education shall be developed for employees at certain periods of career development or employees working in special positions.</p>
<p><b>第十六条</b> 各级各类学校应当对学生进行精神卫生知识教育；配备或者聘请心理健康教育教师、辅导人员，并可以设立心理健康辅导室，对学生进行心理健康教育。学前教育机构应当对幼儿开展符合其特点的心理健康教育。</p> <p>发生自然灾害、意外伤害、公共安全事件等可能影响学生心理健康的事件，学校应当及时组织专业人员对学生心理援助。</p> <p>教师应当学习和了解相关的精神卫生知识，关注学生心理健康状况，正确引导、激励学生。地方各级人民政府教育行政部门和学校应当重视教师心理健康。</p> <p>学校和教师应当与学生父母或者其他监护人、近亲属沟通学生心理健康情况。</p>	<p><b>Article 16:</b> All levels and types of schools shall implement mental hygiene knowledge education for students; hire or provide mental health teachers and guidance staff, and may establish a mental health office to carry out mental health education for students. Preschool organizations shall carry out mental health education appropriate for young children's special characteristics.</p> <p>If a natural disaster, unexpected injury, public security incident or other event that might affect students' mental health occurs, schools shall immediately organize professional staff to carry out psychological assistance for the students.</p> <p>Teachers shall study and understand relevant mental hygiene knowledge, keep watch on students' mental health situation, and properly guide and encourage students. All levels of people's governments' administrative departments of education and schools shall emphasize teachers' mental health.</p> <p>Schools and teachers shall discuss students' mental health situation with parents or other guardians and close relatives.</p>
<p><b>第十七条</b> 医务人员开展疾病诊疗服务，应当按照诊断标准和治疗规范的要求，对就诊者进行心理健康指导；发现就诊者可能患有精神障碍的，应当建议其到符合本法规定的医疗机构就诊。</p>	<p><b>Article 17:</b> Medical personnel further disease diagnosis and treatment services and shall follow requirements of diagnostic standards and treatment norms to provide mental health counseling to patients; when it is discovered that a patient may have a mental disorder, they shall suggest he go to a medical establishment in keeping with this law for assistance.</p>
<p><b>第十八条</b> 监狱、看守所、拘留所、强制隔离戒毒所等场所，应当对服刑人员，被依法拘留、逮捕、强制隔离戒毒的人员等，开展精神卫生知识宣传，关注其心理健康状况，必要时提供心理咨询和心理辅导。</p>	<p><b>Article 18:</b> Facilities such as prisons, detention centers, jails and compulsory in-patient drug treatment facilities shall develop mental hygiene knowledge propaganda for prisoners, persons lawfully detained, arrested or undergoing compulsory drug treatment; shall pay keep a watch on their mental health state and when necessary provide psychological consulting and counseling.</p>

<p><b>第十九条</b> 县级以上地方人民政府人力资源社会保障、教育、卫生、司法行政、公安等部门应当在各自职责范围内分别对本法第十五条至第十八条规定的单位履行精神障碍预防义务的情况进行督促和指导。</p>	<p><b>Article 19:</b> Human resources and social security, education, sanitation, judicial administration, public security and other departments under local people's governments at the county level or above shall, within the scope of their individual professional responsibility, oversee and guide work units carrying out their mental disorder prevention obligations as per article 15-18 of this law.</p>
<p><b>第二十条</b> 村民委员会、居民委员会应当协助所在地人民政府及其有关部门开展社区心理健康指导、精神卫生知识宣传教育活动，创建有益于居民身心健康的社区环境。</p> <p>乡镇卫生院或者社区卫生服务机构应当为村民委员会、居民委员会开展社区心理健康指导、精神卫生知识宣传教育活动提供技术指导。</p>	<p><b>Article 20:</b> Villagers' committees and residents' committees shall assist the people's government in their area and its relevant departments in developing community mental health guidance and mental hygiene knowledge propaganda and education activities to create a community atmosphere beneficial to residents' physical and mental health.</p> <p>Village and town health clinics or health service organizations shall provide technical guidance to villagers' committees and residents' committees in developing community mental health guidance and mental hygiene knowledge propaganda educational activities.</p>
<p><b>第二十一条</b> 家庭成员之间应当相互关爱，创造良好、和睦的家庭环境，提高精神障碍预防意识；发现家庭成员可能患有精神障碍的，应当帮助其及时就诊，照顾其生活，做好看护管理。</p>	<p><b>Article 21:</b> Household members should care for one another, create a good and amiable home environment and raise awareness of mental disorder prevention; if it is discovered that a household member may have a mental disorder, [others] shall help them to immediately see a doctor, look after their life and take care of them.</p>
<p><b>第二十二条</b> 国家鼓励和支持新闻媒体、社会组织开展精神卫生的公益性宣传，普及精神卫生知识，引导公众关注心理健康，预防精神障碍的发生。</p>	<p><b>Article 22:</b> The nation encourages and supports news media and social organizations developing mental hygiene public interest propaganda, spreading mental hygiene knowledge and leading the public to pay close attention to mental health and the prevention of mental disorders.</p>
<p><b>第二十三条</b> 心理咨询人员应当提高业务素质，遵守执业规范，为社会公众提供专业化的心理咨询服务。</p> <p>心理咨询人员不得从事心理治疗或者精神障碍的诊断、治疗。</p>	<p><b>Article 23:</b> Psychological consultants shall raise the caliber of the profession and abide by practice norms to provide society with professionalized psychological consulting services.</p> <p>Psychological consultants must not engage in psychotherapy or the diagnosis and treatment of mental disorders.</p> <p>Psychological consultants discovering that a</p>

<p>心理咨询人员发现接受咨询的人员可能患有精神障碍的，应当建议其到符合本法规定的医疗机构就诊。</p> <p>心理咨询人员应当尊重接受咨询人员的隐私，并为其保守秘密。</p>	<p>person receiving consultation might have a mental disorder shall suggest that he seek treatment at a medical establishment that meets the requirements of this law.</p> <p>Psychological consultants shall respect the clients' privacy and protect their secrets.</p>
<p><b>第二十四条</b> 国务院卫生行政部门建立精神卫生监测网络，实行严重精神障碍发病报告制度，组织开展精神障碍发生状况、发展趋势等的监测和专题调查工作。精神卫生监测和严重精神障碍发病报告管理办法，由国务院卫生行政部门制定。</p> <p>国务院卫生行政部门应当会同有关部门、组织，建立精神卫生工作信息共享机制，实现信息互联互通、交流共享。</p>	<p><b>Article 24:</b> The State Council administrative departments of health establish a mental hygiene monitoring network, bring about a system of reporting severe mental illnesses, and organize monitoring of issues such as mental disorder occurrences, development trends and special subject reporting. The methods of mental hygiene monitoring and severe mental illness reporting are formulated by the State Council administrative departments of health.</p> <p>The State Council administrative departments of health shall, jointly with relevant departments and organizations, establish mechanisms for sharing mental hygiene work information, and putting into practice information integration and mutual exchange.</p>
<p><b>第三章 精神障碍的诊断和治疗</b></p>	<p><b>Part 3: The Diagnosis and Treatment of Mental Disorders</b></p>
<p><b>第二十五条</b> 开展精神障碍诊断、治疗活动，应当具备下列条件，并依照医疗机构的管理规定办理有关手续：</p> <p>(一) 有与从事的精神障碍诊断、治疗相适应的精神科执业医师、护士；</p> <p>(二) 有满足开展精神障碍诊断、治疗需要的设施和设备；</p> <p>(三) 有完善的精神障碍诊断、治疗管理制度和质量监控制度。</p> <p>从事精神障碍诊断、治疗的专科医疗机构还应当配备从事心理治疗的人员。</p>	<p><b>Article 25:</b> In launching activities for the diagnosis and treatment of mental disorders, the following requirements shall be met and relevant formalities shall be completed in accordance with regulations on the management of medical establishments:</p> <ol style="list-style-type: none"> <li>1. Have certified psychiatric physicians and nurses appropriate for undertaking diagnosis and treatment of mental disorders.</li> <li>2. Have facilities and equipment sufficient to meet the requirements of diagnosing and treating mental disorders</li> <li>3. Have perfected diagnosis and treatment management systems and quality oversight systems.</li> </ol> <p>Specialized medical establishments engaging in diagnosis and treatment of mental disorders shall also have staff that engages in psychological</p>

	treatment.
<p><b>第二十六条</b> 精神障碍的诊断、治疗，应当遵循维护患者合法权益、尊重患者人格尊严的原则，保障患者在现有条件下获得良好的精神卫生服务。</p> <p>精神障碍分类、诊断标准和治疗规范，由国务院卫生行政部门组织制定。</p>	<p><b>Article 26:</b> The diagnosis and treatment of mental disorders shall respect and preserve the lawful rights and interests of patients, respect the principle of patients' dignity, and ensure patients receive good mental hygiene services subject to current availability.</p> <p>The State Council administrative departments of health will organize the formulation of mental disorder classifications, diagnostic standards and treatment norms.</p>
<p><b>第二十七条</b> 精神障碍的诊断应当以精神健康状况为依据。</p> <p>除法律另有规定外，不得违背本人意志进行确定其是否患有精神障碍的医学检查。</p>	<p><b>Article 27:</b> Diagnoses of mental disorders shall be made on the basis of mental health states.</p> <p>Except where the law provides otherwise, an individual may not be medically evaluated to determine whether they have a mental disorder against his will.</p>
<p><b>第二十八条</b> 除个人自行到医疗机构进行精神障碍诊断外，疑似精神障碍患者的近亲属可以将其送往医疗机构进行精神障碍诊断。对查找不到近亲属的流浪乞讨疑似精神障碍患者，由当地民政等有关部门按照职责分工，帮助送往医疗机构进行精神障碍诊断。</p> <p>疑似精神障碍患者发生伤害自身、危害他人安全的行为，或者有伤害自身、危害他人安全的危险的，其近亲属、所在单位、当地公安机关应当立即采取措施予以制止，并将其送往医疗机构进行精神障碍诊断。</p> <p>医疗机构接到送诊的疑似精神障碍患者，不得拒绝为其作出诊断。</p>	<p><b>Article 28:</b> In addition to an individual voluntarily going to a medical establishment to have a mental disorder diagnosed, close family members may deliver a person suspected of having a mental disorder to a medical establishment for a mental disorder diagnosis. For vagrants whose family cannot be located and who are suspected of having a mental disorder, the local civil administration and other relevant departments will, according to their division of labor, help to deliver them to a medical establishment for mental disorder diagnoses.</p> <p>When a person suspected of having a mental disorder does something to hurt himself or endanger the safety of others, or there is a risk that he will hurt himself or endanger the safety of others, his close relatives, workplace or local public security organs shall immediately adopt measures to stop him, and deliver him to a medical establishment for mental disorder diagnosis.</p> <p>Medical establishments receiving a person suspected of having a mental disorder may not refuse to perform a diagnosis of him.</p>
<p><b>第二十九条</b> 精神障碍的诊断应当由精神科执业医师作出。</p>	<p><b>Article 29:</b> Diagnosis of mental disorders shall be made by certified psychiatric physicians.</p>

<p>医疗机构接到依照本法第二十八条第二款规定送诊的疑似精神障碍患者，应当将其留院，立即指派精神科执业医师进行诊断，并及时出具诊断结论。</p>	<p>Medical establishments receiving persons suspected of having a mental disorder as per Article 28, paragraph 2 of this law, shall keep him on site and immediately assign a certified physician in psychiatric practice to perform a diagnosis and put forth a conclusion without delay.</p>
<p><b>第三十条</b> 精神障碍的住院治疗实行自愿原则。</p> <p>诊断结论、病情评估表明，就诊者为严重精神障碍患者并有下列情形之一的，应当对其实施住院治疗：</p> <p>（一） 已经发生伤害自身的行为，或者有伤害自身的危险的；</p> <p>（二） 已经发生危害他人安全的行为，或者有危害他人安全的危险的。</p>	<p><b>Article 30:</b> In-patient therapy for mental disorders follows a voluntariness principle.</p> <p>When the diagnostic conclusion and symptoms assessment shows that the patient has a severe mental disorder and one of the following conditions also applies, he shall be given in-patient therapy:</p> <ol style="list-style-type: none"> <li>1. He has already exhibited self-harming conduct or there is a danger of self-injury</li> <li>2. He has already exhibited conduct that endangers the safety of others or there is danger that he will endanger the safety of others.</li> </ol>
<p><b>第三十一条</b> 精神障碍患者有本法第三十条第二款第一项情形的，经其监护人同意，医疗机构应当对患者实施住院治疗；监护人不同意的，医疗机构不得对患者实施住院治疗。监护人应当对在家居住的患者做好看护管理。</p>	<p><b>Article 31:</b> Where a person with a mental disorder exhibits the circumstances described in Article 30, paragraph 2(1) of this law, with the consent of his guardian, the treatment facility shall implement in-patient therapy; when the guardian does not agree, the treatment facility may not implement in-patient therapy. Guardians shall look after and manage persons with mental disabilities living in their homes.</p>
<p><b>第三十二条</b> 精神障碍患者有本法第三十条第二款第二项情形，患者或者其监护人对需要住院治疗的诊断结论有异议，不同意对患者实施住院治疗的，可以要求再次诊断和鉴定。</p> <p>依照前款规定要求再次诊断的，应当自收到诊断结论之日起三日内向原医疗机构或者其他具有合法资质的医疗机构提出。承担再次诊断的医疗机构应当在接到再次诊断要求后指派二名初次诊断医师以外的精神科执业医师进行再次诊断，并及时出具再次诊断结论。承担再次诊断的执业医师应当到收治患者的医疗机构面见、询问患者，该医疗机构应当予以配合。</p>	<p><b>Article 32:</b> Where a person with a mental disorder exhibits the circumstances described in Article 30, paragraph 2(2) of this law, if the patient or his guardian disagree with the diagnosis that he needs in-patient therapy, or don't agree to give the patient in-patient therapy, they may request a second diagnosis and evaluation.</p> <p>Those requesting a second diagnosis in accordance with the previous paragraph shall, within 3 days of receiving the diagnostic conclusion, make a request to the original medical establishment or another medical establishment with lawful credentials. The medical establishment undertaking the second diagnosis shall, after receiving the request, assign two certified physicians in psychiatric practice, but not including the physician who performed the initial diagnosis, to perform the second diagnosis and</p>

<p>对再次诊断结论有异议的，可以自主委托依法取得执业资质的鉴定机构进行精神障碍医学鉴定；医疗机构应当公示经公告的鉴定机构名单和联系方式。接受委托的鉴定机构应当指定本机构具有该鉴定事项执业资格的二名以上鉴定人共同进行鉴定，并及时出具鉴定报告。</p>	<p>issue a second diagnostic conclusion. The certified physicians performing the second diagnosis should go to the medical establishment treating the patient to meet in person and interview the patient, and the medical establishment shall facilitate.</p> <p>Those objecting to the second diagnostic conclusion may act on their own to commission a lawfully credentialed evaluation organization to perform a medical evaluation for mental disorders; medical establishments shall publicly make known a list of certified evaluation organizations and their contact information. Evaluation organizations accepting a commission shall appoint two or more of its evaluators who have the relevant professional certification to perform the evaluation together and put forth an evaluation report without delay.</p>
<p><b>第三十三条</b> 鉴定人应当到收治精神障碍患者的医疗机构面见、询问患者，该医疗机构应当予以配合。</p> <p>鉴定人本人或者其近亲属与鉴定事项有利害关系，可能影响其独立、客观、公正进行鉴定的，应当回避。</p>	<p><b>Article 33:</b> Evaluators shall go to the treating medical establishment to meet and interview the patient in person, and that medical establishment shall facilitate.</p> <p>If evaluators or their close relatives have an interest in the evaluation that might influence the neutrality, objectivity or fairness of their evaluation, they shall recuse themselves.</p>
<p><b>第三十四条</b> 鉴定机构、鉴定人应当遵守有关法律、法规、规章的规定，尊重科学，恪守职业道德，按照精神障碍鉴定的实施程序、技术方法和操作规范，依法独立进行鉴定，出具客观、公正的鉴定报告。</p> <p>鉴定人应当对鉴定过程进行实时记录并签名。记录的内容应当真实、客观、准确、完整，记录的文本或者声像载体应当妥善保存。</p>	<p><b>Article 34:</b> Evaluation organizations and evaluators should respect the relevant laws, regulations and regulatory provisions, respect science, abide by professional ethics, follow procedures, techniques and operational norms for evaluation of mental disorders, and, in accordance with law, independently perform the evaluation and put forward a fair and objective evaluation report.</p> <p>Evaluators shall make a record of the evaluation process and sign their name to it. The contents of the record should be true, objective, accurate and complete; a written or audio copy shall be properly preserved.</p>
<p><b>第三十五条</b> 再次诊断结论或者鉴定报告表明，不能确定就诊者为严重精神障碍患者，或者患者不需要住院治疗的，医疗机构不得对其实施住院治疗。</p>	<p><b>Article 35:</b> Where the second diagnostic conclusion or evaluation report show that it cannot be confirmed that the patient has a severe mental disorder or requires in-patient therapy, the medical establishment may not perform in-patient therapy on him.</p>

<p>再次诊断结论或者鉴定报告表明，精神障碍患者有本法第三十条第二款第二项情形的，其监护人应当同意对患者实施住院治疗。监护人阻碍实施住院治疗或者患者擅自脱离住院治疗的，可以由公安机关协助医疗机构采取措施对患者实施住院治疗。</p> <p>在相关机构出具再次诊断结论、鉴定报告前，收治精神障碍患者的医疗机构应当按照诊疗规范的要求对患者实施住院治疗。</p>	<p>Where the second diagnostic conclusion or evaluation report shows that a person with a mental disorder exhibits a circumstance as in Article 30 paragraph 2(2) of this law, his guardian shall agree to treat the patient with in-patient therapy. Where the guardian obstructs the in-patient therapy or the patient leaves the therapy without authorization, the public security organs may assist the treatment facility in adopting measures to carry out in-patient therapy.</p> <p>Before the relevant organizations release a second diagnostic conclusion or evaluation report, the medical establishment that has received the person with a mental disorder shall perform therapy on him in accordance with treatment norms.</p>
<p><b>第三十六条</b> 诊断结论表明需要住院治疗的精神障碍患者，本人没有能力办理住院手续的，由其监护人办理住院手续；患者属于查找不到监护人的流浪乞讨人员的，由送诊的有关部门办理住院手续。</p> <p>精神障碍患者有本法第三十条第二款第二项情形，其监护人不办理住院手续的，由患者所在单位、村民委员会或者居民委员会办理住院手续，并由医疗机构在患者病历中予以记录。</p>	<p><b>Article 36:</b> Where a person with a mental disorder who has been shown by a diagnostic conclusion to require in-patient treatment is unable to complete the formalities for in-patient treatment himself, his guardian will complete the formalities; where the patient is a vagrant whose family cannot be located, the formalities may be completed by the relevant department sending him for diagnosis.</p> <p>Where a person with a mental disorder exhibits the circumstance described in Article 30, paragraph 2(2) of this law, and his guardian does not complete the in-patient treatment formalities, the patient’s workplace, villagers’ committee or residents’ committee will complete the formalities and the medical establishment will make a record in the patient’s medical history.</p>
<p><b>第三十七条</b> 医疗机构及其医务人员应当将精神障碍患者在诊断、治疗过程中享有的权利，告知患者或者其监护人。</p>	<p><b>Article 37:</b> Treatment facilities and their medical staff shall inform the patient or his guardian of the rights he has during the course of diagnosis and treatment.</p>
<p><b>第三十八条</b> 医疗机构应当配备适宜的设施、设备，保护就诊和住院治疗的精神障碍患者的人身安全，防止其受到伤害，并为住院患者创造尽可能接近正常生活的环境和条件。</p>	<p><b>Article 38:</b> Treatment facilities shall allot appropriate facilities and equipment to protect the physical safety of those seeking treatment and in-patient therapy patients, prevent them from being harmed, and create as normal as possible a living environment and lifestyle for in-patient therapy patients.</p>
<p><b>第三十九条</b> 医疗机构及其医务人员应当遵循精神障碍诊断标准和治疗规范，制定治疗方案，并</p>	<p><b>Article 39:</b> Treatment facilities and their medical staff shall abide by diagnostic standards and treatment norms for mental disorders, formulate</p>

<p>向精神障碍患者或者其监护人告知治疗方案和治疗方法、目的以及可能产生的后果。</p>	<p>treatment plans and inform patient or their guardians of the treatment plan's and method's goals and possible consequences.</p>
<p><b>第四十条</b> 精神障碍患者在医疗机构内发生或者将要发生伤害自身、危害他人安全、扰乱医疗秩序的行为，医疗机构及其医务人员在没有其他可替代措施的情况下，可以实施约束、隔离等保护性医疗措施。实施保护性医疗措施应当遵循诊断标准和治疗规范，并在实施后告知患者的监护人。</p> <p>禁止利用约束、隔离等保护性医疗措施惩罚精神障碍患者。</p>	<p><b>Article 40:</b> Where persons with mental disorders inside a treatment facility exhibit or are going to exhibit conduct that harms themselves, endangers the safety of others or disrupts treatment, the medical establishment and its medical staff may, when there are no other alternative measures available, restrain them, isolate them or use other protective treatment measures. Imposition of protective treatment measures shall be in accordance with diagnostic standards and treatment norms and the patients' guardian shall be informed after the measures are taken.</p> <p>The use of restraint, isolation, or other protective treatment measures to punish persons with mental disorders is prohibited.</p>
<p><b>第四十一条</b> 对精神障碍患者使用药物，应当以诊断和治疗为目的，使用安全、有效的药物，不得为诊断或者治疗以外的目的使用药物。</p> <p>医疗机构不得强迫精神障碍患者从事生产劳动。</p>	<p><b>Article 41:</b> Medication of persons with mental disorder shall be for the purposes of diagnosis and treatment and use safe, effective medicines; medication must not be used for purposes other than diagnosis and treatment.</p> <p>Treatment facilities must not compel persons with mental disorders to engage in labor to produce goods.</p>
<p><b>第四十二条</b> 禁止对依照本法第三十条第二款规定实施住院治疗的精神障碍患者实施以治疗精神障碍为目的的外科手术。</p>	<p><b>Article 42:</b> The use of surgery for the purpose of treating mental disorders for persons undergoing in-patient therapy in accordance with Article 30, paragraph 2 of this law is prohibited</p>
<p><b>第四十三条</b> 医疗机构对精神障碍患者实施下列治疗措施，应当向患者或者其监护人告知医疗风险、替代医疗方案等情况，并取得患者的书面同意；无法取得患者意见的，应当取得其监护人的书面同意，并经本医疗机构伦理委员会批准：</p> <p>(一) 导致人体器官丧失功能的外科手术；</p> <p>(二) 与精神障碍治疗有关的实验性临床医疗。</p> <p>实施前款第一项治疗措施，因情况紧急查找</p>	<p><b>Article 43:</b> Medical establishments performing the following therapies on persons with mental disorders shall inform the patient or his guardian of the treatment risks, alternative treatment plans and other circumstances, and shall also obtain the patient's written consent; if it is not possible to obtain the patient's opinions, they shall obtain his guardian's written consent and have the facility's ethics committee approve it:</p> <ol style="list-style-type: none"> <li>1. surgery that causes an internal organ to lose function</li> <li>2. Experimental clinical care for treatment of mental disorders.</li> </ol>

<p>不到监护人的，应当取得本医疗机构负责人和伦理委员会批准。</p> <p>禁止对精神障碍患者实施与治疗其精神障碍无关的实验性临床医疗。</p>	<p>In performing the treatment in (1) of the above paragraph, if because of urgency it is not possible to locate the guardian, the approval of the medical treatment facility's responsible person and ethics committee shall be obtained.</p> <p>It is prohibited to perform experimental clinical therapy that is not related to treating mental disorders on persons with mental disorders.</p>
<p><b>第四十四条</b> 自愿住院治疗的精神障碍患者可以随时要求出院，医疗机构应当同意。</p> <p>对有本法第三十条第二款第一项情形的精神障碍患者实施住院治疗的，监护人可以随时要求患者出院，医疗机构应当同意。</p> <p>医疗机构认为前两款规定的精神障碍患者不宜出院的，应当告知不宜出院的理由；患者或者其监护人仍要求出院的，执业医师应当在病历资料中详细记录告知的过程，同时提出出院后的医学建议，患者或者其监护人应当签字确认。</p> <p>对有本法第三十条第二款第二项情形的精神障碍患者实施住院治疗，医疗机构认为患者可以出院的，应当立即告知患者及其监护人。</p> <p>医疗机构应当根据精神障碍患者病情，及时组织精神科执业医师对依照本法第三十条第二款规定实施住院治疗的患者进行检查评估。评估结果表明患者不需要继续住院治疗的，医疗机构应当立即通知患者及其监护人。</p>	<p><b>Article 44:</b> Persons with mental disorders undergoing voluntary in-patient therapy may request to leave the facility at any time and the medical establishment shall agree.</p> <p>For persons with mental disorders undergoing in-patient therapy under Article 30, paragraph 2(1) of this law, their guardian may request that the patient leave the facility at any time and the medical establishment shall agree.</p> <p>If the medical establishment feels that a person with a mental disorder described in the preceding two paragraphs is not suitable for release, it shall state its reasons; if the patient or his guardian still request release, a certified physician shall make a detailed record of the notification process in the medical history materials and also raise post-release medical suggestions; the patient or guardian shall sign their name in confirmation.</p> <p>For persons undergoing in-patient therapy under Article 30, paragraph 2(2) of this law, if the medical establishment feels the patient may leave the facility, it shall immediately inform the patient and his guardian</p> <p>The medical establishment shall, on the basis of the person with a mental disorder's condition, promptly organize a certified physician in psychiatric practice to make an examination and assessment of patients in in-patient therapy under Article 30, paragraph 2 of this law. If the assessment results show that the patient does not need to continue in-patient therapy, the medical facility shall immediately notify the patient and his guardian.</p>
<p><b>第四十五条</b> 精神障碍患者出院，本人没有能力办理出院手续的，监护人应当为其办理出院手续。</p>	<p><b>Article 45:</b> If a person with a mental disorder leaving the facility is unable to complete release formalities himself, his guardian shall complete</p>

	them for him.
<b>第四十六条</b> 医疗机构及其医务人员应当尊重住院精神障碍患者的通讯和会见探访者等权利。除在急性发病期或者为了避免妨碍治疗可以暂时性限制外，不得限制患者的通讯和会见探访者等权利。	<b>Article 46:</b> Medical establishments and their medical staff shall respect resident patients with mental disorders' rights such as to communication and meeting visitors. Except for temporary restrictive measures necessary due to acute onset of symptoms or to avoid obstructing treatment, patients' rights such as to communication and meeting visitors must not be limited
第四十七条 医疗机构及其医务人员应当在病历资料中如实记录精神障碍患者的病情、治疗措施、用药情况、实施约束、隔离措施等内容，并如实告知患者或者其监护人。患者及其监护人可以查阅、复制病历资料；但是，患者查阅、复制病历资料可能对其治疗产生不利影响的除外。病历资料保存期限不得少于三十年。	<b>Article 47:</b> Medical establishments and their medical staff shall accurately record information such as persons' with mental disorders' symptoms, treatment methods, medication use, and use of restraints or isolation in the medical history materials and accurately inform patients or their guardian. Patient and their guardians may read and copy the medical history materials, unless the patients' reading or copying the medical history materials would have a negative impact on their therapy. Medical history materials are to be preserved for not less than 30 years.
<b>第四十八条</b> 医疗机构不得因就诊者是精神障碍患者，推诿或者拒绝为其治疗属于本医疗机构诊疗范围的其他疾病。	<b>Article 48:</b> Medical establishments may not, because a person has a mental disorder, shirk or refuse to provide him treatment for other illness falling within the scope of their normal medical service.
<b>第四十九条</b> 精神障碍患者的监护人应当妥善看护未住院治疗的患者，按照医嘱督促其按时服药、接受随访或者治疗。村民委员会、居民委员会、患者所在单位等应当依患者或者其监护人的请求，对监护人看护患者提供必要的帮助。	<b>Article 49:</b> Guardians of persons with mental disorders not in in-patient treatment should properly look after them, ensure that they follow the medical prescription to take medicine on time and attend follow-up visits or therapy. Villagers' committees, residents' committees and the patients' workplace etc., shall comply with the patients' or their guardian's requests to provide necessary help to a patient.
<b>第五十条</b> 县级以上地方人民政府卫生行政部门应当定期就下列事项对本行政区域内从事精神障碍诊断、治疗的医疗机构进行检查：  （一） 相关人员、设施、设备是否符合本法要求；  （二） 诊疗行为是否符合本法以及诊断标准、治疗规范的规定；  （三） 精神障碍患者实施住院治疗的程序是	<b>Article 50:</b> Administrative departments of health under people's governments at the county level and above shall periodically review medical establishments in their administrative region that perform mental disorder diagnosis and treatment, on the following topics:  1. Whether relevant personnel, facility and equipment meet this law's requirements  2. Whether diagnostic and therapeutic activities accord with provisions of this

<p>否符合本法规定；</p> <p>(四) 是否依法维护精神障碍患者的合法权益。</p> <p>县级以上地方人民政府卫生行政部门进行前款规定的检查，应当听取精神障碍患者及其监护人的意见；发现存在违反本法行为的，应当立即制止或者责令改正，并依法作出处理。</p>	<p>law, diagnostic standards and treatment norms.</p> <p>3. Whether procedures for implementing in-patient treatment are in accord with the provisions of this law.</p> <p>4. Whether the lawful rights of persons with mental disorders are being protected in accordance with law.</p> <p>Administrative departments of health under local people's governments at the county level or above implementing the review mentioned above shall hear the comments of persons with mental disorders and their guardians; if conduct in violation of this law is discovered, they shall immediately put a stop to it, order corrections, and handle the situation according to law.</p>
<p><b>第五十一条</b> 心理治疗活动应当在医疗机构内开展。专门从事心理治疗的人员不得从事精神障碍的诊断，不得为精神障碍患者开具处方或者提供外科治疗。心理治疗的技术规范由国务院卫生行政部门制定。</p>	<p><b>Article 51:</b> Psychological therapy activities shall be developed within treatment facilities. Personnel specializing in psychological therapy may not engage in diagnosis of mental disorders, must not provide prescriptions to those with mental disorders or provide surgical treatment. The regulation of psychological therapy techniques will be formulated by the State Council administrative departments of health.</p>
<p><b>第五十二条</b> 监狱、强制隔离戒毒所等场所应当采取措施，保证患有精神障碍的服刑人员、强制隔离戒毒人员等获得治疗。</p>	<p><b>Article 52:</b> Facilities such as prisons and compulsory drug treatment centers shall adopt methods to guarantee prisoners or those receiving compulsory drug treatment, etc., who have mental disorders, receive therapy.</p>
<p><b>第五十三条</b> 精神障碍患者违反治安管理处罚法或者触犯刑法的，依照有关法律的规定处理。</p>	<p><b>Article 53:</b> Persons who have a mental disorder who infringe security administration punishments or violate the criminal law will be dealt with according to the provisions of the relevant laws.</p>
<p><b>第四章 精神障碍的康复</b></p>	<p><b>Part 4: Rehabilitation From Mental Disorders</b></p>
<p><b>第五十四条</b> 社区康复机构应当为需要康复的精神障碍患者提供场所和条件，对患者进行生活自理能力和社会适应能力等方面的康复训练。</p>	<p><b>Article 54:</b> Community rehabilitation organizations shall provide a venue and facilities for persons with mental disorders needing rehabilitation, and operate rehabilitation trainings for them in areas such as self-assisted living skills and social adjustment skills.</p>
<p><b>第五十五条</b> 医疗机构应当为在家居住的严重精</p>	<p><b>Article 55:</b> Treatment facilities shall provide</p>

<p>神障碍患者提供精神科基本药物维持治疗，并为社区康复机构提供有关精神障碍康复的技术指导和支持。</p> <p>社区卫生服务机构、乡镇卫生院、村卫生室应当建立严重精神障碍患者的健康档案，对在家居住的严重精神障碍患者进行定期随访，指导患者服药和开展康复训练，并对患者的监护人进行精神卫生知识和看护知识的培训。县级人民政府卫生行政部门应当为社区卫生服务机构、乡镇卫生院、村卫生室开展上述工作给予指导和培训。</p>	<p>persons with severe mental disorders, who are living at home, with essential psychiatric drugs to continue therapy, and provide community rehabilitation organizations with guidance and support related to rehabilitation from mental disorders.</p> <p>Community health service organizations, village and town health institutions and village health clinics shall establish a rehabilitation plan for persons with severe mental disorders, carry out periodic follow-up visits with persons who have severe mental disorders, guide them in taking medicine and furthering rehabilitative training and train their guardians in mental hygiene knowledge and caretaking. Administrative departments of health under people's governments at the county level and above shall provide guidance and training to community health service organizations, village and town health institutions and village health clinics.</p>
<p><b>第五十六条</b> 村民委员会、居民委员会应当为生活困难的精神障碍患者家庭提供帮助，并向所在地乡镇人民政府或者街道办事处以及县级人民政府有关部门反映患者及其家庭的情况和要求，帮助其解决实际困难，为患者融入社会创造条件。</p>	<p><b>Article 56:</b> Villagers' committees and residents' committees shall provide assistance to households of persons with mental disorders that are having difficulty, and make their situation and requests known to the local village or town people's government, sub-district office or relevant departments under people's governments at the county level and above, to help them resolve their actual hardships and create conditions for their integration to society.</p>
<p><b>第五十七条</b> 残疾人组织或者残疾人康复机构应当根据精神障碍患者康复的需要，组织患者参加康复活动。</p>	<p><b>Article 57:</b> Organizations for handicapped persons or handicap rehabilitation institutions shall, on the basis of people with mental disorders' rehabilitation needs, organize their participation in rehabilitation activities.</p>
<p><b>第五十八条</b> 用人单位应当根据精神障碍患者的实际情况，安排患者从事力所能及的工作，保障患者享有同等待遇，安排患者参加必要的职业技能培训，提高患者的就业能力，为患者创造适宜的工作环境，对患者在工作中取得的成绩予以鼓励。</p>	<p><b>Article 58:</b> Workplaces shall, on the basis of persons with mental disorders' actual circumstances, arrange for them to undertake work within their ability, guarantee they receive equal benefits [treatment], arrange for them to attend necessary professional skills trainings, increase their professional abilities, create a suitable work environment for them and provide encouragement for work achievements.</p>
<p><b>第五十九条</b> 精神障碍患者的监护人应当协助患者进行生活自理能力和社会适应能力等方面的康</p>	<p><b>Article 59:</b> The guardians of persons with mental disorders shall assist them in carrying out</p>

<p>复训练。</p> <p>精神障碍患者的监护人在看护患者过程中需要技术指导的，社区卫生服务机构或者乡镇卫生院、村卫生室、社区康复机构应当提供。</p>	<p>rehabilitation trainings such as for self-assisted living skills and social adjustment skills.</p> <p>If the guardians of persons with mental disorders require technical guidance in the course of caregiving, community health services organizations, village or township health institutions, village health centers or community rehabilitation organizations shall provide it.</p>
<p><b>第五章 保障措施</b></p>	<p><b>Chapter 5 Supporting Measures</b></p>
<p><b>第六十条</b> 县级以上人民政府卫生行政部门会同有关部门依据国民经济和社会发展规划的要求，制定精神卫生工作规划并组织实施。</p> <p>精神卫生监测和专题调查结果应当作为制定精神卫生工作规划的依据。</p>	<p><b>Article 60:</b> Administrative departments of health under people’s governments at the county level and above, together with relevant departments, and in accordance with the requirements of the national economic and social development plan, will formulate a mental hygiene work plan and organize its implementation.</p> <p>Mental hygiene monitoring and special topic surveys shall be the basis for formulating the mental hygiene work plan.</p>
<p><b>第六十一条</b> 省、自治区、直辖市人民政府根据本行政区域的实际情况，统筹规划，整合资源，建设和完善精神卫生服务体系，加强精神障碍预防、治疗和康复服务能力建设。</p> <p>县级人民政府根据本行政区域的实际情况，统筹规划，建立精神障碍患者社区康复机构。</p> <p>县级以上地方人民政府应当采取措施，鼓励和支持社会力量举办从事精神障碍诊断、治疗的医疗机构和精神障碍患者康复机构。</p>	<p><b>Article 61:</b> People’s governments of provinces, autonomous regions and directly-governed municipalities, based on the actual conditions of their administrative district, do overall planning, consolidate resources, establish and perfect a mental hygiene services system, and strengthen the capacity of mental disorder prevention, treatment and rehabilitation services.</p> <p>County level people’s governments, based on the actual conditions of their administrative district, do overall planning and establish community rehabilitation organizations for persons with mental disorders.</p> <p>Local people’s governments at the county level and above shall adopt measures to encourage and support social forces in forming medical establishments for the diagnosis and treatment of mental disorders and rehabilitation organizations for persons with mental disorders.</p>
<p><b>第六十二条</b> 各级人民政府应当根据精神卫生工作需要，加大财政投入力度，保障精神卫生工作所需经费，将精神卫生工作经费列入本级财政预算。</p>	<p><b>Article 62:</b> All levels of people’s governments shall, according to the needs of mental hygiene work, increase the force of financial investment to ensure all necessary funding for mental hygiene</p>

	work, and place mental hygiene work funding in the fiscal budget for the corresponding level.
<b>第六十三条</b> 国家加强基层精神卫生服务体系建设,扶持贫困地区、边远地区的精神卫生工作,保障城市社区、农村基层精神卫生工作所需经费。	<b>Article 63:</b> The nation strengthens the establishment of a base level mental hygiene services system, supports impoverished regions' and remote areas' mental hygiene work, ensures that urban communities' and rural bases' mental hygiene work has necessary funding.
<b>第六十四条</b> 医学院校应当加强精神医学的教学和研究,按照精神卫生工作的实际需要培养精神医学专门人才,为精神卫生工作提供人才保障。	<b>Article 64:</b> Medical colleges and universities shall strengthen psychiatric teaching and research, and in accordance with the actual needs of mental hygiene work, cultivate specialized psychiatric personnel to ensure talent is available for mental hygiene work.
<b>第六十五条</b> 综合性医疗机构应当按照国务院卫生行政部门的规定开设精神科门诊或者心理治疗门诊,提高精神障碍预防、诊断、治疗能力。	<b>Article 65:</b> Comprehensive medical care establishments shall follow the State Council administrative departments of health to set up psychiatric clinics or psychotherapy clinics, increasing the capacity to prevent, diagnose and treat mental disorders.
<b>第六十六条</b> 医疗机构应当组织医务人员学习精神卫生知识和相关法律、法规、政策。  从事精神障碍诊断、治疗、康复的机构应当定期组织医务人员、工作人员进行在岗培训,更新精神卫生知识。  县级以上人民政府卫生行政部门应当组织医务人员进行精神卫生知识培训,提高其识别精神障碍的能力。	<b>Article 66:</b> Medical establishments shall organize medical staff's study of mental hygiene knowledge and related laws, regulations and policies.  Organizations engaging in the diagnosis, treatment or rehabilitation of mental disorders shall periodically organize medical staff and workers to carry out internal trainings and update mental hygiene knowledge.  Administrative departments of health under people's governments at the county level and above shall organize medical staff to carry out mental hygiene training and raise their ability to recognize mental disorders.
<b>第六十七条</b> 师范院校应当为学生开设精神卫生课程;医学院校应当为非精神医学专业的学生开设精神卫生课程。  县级以上人民政府教育行政部门对教师进行上岗前和在职培训,应当有精神卫生的内容,并定期组织心理健康教育教师、辅导人员进行专业培训。	<b>Article 67:</b> Teachers colleges and universities shall set up mental hygiene courses for students; medical colleges and universities shall set up mental hygiene courses for non-psychiatry majors.  Administrative departments of education under people's governments at the county level and above conducting trainings for teachers before they take a post and while in the post shall include mental hygiene content and shall periodically organize mental health educators and counselors

	to carry out specialized training.
<p><b>第六十八条</b> 县级以上人民政府卫生行政部门应当组织医疗机构为严重精神障碍患者免费提供基本公共卫生服务。</p> <p>精神障碍患者的医疗费用按照国家有关社会保险的规定由基本医疗保险基金支付。医疗保险经办机构应当按照国家有关规定将精神障碍患者纳入城镇职工基本医疗保险、城镇居民基本医疗保险或者新型农村合作医疗的保障范围。县级人民政府应当按照国家有关规定对家庭经济困难的严重精神障碍患者参加基本医疗保险给予资助。人力资源社会保障、卫生、民政、财政等部门应当加强协调，简化程序，实现属于基本医疗保险基金支付的医疗费用由医疗机构与医疗保险经办机构直接结算。</p> <p>精神障碍患者通过基本医疗保险支付医疗费用后仍有困难，或者不能通过基本医疗保险支付医疗费用的，民政部门应当优先给予医疗救助。</p>	<p><b>Article 68:</b> Administrative departments of health under people’s governments at the county level and above shall organize medical establishments to provide basic public health services to those with severe mental disorders.</p> <p>Treatment costs for persons with mental disorders follow the national regulations regarding social insurance and are covered by the basic medical benefits fund. Organizations handling medical insurance shall follow the relevant national regulations and include persons with mental disorders in the scope of the urban workers’ basic medical insurance, urban residents’ basic medical insurance or newly formed village cooperative medical insurance. County level people’s governments shall follow relevant national regulations and assist persons with severe mental disorders from families with economic difficulties to participate in the basic medical insurance. Departments such as human resources and social security, health, civil administration and finance shall strengthen coordination, simplify procedures, and have treatment costs covered by the basic medical benefits fund directly settled by medical establishments and insurance processing organizations.</p> <p>Where persons with mental disorders still have difficulties after having the basic medical insurance pay treatment costs or who are unable to go through the basic medical insurance to pay treatment costs, the department of civil administration shall prioritize giving them assistance.</p>
<p><b>第六十九条</b> 对符合城乡最低生活保障条件的严重精神障碍患者，民政部门应当会同有关部门及时将其纳入最低生活保障。</p> <p>对属于农村五保供养对象的严重精神障碍患者，以及城市中无劳动能力、无生活来源且无法定赡养、抚养、扶养义务人，或者其法定赡养、抚养、扶养义务人无赡养、抚养、扶养能力的严重精神障碍患者，民政部门应当按照国家有关规定予以供养、救助。</p>	<p><b>Article 69:</b> For persons with severe mental disorders that qualify for the urban and rural minimum subsistence allowances, civil administration departments, together with other relevant departments, should immediately include them in the minimum subsistence allowance.</p> <p>For persons with severe mental disorders who are within the targets of the rural “five guarantees;” and persons with severe mental disorders in cities who have no ability to work, no source of income and no person legally obligated to support, raise or provide for them, or the person legally obligated to support, raise or provide for them is not able to do</p>

<p>前两款规定以外的严重精神障碍患者确有困难的，民政部门可以采取临时救助等措施，帮助其解决生活困难。</p>	<p>so, the civil administration departments shall follow relevant national regulations to provide support and assistance.</p> <p>If persons with severe mental illnesses who are not included in the previous two paragraphs have true hardship, the civil administration may adopt temporary assistance and other measures to help them resolve the hardships.</p>
<p><b>第七十条</b> 县级以上地方人民政府及其有关部门应当采取有效措施，保证患有精神障碍的适龄儿童、少年接受义务教育，扶持有劳动能力的精神障碍患者从事力所能及的劳动，并为已经康复的人员提供就业服务。</p> <p>国家对安排精神障碍患者就业的用人单位依法给予税收优惠，并在生产、经营、技术、资金、物资、场地等方面给予扶持。</p>	<p><b>Article 70:</b> Local people’s governments at the county level and above and relevant departments shall adopt effective measures to ensure that suitably aged children and youths with mental disorders receive compulsory education, aid persons with mental disorders who are able to work to engage in work according to their abilities and provide employment services to those who have already recovered.</p> <p>The nation will provide tax benefits, in accordance with law, to workplaces that arrange to employ persons with mental disorders, and also provide assistance in areas such as production, operation, technology, capital, material goods, and locations.</p>
<p><b>第七十一条</b> 精神卫生工作人员的人格尊严、人身安全不受侵犯，精神卫生工作人员依法履行职责受法律保护。全社会应当尊重精神卫生工作人员。</p> <p>县级以上人民政府及其有关部门、医疗机构、康复机构应当采取措施，加强对精神卫生工作人员的职业保护，提高精神卫生工作人员的待遇水平，并按照规定给予适当的津贴。精神卫生工作人员因工致伤、致残、死亡的，其工伤待遇以及抚恤按照国家有关规定执行。</p>	<p><b>Article 71:</b> The dignity and personal safety of mental hygiene workers will not be infringed, and mental hygiene workers lawfully performing their professional duties are protected by law. The entire society shall respect mental hygiene workers.</p> <p>People’s governments at the county level and above, as well as relevant departments, medical establishments and rehabilitation organizations shall adopt measures to strengthen employment protections for mental hygiene workers, raise the level of mental hygiene workers’ benefits and follow regulations to give appropriate bonuses. When mental hygiene workers are injured, handicapped or killed as a result of their work, compensation for their workplace injury or their family’s bereavement will follow relevant national regulations.</p>
<p><b>第六章 法律责任</b></p>	<p><b>Part 6: Legal Responsibility</b></p>
<p><b>第七十二条</b> 县级以上人民政府卫生行政部门和其他有关部门未依照本法规定履行精神卫生工作</p>	<p><b>Article 72:</b> Where administrative departments of health under people’s governments at the county level and above, and other relevant departments,</p>

<p>职责，或者滥用职权、玩忽职守、徇私舞弊的，由本级人民政府或者上一级人民政府有关部门责令改正，通报批评，对直接负责的主管人员和其他直接责任人员依法给予警告、记过或者记大过的处分；造成严重后果的，给予降级、撤职或者开除的处分。</p>	<p>have not yet carried out their mental hygiene work obligations under this law, or abuse their public power, neglect their obligations or break the law for personal gain, the relevant departments under the people's government at the same level or the level above will order a correction, circulate a criticism, and give directly responsible management personnel, or other directly responsible persons, warnings, demerits or major demerits as disciplinary measures, and if there are serious consequences, demotion and dismissal or expulsion.</p>
<p><b>第七十三条</b> 不符合本法规定条件的医疗机构擅自从事精神障碍诊断、治疗的，由县级以上人民政府卫生行政部门责令停止相关诊疗活动，给予警告，并处五千元以上一万元以下罚款，有违法所得的，没收违法所得；对直接负责的主管人员和其他直接责任人员依法给予或者责令给予降低岗位等级或者撤职、开除的处分；对有关医务人员，吊销其执业证书。</p>	<p><b>Article 73:</b> Where medical establishments that do not meet requirements of this law engage in unauthorized diagnosis and treatment of mental disorders, administrative departments of health under the people's governments at the county level or above will order them to stop the relevant treatment activities, give a warning and fine them between 5000 and 10,000 RMB, as well as confiscate illegal gains if there are any, and give or order that the directly responsible management personnel and other directly responsible personnel be given demotions, terminations or expulsions as disciplinary measures and revoke the professional credentials of medical staff.</p>
<p><b>第七十四条</b> 医疗机构及其工作人员有下列行为之一的，由县级以上人民政府卫生行政部门责令改正，给予警告；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予或者责令给予降低岗位等级或者撤职、开除的处分，并可以责令有关医务人员暂停一个月以上六个月以下执业活动：</p> <p>(一) 拒绝对送诊的疑似精神障碍患者作出诊断的；</p> <p>(二) 对依照本法第三十条第二款规定实施住院治疗的患者未及时进行检查评估或者未根据评估结果作出处理的。</p>	<p><b>Article 74:</b> Where medical establishments and their staff have any of the following, administrative departments of health under the people's governments at the county level or above shall order correction and give a warning, and, if the circumstances are serious, give or order that the directly responsible management personnel and other directly responsible personnel be given demotions, terminations or expulsion as a disciplinary sanction and may order involved medical staff to temporarily stop professional activities for 1-6 months:</p> <ol style="list-style-type: none"> <li>1. Refusal to make a diagnosis of a person delivered to them who is suspected of having a mental disorder;</li> <li>2. Failure to promptly evaluate and assess a patient receiving in-patient therapy under Article 30, paragraph 2 of this law or failure to handle the matter on the basis of the assessment conclusion.</li> </ol>
<p><b>第七十五条</b> 医疗机构及其工作人员有下列行为之一的，由县级以上人民政府卫生行政部门责令改正，对直接负责的主管人员和其他直接责任人</p>	<p><b>Article 75:</b> Where medical establishments and their staff have any of the following, administrative departments of health under the people's</p>

<p>员依法给予或者责令给予降低岗位等级或者撤职的处分；对有关医务人员，暂停六个月以上一年以下执业活动；情节严重的，给予或者责令给予开除的处分，并吊销有关医务人员的执业证书：</p> <p>(一) 违反本法规定实施约束、隔离等保护性医疗措施的；</p> <p>(二) 违反本法规定，强迫精神障碍患者劳动的；</p> <p>(三) 违反本法规定对精神障碍患者实施外科手术或者实验性临床医疗的；</p> <p>(四) 违反本法规定，侵害精神障碍患者的通讯和会见探访者等权利的；</p> <p>(五) 违反精神障碍诊断标准，将非精神障碍患者诊断为精神障碍患者的。</p>	<p>governments at the county level or above shall order correction and give a warning, and give or order that the directly responsible management personnel and other directly responsible persons be given demotions, terminations or expulsion as a disciplinary sanction, and may order involved medical staff to temporarily stop professional activities for between 6 months to 1 year, and if the circumstances are serious, give them, or order them given, a disciplinary sanction of expulsion or revocation of their professional credentials.</p> <ol style="list-style-type: none"> <li>1. Violated the provisions of this law in using restraints, isolation or other protective therapeutic measures.</li> <li>2. Violated the provisions of this law to compel persons with mental disorders to labor.</li> <li>3. Violated the provisions of this law in performing surgery or using experimental clinical therapies on persons with mental disorders</li> <li>4. Violated the provisions of this law to infringe on persons with mental disorders' rights such as to communication and meeting visitors.</li> <li>5. Violated diagnostic standards for mental disorders and diagnosed someone who does not have a mental disorder as having one.</li> </ol>
<p>第七十六条 有下列情形之一的，由县级以上人民政府卫生行政部门、工商行政管理部门依据各自职责责令改正，给予警告，并处五千元以上一万元以下罚款，有违法所得的，没收违法所得；造成严重后果的，责令暂停六个月以上一年以下执业活动，直至吊销执业证书或者营业执照：</p> <p>(一) 心理咨询人员 从事心理治疗或者精神障碍的诊断、治疗的；</p> <p>(二) 从事心理治疗的人员在医疗机构以外开展心理治疗活动的；</p> <p>(三) 专门从事心理治疗的人员从事精神障碍的诊断的；</p> <p>(四) 专门从事心理治疗的人员为精神障碍患者开具处方或者提供外科治疗的。</p>	<p><b>Article 76:</b> In any of the following situations, the administrative departments of health and administrative departments of industry and commerce under the peoples' governments at the county level or above, in accordance with their individual professional responsibilities, will order corrections, give warnings, fine between 5000 and 10,000 RMB, confiscate illegal gains if there are any; and if there are serious consequences, order a temporary 6 months to one year suspension of professional activities up to a revocation of professional certification or business license.</p> <ol style="list-style-type: none"> <li>1. Psychological counselors engage in psychotherapy or diagnosis and treatment of mental disorders;</li> <li>2. Personnel engaged in psychotherapy develop psychotherapy activities outside of a medical establishment;</li> <li>3. Personnel specializing in psychotherapy</li> </ol>

<p>心理咨询人员、专门从事心理治疗的人员在心理咨询、心理治疗活动中造成他人人身、财产或者其他损害的，依法承担民事责任。</p>	<p>engage in diagnosis of mental disorders;</p> <p>4. Personnel specializing in psychotherapy prescribe medication or perform surgery on persons with mental disorders.</p> <p>If psychological counselors or persons specially engaging in psychotherapy cause another person to suffer physical, property or other losses, they are civilly liable in accordance with law.</p>
<p><b>第七十七条</b> 有关单位和个人违反本法第四条第三款规定，给精神障碍患者造成损害的，依法承担赔偿责任；对单位直接负责的主管人员和其他直接责任人员，还应当依法给予处分。</p>	<p><b>Article 77:</b> Relevant work units or individuals that violate the provisions of Article 4, paragraph 3 of this law and cause injury to persons with mental disorders have the responsibility to compensate them; disciplinary action shall also be taken against directly responsible workplace management personnel or other directly responsible personnel.</p>
<p><b>第七十八条</b> 违反本法规定，有下列情形之一，给精神障碍患者或者其他公民造成人身、财产或者其他损害的，依法承担赔偿责任：</p> <p>(一) 将非精神障碍患者故意作为精神障碍患者送入医疗机构治疗的；</p> <p>(二) 精神障碍患者的监护人遗弃患者，或者有不履行监护职责的其他情形的；</p> <p>(三) 歧视、侮辱、虐待精神障碍患者，侵害患者的人格尊严、人身安全的；</p> <p>(四) 非法限制精神障碍患者人身自由的；</p> <p>(五) 其他侵害精神障碍患者合法权益的情形。</p>	<p><b>Article 78:</b> Those violating the provisions of this law and having one of the following circumstances, causing persons with mental disorders or other citizens to suffer physical, property or other harm, bears responsibility for compensation in accordance with law:</p> <ol style="list-style-type: none"> <li>1. Intentionally delivering a person without a mental disorder to a medical establishment for treatment as a person with a mental disorder;</li> <li>2. The guardian of a person with a mental disorder abandons them or otherwise doesn't fulfill his guardianship obligations;</li> <li>3. Discriminating, demeaning or mistreating a person with a mental disorder, infringing on their dignity or personal safety;</li> <li>4. Illegally limiting a person with a mental disorder's personal freedom [physical];</li> <li>5. Other situations that infringe on the lawful rights and interests of persons with mental disorders</li> </ol>
<p><b>第七十九条</b> 医疗机构出具的诊断结论表明精神障碍患者应当住院治疗而其监护人拒绝，致使患者造成他人人身、财产损害的，或者患者有其他造成他人人身、财产损害情形的，其监护人依法</p>	<p><b>Article 78:</b> Where the diagnostic conclusion put forth by a medical establishment shows that a person with a mental disorder shall be treated with in-patient therapy, but the guardian refuses, resulting in the patient causing physical or</p>

<p>承担民事责任。</p>	<p>property harm to others, or the patient otherwise causes physical or property harm to others, his guardian shall bear civil liability in accordance with law.</p>
<p><b>第八十条</b> 在精神障碍的诊断、治疗、鉴定过程中，寻衅滋事，阻挠有关工作人员依照本法的规定履行职责，扰乱医疗机构、鉴定机构工作秩序的，依法给予治安管理处罚。</p> <p>违反本法规定，有其他构成违反治安管理行为的，依法给予治安管理处罚。</p>	<p><b>Article 80:</b> Those who in the course of the diagnosing, treatment, and evaluation of mental disorders, are belligerent, obstruct relevant personnel from performing their professional obligations under this law, or disrupt a medical establishment or evaluation organization’s work order, will be given security administration punishments.</p> <p>Those who violate this law’s provisions and engage in other conduct that violates the administration of public security will be given security administration punishments in accordance with law.</p>
<p><b>第八十一条</b> 违反本法规定，构成犯罪的，依法追究刑事责任。</p>	<p><b>Article 81:</b> Criminal responsibility will be sought in accordance with law for those violating provisions of this law so as to constitute a crime.</p>
<p><b>第八十二条</b> 精神障碍患者或者其监护人、近亲属认为行政机关、医疗机构或者其他有关单位和个人违反本法规定侵害患者合法权益的，可以依法提起诉讼。</p>	<p><b>Article 82:</b> Where persons with mental disorders or their guardians or close family members feel that an administrative organ, medical establishment or other relevant unit or individual have violated this law and infringed a person with a mental disorder’s lawful rights and interests, they may file suit in accordance with law.</p>
<p><b>第七章 附 则</b></p>	<p><b>Part 7: Supplementary Provisions</b></p>
<p><b>第八十三条</b> 本法所称精神障碍，是指由各种原因引起的感知、情感和思维等精神活动的紊乱或者异常，导致患者明显的心理痛苦或者社会适应等功能损害。</p> <p>本法所称严重精神障碍，是指疾病症状严重，导致患者社会适应等功能严重损害、对自身健康状况或者客观现实不能完整认识，或者不能处理自身事务的精神障碍。</p>	<p><b>Article 83:</b> Mental disorders, as referred to in this law, indicates a disturbance or abnormality in perception, emotion, cognition or other mental activity, brought on by any cause, that results in obvious mental suffering or a deficit in abilities such as social adjustment.</p> <p>Severe mental disorders, as referred to in this law, indicates a mental disorder with severe symptoms that causes in the victim serious deficits in abilities like social adjustment, an incomplete understanding of his own well-being or of objective reality, or an inability to handle his own affairs.</p> <p>A person with a mental disorder’s guardian, as</p>

<p>本法所称精神障碍患者的监护人，是指依照民法通则的有关规定可以担任监护人的人。</p>	<p>referred to in this law, indicates a person who may assume guardianship under the General Principles of the Civil Law.</p>
<p><b>第八十四条</b> 军队的精神卫生工作，由国务院和中央军事委员会依据本法制定管理办法。</p>	<p><b>Article 84:</b> The State Council and Central Military Committee will formulate administrative methods for the armed forces' mental hygiene work.</p>
<p><b>第八十五条</b> 本法自 2013 年 5 月 1 日起施行。</p>	<p><b>Article 85:</b> This law begins implementation on May 1, 2013.</p>