

## **Bribery law to include doctors and teachers**

**Ruling clarifies graft legislation** – South China Morning Post, 11/26/08

A ban on commercial bribery applies to doctors and teachers, the mainland's top judges have ruled.

An economist hailed their interpretation as a huge step forward in the protection of people's basic rights - but agreed with critics who said such employees would always find ways to cheat the system until they were paid properly.

And a medical source said doctors would go bankrupt if they could not take kickbacks from drug makers.

It is no secret that hospital staff routinely take kickbacks on equipment purchases and in return for overprescribing drugs. Patients have also become used to tipping doctors before big operations to ensure the best care.

School employees are known for taking kickbacks from suppliers of books, uniforms and equipment.

The law against commercial bribery covers "employees of other institutions" , but it does not say who they are. Now the Supreme People's Court, in an interpretation issued on Monday, said hospital employees who exploit their positions to take bribes, and school staff who abuse their positions to profit from business deals, can be charged with commercial bribery, a crime punishable by up to 10 years' imprisonment.

"Right now, there are several commercial bribery crimes in areas like medical care, education and public bidding that have severely harmed the interests of the people," the court said.

Renmin University economics professor Yang Du, who has conducted extensive research on commercial bribery, said the clarification would give courts the tools to better match the punishment to the crime.

"The authorities have obviously been aware of the law's loopholes for a long time, and now they have finally decided to block them. It's huge progress in protecting people's basic rights, such as education and medical care," Professor Yang said.

Some critics have suggested doctors and school staff will continue seeking ways to make extra money until their salaries are raised.

"The best solution is to gradually raise their salaries while reinforcing those laws. People can only abide by laws if their work is properly rewarded and respected," the professor said.

An industry source said every doctor took kickbacks from drug makers. "No matter what the price, almost every medicine prescribed to patients earns money for doctors," the source said.

Drug companies bribed hospital administrators for copies of doctors' prescription records each month and used these to calculate how big a kickback to pay.

The interpretation also clarified that commercial bribery charges could apply to employees of state organs, social institutions, residents' committees, village committees and organizers of sports and cultural activities.