

(Official Emblem)

Thai Traditional Medical Professions Act,
B.E. 2556 (2013)

BHUMIBOL ADULYADEJ, REX.

Given on 9th Day of January B.E. 2556 (2013)

Being the 68th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to enact a law concerning the practice of Thai traditional medical professions;

Whereas it is aware that this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 32, Section 33, Section 41, Section 43, and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows.

Section 1. This Act is called the “Thai Traditional Medical Professions Act, B.E. 2556 (2013)”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. In this Act:

“Thai traditional medicine” means medical procedures relating to the examination, diagnosis, treatment or prevention of disease, or promotion and restoration of human health, midwifery, Thai massage, and also means the preparation and production of Thai traditional medicines, and the invention of medical equipment and devices based on knowledge or texts passed down and developed over generations;

“Thai traditional medical professions” means professions relating to the practice of Thai traditional medicine and the practice of applied Thai traditional medicine;

“practice of Thai traditional medicine” means the practice of a profession done on or intended to be done on humans relating to advising, examining, diagnosing, treating and preventing disease, and promoting and restoring health, based on knowledge of Thai medicine, Thai pharmacy, Thai midwifery, Thai massage, Thai indigenous medicine, and other bodies of knowledge designated by the Minister with the advice of the Committee, and in this regard using Thai traditional medical procedures passed down or developed from Thai traditional medical texts or from educational institutions accredited by the Thai Traditional Medical Council;

“practice of applied Thai traditional medicine” means the practice of Thai traditional medicine, relying on scientific and medical scientific knowledge obtained from an educational institution accredited by the Thai Traditional Medical Council, as well as the application of medical scientific equipment or devices in compliance with the rules and regulations of the Thai Traditional Medical Council;

“Thai traditional medical procedures” means procedures relating to Thai traditional medicine stipulated or certified by the Thai Traditional Medical Council, as the case may be;

“Thai medicine” means examination, diagnosis, treatment and prevention of disease; promotion and restoration of health; Thai midwifery, Thai pharmacy, and Thai massage, using Thai traditional medical procedures;

“Thai pharmacy” means the preparation, production, and development of medicines; the selection and quality control of medicines; compounding and dispensing medicine according to prescriptions written by practitioners of Thai traditional medicine or practitioners of applied Thai traditional medicine, and the sale of medicines under the Law on Drugs, and in this regard using Thai traditional medical procedures;

“Thai midwifery” means examination, diagnosis, treatment, and health promotion of pregnant women; prevention of abnormalities during pregnancy and delivery, delivery, care, and health promotion and restoration of mother and child after delivery, and in this regard using Thai traditional procedures;

“Thai massage” means examination, diagnosis, treatment and prevention of disease, and promotion and restoration of health, using knowledge relating to the art of Thai massage and in this regard using Thai traditional medical procedures;

“Thai indigenous medicine” means examination, diagnosis, treatment and prevention of disease, and promotion and restoration of health, using knowledge passed down within the local community and in this regard using Thai traditional medical procedures;

“practitioner of Thai traditional medicine” means a person who is registered and licensed to practice Thai traditional medicine by the Thai Traditional Medical Council;

“practitioner of applied Thai traditional medicine” means a person who is registered and licensed to practice applied Thai traditional medicine by the Thai Traditional Medical Council;

“license” means a license to be a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine from the Thai Traditional Medical Council;

“member” means a member of the Thai Traditional Medical Council;

“committee member” means a committee member of the Thai Traditional Medical Council;

“Committee” means the Committee of the Thai Traditional Medical Council;

“Secretary General” means the Secretary General of the Thai Traditional Medical Council;

“officer” means an individual appointed by the Minister to carry out the provisions of this Act;

“Minister” means the minister charged with the execution of this Act.

Section 4. The Thai traditional medical professions under this Act comprise the following:

- (1) practice of Thai traditional medicine, i.e. practice in the area of Thai medicine, Thai pharmacy, Thai midwifery, Thai massage, Thai indigenous medicine, or any other type of Thai traditional medicine as designated by the Minister with the advice of the Committee;
- (2) practice of applied Thai traditional medicine.

Section 5. In the event that any of the provisions of this Act refers to the practice of the art of healing in the branch of Thai traditional medicine, the practice of the art of healing in the branch of applied Thai traditional medicine, practitioners of the art of healing in the branch of Thai traditional medicine, practitioners of the art of healing in the branch of applied Thai traditional medicine, representatives of the Profession commission in the branch of Thai traditional medicine or representatives of the Profession commission in the branch of applied Thai traditional medicine, it shall mean the practice of Thai traditional medicine, the practice of applied Thai traditional medicine, practitioners of Thai traditional medicine, practitioners of applied Thai traditional medicine or representatives of the Thai Traditional Medical Council under this Act.

Section 6. The Minister of Public Health shall have charge and control of the execution of this Act, and shall have the authority to appoint officers, issue ministerial decrees, set fees not exceeding those in the schedule of fees at the end of this Act, and issue other rules and announcements necessary for the execution of this Act;

These ministerial decrees, rules, and announcements shall come into force as of their publication in the Government Gazette.

Title 1

Thai Traditional Medical Council

Section 7. There shall be a Thai Traditional Medical Council having the status of a juristic person with the objectives, powers and responsibilities as provided for in this Act.

Section 8. The Thai Traditional Medical Council shall have the following objectives:

- (1) promote education, development, research, practice of Thai traditional medicine and practice of applied Thai traditional medicine;

(2) control, manage, oversee, and set service standards for practitioners of Thai traditional medicine and practitioners of applied Thai traditional medicine;

(3) oversee the behavior and ethics of practitioners of Thai traditional medicine and practitioners of applied Thai traditional medicine to ensure compliance with the code of ethics of the Thai traditional medical professions;

(4) assist, advise, disseminate and educate the public and other organizations on issues relating to Thai traditional medicine;

(5) advise or offer recommendations to the government on issues pertaining to Thai traditional medical professions;

(6) promote unity among and uphold the honor and dignity of members;

(7) uphold rights and fairness and promote the welfare of members;

(8) represent practitioners of Thai traditional medicine and practitioners of applied Thai traditional medicine in Thailand.

Section 9. The Thai Traditional Medical Council has the following powers and responsibilities:

(1) register and issue licenses to those applying to be practitioners of Thai traditional medicine and practitioners of applied Thai traditional medicine;

(2) issue orders as in Section 45;

(3) recognize degrees, certificates or professional diplomas of Thai traditional medical professions from various institutions in the matter of applying for membership;

(4) recognize curricula pertaining to professional proficiency training in various areas of Thai traditional medical professions offered at institutions where the training is provided;

(5) recognize academic standing of institutions providing professional proficiency training in (4);

(6) issue credential documents or diploma certifying proficiency in the practice of Thai traditional medicine and the practice of applied Thai traditional medicine, and issue other professional credentials in Thai traditional medical professions;

(7) make operating plans and report on implementation of these plans for submission to the Honorary President of the Thai Traditional Medical Council not less than once a year;

(8) operate in accordance with the objectives of the Thai Traditional Medical Council;

(9) oversee activities in accordance with the objectives, and powers and responsibilities stipulated in this Act, and to oversee other business of the Thai Traditional Medical Council.

Section 10. The Thai Traditional Medical Council may have the following income:

(1) subsidies from the national budget;

(2) member registration fees, membership fees, and other fees;

(3) earnings from assets management and activities in line with the objectives set down in Section 8;

(4) money and property given to the Thai Traditional Medical Council;

(5) interest on money and property as in (1) (2) (3) and (4).

Section 11. The Minister shall occupy the position of Honorary President of the Thai Traditional Medical Council and shall exercise the powers and rights stipulated in this Act.

Title 2 Members

Section 12. Members of the Thai Traditional Medical Council must satisfy the following requirements and must not be subject to the following disqualifications:

- (1) be not less than 20 years of age;
- (2) have knowledge of Thai traditional medicine as demonstrated by the following:
 - (a) have received training from an institution or sanatoria accredited by the Thai Traditional Medical Council where training is provided by practitioners of Thai traditional medicine with licenses to provide knowledge to others; and who must have passed all requisite examinations in accordance with the regulations of the Thai Traditional Medical Council, or
 - (b) have received a degree or certificate equivalent to a degree in Thai traditional medicine or in applied Thai traditional medicine from an educational institution accredited by the Thai Traditional Medical Council; and who must have passed all requisite examinations in accordance with the regulations of the Thai Traditional Medical Council, or
 - (c) be an individual whose knowledge of Thai indigenous medicine has been certified by the government after having passed all requisite examinations or evaluation in accordance with the regulations of the Thai Traditional Medical Council;
- (3) not be an individual whose behavior is deemed by the Committee to have a potentially detrimental effect on the honor and reputation of the professions;
- (4) must not have been sentenced to imprisonment by a court of final instance for a crime deemed by the Committee to have a potentially detrimental effect on the honor and reputation of the professions;
- (5) must not suffer from mental illness, mental deficiency or any illness cited in the regulations of the Thai Traditional Medical Council.

Section 13. Members have the following rights and obligations:

- (1) apply for registration and license to be practitioners of Thai traditional medicine or practitioners of applied Thai traditional medicine; apply for credential or diploma certifying proficiency in the practice of Thai traditional medicine or the practice of applied Thai traditional medicine; or request other professional credential in Thai traditional medical professions in compliance with the regulations of the Thai Traditional Medical Council;
- (2) submit a written opinion on the activities of the Thai Traditional Medical Council to the Committee for their consideration, or in the case of not fewer than fifty members acting jointly, submit a proposal to the Committee on any of the activities of the Thai Traditional Medical Council, in which case the Committee must consider the proposal and notify those submitting the proposal of its decision within ninety days of receipt;

- (3) Licensed members may cast votes, accept selection, or be elected to the Committee;
- (4) uphold professional dignity and conduct him/herself in accordance with this Act.

Section 14. Membership is terminated upon the following events:

- (1) death;
- (2) resignation;
- (3) lacks the requirements stipulated in 12 (2);
- (4) upon the decision of the Committee to revoke an individual's membership on the grounds that he/she has engaged in behavior deemed to have a potentially detrimental effect on the honor and reputation of the professions as in 12(3) or 12(4);
- (5) subject to the disqualifications set down in 12(5) and three medical professionals appointed by the Committee determine that the member is unable to recover with treatment or the treatment period requires more than two years.

In the event that a member is found subject to the disqualification set down in 12(5) but the individual's membership has not yet been revoked as in paragraph 1(5), the Committee may resolve to suspend the individual's license for a period deemed reasonable but not to exceed two years and the provisions in 21 shall be enforced *mutatis mutandis*.

Title 3 The Committee

Section 15. The Thai Traditional Medical Council shall have a Committee consisting of the following:

- (1) committee members appointed by virtue of their position: i.e. the Permanent Secretary of the Ministry of Public Health, Director General of the Thai Traditional and Alternative Medicines Development Department, Director General of the Health Services Promotion Department, Secretary General of the Food and Drug Administration, and Secretary General of the Higher Education Commission;
- (2) committee members appointed from deans or heads of other bodies equivalent to faculties or heads of departments producing graduates in the field of Thai traditional medicine or in the field of applied Thai traditional medicine, one from each government institution of higher education and private institution established in accordance with the Private Higher Education Act. These individuals from each field shall select from among themselves no more than 3 representatives;
- (3) committee members appointed from representatives of professional associations or foundations relating to Thai traditional medicine. These individuals shall select from among themselves no more than three representatives;
- (4) committee members appointed from heads of institutions or sanatoria accredited by the Thai Traditional Medical Council where training is provided by practitioners of Thai traditional medicine with licenses to provide knowledge to others. These individuals shall select from among themselves no more than three representatives;
- (5) committee members elected by members with the number equal to the total number of committee members in (1) (2) (3) and (4) at the time of election, and in this regard taking into account the ratio of Thai traditional medical professions as in Section 4.

Section 16. The Committee may appoint a qualified individual to serve as advisor and may also withdraw any such appointment;

An advisor shall serve a term equal in length to that of the committee members under Section 15(5).

Section 17. The Committee shall elect from among its members under Section 15(5) one individual to serve as President of the Thai Traditional Medical Council, one individual to serve as First Vice-President of the Thai Traditional Medical Council and one individual to serve as Second Vice-President of the Thai Traditional Medical Council within thirty days of the date of their election to the Committee;

The President of the Thai Traditional Medical Council shall appoint a Secretary General, Deputy Secretary General, Public Relations Officer, and Treasurer, and may appoint individuals to other positions as necessary, subject to the approval of the Committee;

The President of the Thai Traditional Medical Council shall be empowered to remove the Secretary General, Deputy Secretary General, Public Relations Officer, Treasurer and other appointments under paragraph 2 from their posts, subject to the approval of the Committee.

The President of the Thai Traditional Medical Council, the First Vice-President, and the Second Vice-President shall occupy their posts for the same term as the committee members as in Section 15(5);

When the President of the Thai Traditional Medical Council completes his/her term, the Secretary General, Deputy Secretary General, Public Relations Officer, Treasurer and any other appointments shall also resign from their positions.

Section 18. The selection of committee members as in Section 15(2) (3) and (4); the election of committee members as in Section 15(5); the appointment of advisors as in Section 16; the selection of committee members to serve in various positions as in Section 17, and the promotion, selection or election of committee members as in Section 23 shall be conducted in compliance with the regulations of the Thai Traditional Medical Council.

Section 19. Committee members as in Section 15(3) (4) and (5) must meet the following qualifications:

- (1) be a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine;
- (2) must never have had his/her license either suspended or revoked;
- (3) must never have been declared bankrupt.

Section 20. Committee members as in Section 15(2) (3) (4) and (5) shall serve a term of three years and are eligible for reselection or reelection to a subsequent term as the case may be, but may not serve more than two consecutive terms;

Committee members whose term has come to an end shall continue to serve on the Committee until such time as a replacement has been selected or elected.

Section 21. In addition to the completion of his/her term, a committee member as in Section 15 (3) (4) and (5) shall leave his/her position on the Committee in the following events:

- (1) membership ends under Section 14;
- (2) lacks the required qualifications or is disqualified under Section 19;
- (3) resignation;

A committee member under Section 15 (2) shall no longer remain in his/her position in the following events:

(1) no longer be a dean or head of a body equivalent to a faculty or head of a department producing graduates in Thai traditional medicine or applied Thai traditional medicine at a government institution of higher education or private institution established in accordance with the Private Higher Education Act;

(2) resignation.

Section 22. Should a position on the Committee as in Section 15(2) (3) and (4) become vacant prior to the completion of the term, the remaining committee members shall move to fill the vacancy within thirty days of the date on which a vacancy occurs;

In the event that the term of the vacant position in paragraph 1 has less than ninety days remaining, the remaining committee members may choose either to fill the vacancy or not;

The individual who fills the vacant post shall serve only to the end of the term of the committee member he/she replaces.

Section 23. When not more than one-third of the total number of committee members as in Section 15(5) leave their positions prior to the end of their term, the remaining committee members shall promote the following qualified individuals under Section 19 who receive the most votes from the election of committee members as in Section 15(5) to the vacant posts within thirty days of the date on which a vacancy occurs;

In the event that more than one-third of elected committee members vacate their positions, the remaining committee members shall hold an election by members to choose replacement committee members within ninety days as of the date on which more than one-third of the positions on the Committee become vacant;

In the event that no one is promoted to replace vacancies on the Committee or that the number of replacements is less than the number of vacancies, the provisions in paragraph 2 shall apply *mutatis mutandis*.

If the remaining term of the vacant posts on the Committee is less than ninety days, no promotions or elections need be conducted.

An individual who occupies the vacant post shall serve only the remaining portion of the term of the committee member he/she replaces.

Section 24. The Committee shall have the following duties and responsibilities:

(1) oversee and conduct the business of the Thai Traditional Medical Council in keeping with the objectives and duties and responsibilities set down in Section 8 and Section 9, and to administer all revenues as in Section 10;

(2) appoint subcommittee on the practice of Thai traditional medicine, subcommittee on the practice of applied Thai traditional medicine, subcommittee on ethics, subcommittee on investigation, and other subcommittees for the purpose of conducting activities or reviewing issues within the scope of the objectives and duties and responsibilities of the Thai Traditional Medical Council;

(3) set the operating plans and budget of the Thai Traditional Medical Council;

(4) issue regulations of the Thai Traditional Medical Council concerning the following:

(a) membership;

(b) set illnesses under Section 12 (5);

- (c) set member registration fees, membership fees, and other fees other than those set in the schedule of fees at the end of this Act;
- (d) selection, election of committee members, promotion of qualified individuals to replace committee members, appoint advisors, and selection of committee members to serve in a variety of posts as in Section 18;
- (e) meetings of the Committee, subcommittees, and advisory committee;
- (f) set powers and responsibilities of individuals appointed to advisory posts under Section 16;
- (g) set powers and responsibilities of individuals appointed to other positions under Section 17 paragraph 2;
- (h) qualifications of practitioners of Thai traditional medicine and
- (i) qualifications of practitioners of applied Thai traditional medicine as in Section 35;
- (j) licensing forms and types, criteria, processes and conditions for
- (k) registration, licensing, licensing terms, license renewal, and issuing of replacement licenses;
- (l) criteria for issuing credentials or diplomas certifying proficiency in the practice of Thai traditional medicine and the practice of applied Thai traditional medicine, as well as other credentials concerning the Thai traditional medical professions;
- (m) criteria concerning the suspension or revocation of licenses;
- (n) defining professional ethics in Thai traditional medical professions;
- (o) establishment, operation and abrogation of institutions providing professional proficiency training in Thai traditional medical professions; including setting criteria and procedures pertaining to continuing education in Thai traditional medicine for the purpose of further professional knowledge and skills;
- (p) criteria, processes and conditions for testing and evaluation as in Section 12(2);
- (q) investigatory criteria in the event of accusations or allegations against practitioners of Thai traditional medicine or practitioners of applied Thai traditional medicine;
- (r) limits and conditions on the practice of Thai traditional medicine and the practice of applied Thai traditional medicine;
- (s) other issues within the scope of the objectives or powers and responsibilities of the Thai Traditional Medical Council in keeping with this Act or other relevant laws, taking into account the importance of assisting, advising, disseminating, and educating the public on Thai traditional medicine as means of self care;

Under the provisions set down in Section 30, the regulations of the Thai Traditional Medical Council shall enter into effect as of the date of their publication in the Government Gazette.

Section 25. The President of the Thai Traditional Medical Council, the First Vice-President of the Thai Traditional Medical Council, the Second Vice-President of the Thai Traditional Medical Council, the Secretary General, the Deputy Secretary General, the Public Relations Officer, the Treasurer, advisors, and individuals occupying other positions have the following powers and responsibilities:

(1) the President of the Thai Traditional Medical Council has the following powers and responsibilities:

- (a) oversee and conduct the business of the Thai Traditional Medical Council in accordance with this Act or resolutions of the Committee;
- (b) represent the Thai Traditional Medical Council at various functions and activities;
- (c) chair meetings of the Committee;

The President of the Thai Traditional Medical Council may appoint in writing other committee members to serve in his/her stead as deemed appropriate;

(2) the First Vice-President of the Thai Traditional Medical Council shall assist the President in activities within the scope of powers and responsibilities of the Thai Traditional Medical Council as assigned by the President, and shall act on behalf of the President in the event that he/she is absent or unable to carry out his/her responsibilities;

(3) the Second Vice-President of the Thai Traditional Medical Council shall assist the President in activities within the scope of the powers and responsibilities of the Thai Traditional Medical Council as assigned by the President, and shall act on behalf of the President in the event that both the President and the First Vice-President are absent or unable to carry out their responsibilities;

(4) the Secretary General has the following powers and responsibilities:

- (a) supervise the staff of the Thai Traditional Medical Council;
- (b) oversee and assume responsibility for all general clerical work of the Thai Traditional Medical Council;
- (c) oversee and maintain registration of members, and registration of practitioners of Thai traditional medicine and practitioners of applied Thai traditional medicine, as well as other registration of the Thai Traditional Medical Council;
- (d) oversee assets of the Thai Traditional Medical Council;
- (e) serve as secretary to the Committee;

(5) the Deputy Secretary General shall assist the Secretary General with activities within the scope of the powers and responsibilities of the Secretary General and as assigned by him/her, and shall act on behalf of the Secretary General in the event that he/she is absent or unable to carry out his/her responsibilities;

(6) the Public Relations Officer has the powers and responsibilities to publicize, advise and disseminate information of the activities of the Thai Traditional Medical Council to the public and other organizations;

(7) the Treasurer has the powers and responsibilities to control, oversee and take responsibility for accounts, finances, and budgets of the Thai Traditional Medical Council;

(8) advisors as in Section 16 have the powers and responsibilities assigned to them by the Committee;

(9) individuals in other positions as in Section 17 paragraph 2 have the powers and responsibilities assigned to them by the Committee.

Section 26. There shall be a subcommittee on the practice of Thai traditional medicine with the powers and responsibilities, composition, qualifications and procedures to appoint subcommittee members in accordance with the regulations of the Thai Traditional Medical Council.

Section 27. There shall be a subcommittee on the practice of applied Thai traditional medicine with the powers and responsibilities, composition, qualifications and procedures to appoint subcommittee members in accordance with the regulations of the Thai Traditional Medical Council.

Title 4 Work of the Committee

Section 28. Meetings of the Committee must be attended by no less than half of the committee members to constitute a quorum.

Resolutions of the Committee shall be passed by a simple majority of votes, with each committee member casting one vote. In the event of a tie, the Chairperson of the meeting shall be given an additional vote, which shall be the deciding vote.

Resolutions of the Committee in case of membership termination under Section 14(4) shall be passed by not less than two-thirds of the votes of committee members in attendance of the meeting.

At subcommittee meetings, the provisions contained in paragraphs 1 and 2 shall apply *mutatis mutandis*.

Meetings of the advisory committee shall comply with the regulations of the Thai Traditional Medical Council.

Section 29. The Honorary President may attend meetings of the Committee where he/she may voice opinions or submit written opinions to the Thai Traditional Medical Council on any issue.

Section 30. Resolutions of the Committee concerning the following must obtain prior approval of the Honorary President prior to execution:

- (1) issuing regulations;
- (2) setting operating plans and budget of the Thai Traditional Medical Council;
- (3) membership termination under Section 14(4);
- (4) final decisions concerning the suspension or revocation of licenses under Section 45 paragraphs (3) (4) or (5).

The President of the Thai Traditional Medical Council shall forward resolutions under paragraph 1 to the Honorary President in a timely manner, and the Honorary President may veto any resolution. In the event that no veto is issued under paragraph (1) within 30 days or no veto is issued under paragraphs (2) (3) or (4) within 15 days of the receipt of the resolution from the President of the Thai Traditional Medicine Council, the Honorary President shall be considered as having given his/her approval to the resolution.

If the Honorary President should veto any resolution, the Committee shall reconsider the matter within 30 days as of the date of the veto. If at this meeting not less than two-thirds of the votes of all committee members in attendance confirm the resolution, the veto is overridden and the resolution shall be enacted.

Title 5**Control of the Practice of Thai Traditional Medicine and
the Practice of Applied Thai Traditional Medicine**

Section 31. No individual other than a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine is permitted to perform the practice of Thai traditional medicine or the practice of applied Thai traditional medicine except in the following circumstances:

- (1) perform on one's self;
- (2) assisting a patient as a matter of duty or law, or in line with humanitarian or ethical principles, such assistance being provided free of charge;
- (3) students or trainees who practice or train in a government educational institute of Thai traditional medical professions or a government-accredited medical institution or an educational institution or medical institution accredited by the Thai Traditional Medical Council, under the supervision of an instructor or trainer who is a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine;
- (4) an individual assigned by a Ministry, Bureau, Department, Municipality, Provincial Administrative Organization, Sub-district Administrative Organization, Bangkok Metropolitan Authority, Pattaya Municipality, other legally-constituted special local administrative body, and the Thai Red Cross Society to perform the practice of Thai traditional medical professions under the supervision of a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine or a medical professional, in this regard in keeping with Ministerial regulations published in the Government Gazette;
- (5) an individual employed in a sanatorium as defined by the Law of Sanatoria who performs the practice of Thai traditional medicine or the practice of applied Thai traditional medicine, under the supervision of a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine, in this regard in keeping with Ministerial regulations published in the Government Gazette;
- (6) practice of Thai traditional medicine or practice of applied Thai traditional medicine by a government advisor or expert in this regard by the criteria, procedures and conditions stipulated by the Committee;
- (7) a widely recognized traditional village healer whose knowledge and experience in promoting and care for the health of individuals in the local community by means of Thai traditional medical wisdom, according to culture passed down within the local community for a period of not less than 10 years and who has been proposed by a village council or local administrative organization to the relevant office stipulated by the Ministry of Public Health for certification, in this regard in keeping with Ministerial regulations published in the Government Gazette.

Section 32. No individual who is not the holder of a degree, certificate, or diploma of Thai traditional medical professions may use the words or phrases whether in Thai or foreign script "Thai traditional medical practitioner" or an abbreviation thereof, or use words of

educational qualifications in Thai traditional medicine or the abbreviation of the qualifications with his/her name or surname or using any other equivalent words which could cause others to wrongly believe that this individual is a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine, and in this regard including the directing, employing, asking or giving consent to another person performing such acts on his/her behalf the use of one's own name by another individual for such purposes.

Section 33. It is forbidden for an individual to use terms or otherwise lead others to wrongly believe that he/she is an expert in the practice of Thai traditional medicine or the practice of applied Thai traditional medicine, or to lead others by any means to wrongly believe that he/she is licensed or authorized to practice these professions, in this regard including the directing, employing, asking, or giving consent to another person performing such acts on his/her behalf, except where that individual has received credential or diploma certifying professional proficiency in the practice of Thai traditional medicine or the practice of applied Thai traditional medicine from the Thai Traditional Medical Council or from a body certified by the Thai Traditional Medical Council, or that he/she is a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine possessing the qualifications set down in the regulations of the Thai Traditional Medical Council.

Section 34. Registration, issuing of licenses, license terms, license extensions, issuing credentials or diplomas certifying professional proficiency in Thai traditional medical professions, and other credentials, as well as issuing of replacement certificates to practice Thai traditional medicine and applied Thai traditional medicine shall comply with the regulations of the Thai Traditional Medical Council.

Section 35. Applicants for registration and licensing must apply for membership to the Thai Traditional Medical Council and must satisfy all qualifications for membership stipulated in the regulations of the Thai Traditional Medical Council;

When membership of a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine ends under Section 14, his/her license shall also no longer be valid;

An individual whose membership ends as in Section 14(3) and (4) shall return his/her license to the Secretary General within fifteen days of the end of his/her membership.

Section 36. In the practice of their professions, practitioners of Thai traditional medicine and practitioners of applied Thai traditional medicine must respect the restrictions and conditions and the code of professional ethics for the Thai traditional medical professions as set down in the regulations of the Thai Traditional Medical Council;

Section 37. An individual who has suffered damage from the misconduct of any practitioner of Thai traditional medicine or any practitioner of applied Thai traditional medicine under Section 36, has the right to make an allegation against the person who has caused the damage by submitting a complaint to the Thai Traditional Medical Council.

Other individuals have the right to make accusations of misconduct against a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine under Section 36 by submitting a written complaint to the Thai Traditional Medical Council;

Committee members have the right to make accusations of misconduct against a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine under Section 36 by referring the matter to the Thai Traditional Medical Council;

The right to make an allegation of misconduct as in paragraph 1 or accusation of misconduct as in paragraph 2 or 3 expires one year after the person affected by the damage or the accuser becomes aware of the misconduct as in Section 36 and knows the identity of the accused individual, and in all cases, not more than three years after the time of the alleged misconduct as in Section 36;

The withdrawal of an allegation or accusation which has already been made does not in itself provide reason to cease to pursue further action under this Act.

Section 38. When the Thai Traditional Medical Council receives notification of an accusation or allegation as in Section 37 or in the event that the Committee comes to a resolution that there are justified circumstances to consider the misconduct as in Section 36 of a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine, the Secretary General shall forward this matter to the chairperson of the subcommittee on ethics without undue delay.

Section 39. The Committee shall appoint subcommittee on ethics from among the members, consisting of one chairperson and not less than three subcommittee members. The subcommittee is charged with undertaking an investigation to find facts about the matters submitted to it under Section 38, after which it shall submit a report and its recommendations to the Committee for consideration;

The Committee may appoint more than one subcommittee on ethics;

The subcommittee on ethics shall discharge its duties and responsibilities as set down in paragraph 1 within the time determined by the Committee. If for some reason the subcommittee is unable to complete its work within this time limit, the chairperson of the subcommittee on ethics shall notify the Committee of such in advance, and the Committee shall consider extending the time limit but for a period not to exceed thirty days from the date of the deadline.

Section 40. When the Committee receives a report and recommendations from the subcommittee on ethics, the Committee shall review the report and recommendations and then issue one of the following decisions:

- (1) order the subcommittee on ethics to conduct a further investigation of the facts surrounding the case and then to submit its findings to the Committee;
- (2) order the subcommittee on investigation to conduct a further investigation in the event that the accusation or allegation appears to have sufficient grounds;
- (3) dismiss the accusation or allegation in the event that it appears that there are not sufficient grounds to pursue the matter further.

Section 41. The Committee shall appoint a subcommittee on investigation from among the members consisting of one chairperson and not less than three subcommittee members. This subcommittee is empowered to investigate, draw conclusions and present an investigation report with recommendations to the Committee for final ruling;

The Committee may appoint more than one subcommittee on investigation;

The subcommittee on investigation shall discharge its duties and responsibilities as set down in paragraph 1 within the timeframe determined by the Committee. If for some reason the subcommittee is unable to complete its work within this time limit, the chairperson of the subcommittee on investigation shall notify the Committee of such in advance, and the Committee shall consider extending the time limit but for a period not to exceed thirty days from the date of the deadline.

Section 42. In the performance of their duties under this Act, the members of subcommittee on ethics and the subcommittee on investigation shall be considered officers under the Criminal Code with the authority to summon any individual to give testimony and to issue warrants requiring an individual to hand over documents or materials for the benefit of the performance of these subcommittees' duties.

Section 43. The chairperson of the subcommittee on investigation shall notify the alleged or accused individual and send a copy of the complaint made against him/her not less than fifteen days prior to the start of the investigation;

The alleged or accused individual has the right to submit a statement or any evidence in his/her defense to the subcommittee on investigation;

Any statement or evidence shall be submitted to the chairperson of the subcommittee on investigation within fifteen days of receipt of the notification from the chairperson of the subcommittee on investigation or within any time extension granted by the subcommittee on investigation.

Section 44. When the subcommittee on investigation has completed its investigation, it shall submit a summary of its findings together with its recommendations to the Committee within fifteen days of the completion of its investigation and not later than the deadline under Section 41 paragraph 3 to the Committee for a final decision.

Section 45. When the Committee has received the findings and recommendations of the subcommittee on investigation, the Committee shall complete its deliberations within thirty days of the date on which it receives the findings and recommendations;

The Committee may require the subcommittee on investigation to conduct a further investigation prior to issuing a final decision, in which case the provisions contained in Section 41 paragraph 3 shall apply *mutatis mutandis*;

The Committee may issue one of the following decisions:

- (1) dismiss the allegation or accusation;
- (2) issue a warning;
- (3) order a suspension;
- (4) suspend the license for a period of time deemed appropriate but not in excess of two years;
- (5) revoke the license;

In the execution of Section 30, decisions of the Committee under Section 45 shall be considered orders of the Thai Traditional Medical Council and shall contain explanations for these decisions, which shall be final.

Section 46. The Secretary General shall notify the alleged or accused individual of the order of the Thai Traditional Medical Council within seven days of the day on which the order is issued, and shall record the order in the register of practitioners of Thai traditional medicine or practitioners of applied Thai traditional medicine, and shall notify the individual of the final decision.

Section 47. In the execution of Section 31, it is forbidden for a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine whose license has been suspended or revoked to continue to practice Thai traditional medical professions or to indicate to others in any manner whatsoever that he/she has the right to practice Thai traditional medical professions as of the day of notification of the Thai Traditional Medical Council order suspending or revoking his/her license.

Section 48. Any practitioner of Thai traditional medicine or any practitioner of applied Thai traditional medicine whose license is currently subject to a suspension and who has been found to be in violation of Section 47 and is subsequently sentenced to imprisonment under Section 53 by a court of final instance shall have his/her license revoked by the Committee as of the day on which the court of final instance delivers its verdict.

Section 49. A practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine whose license has been revoked may apply for a new license two years after the revocation of his/her previous license, but if the Committee rejects his/her application for a new license, that individual may then reapply for licensing one year after the date on which the Committee rejects his/her prior application.

Title 6 Officers

Section 50. While in the performance of their duties, officers have the following powers:

- (1) enter the business workplace of a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine during working hours for the purpose of inspecting or taking steps to ensure compliance with the provisions of this Act;
- (2) enter any premises or vehicle where there is legitimate reason to suspect a violation of this Act at any time between sunrise and sunset or during the working hours of the premises in question for the purpose of inspecting documents or materials which may be used as evidence of wrongdoing under the provisions of this Act, including in cases where there is reasonable cause to believe that said documents or materials may be moved, concealed, destroyed or in any way modified before a search warrant can be obtained;
- (3) seize any documents or materials which may be used as evidence of wrongdoing under the provisions of this Act;

During the performance of the officer's duties, individuals involved shall give their cooperation as deemed appropriate

Section 51. In the performance of their duties, officers must present their official identification;

Official identification shall comply with the form set by the Minister and published in the Government Gazette.

Section 52. While in the performance of their duties, officers shall be considered as officers under the Criminal Code.

Title 7 Penalties

Section 53. An individual who violates Section 31 or Section 47 is subject to a term of imprisonment not to exceed three years or a fine not exceeding 60,000 baht, or both.

Section 54. An individual who violates Section 32 or Section 33 is subject to a term of imprisonment not to exceed one year or a fine not exceeding 20,000 baht, or both.

Section 55. An individual who violates Section 35 paragraph 3 or refuses to cooperate with officers under Section 50 paragraph 2 is subject to a fine not exceeding 2,000 baht.

Section 56. An individual who is summoned but does not appear to give testimony or who is ordered to hand over documents or objects under Section 42 but who refuses to do so without just cause is subject to a term of imprisonment not to exceed one month or a fine not exceeding 1,000 baht, or both.

Section 57. An officer who violates Section 51 paragraph 1 without just cause is subject to a fine not exceeding 2,000 baht.

Temporary Provisions

Section 58. An individual registered and licensed to be a practitioner of the art of healing in the fields of Thai traditional medicine or applied Thai traditional medicine under the Law on the Practice of the Art of Healing on the day on which this Act enters into effect shall be deemed a member of the Thai Traditional Medical Council under this Act.

Section 59. An individual registered and licensed to be a practitioner of the art of healing in the fields of Thai traditional medicine or applied Thai traditional medicine under the Law on the Practice of the Art of Healing and whose license is valid on the day on which this Act enters into effect shall be considered as registered and licensed to be a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine under this Act.

Section 60. The provisions contained in Section 49 shall apply to practitioners of the art of healing in the fields of Thai traditional medicine or applied Thai traditional medicine under the Law on the Practice of the Art of Healing whose license to practice is subject to a suspension one day prior to the day on which this Act enters into effect and who requests a license to be a practitioner of Thai traditional medicine or applied Thai traditional medicine under this Act.

Section 61. In the starting period, prior to the selection of committee members in Section 15(2) (3) and (4) and to the election of committee members in Section 15(5), a Committee consisting of the Permanent Secretary of the Public Health Ministry, who shall serve as President of the Thai Traditional Medical Council, the Director General of the Health Promotion Department, the Director General of the Thai Traditional Medicine and Alternative Medicines Development Department, the Secretary General of the Food and Drug Administration, the Secretary General of Higher Education Commission, the

chairperson and deputy chairperson of the Profession Commission in the branch of Thai traditional medicine as well as the chairperson and deputy chairperson of Profession Commission in the branch of applied Thai traditional medicine under the Law on Practice of the Art of Healing in office on the day on which this Act enters into effect, and the President of the Thai Traditional Medical Association shall serve as committee members;

The Permanent Secretary of the Public Health Ministry shall appoint from the persons named to the Committee in paragraph 1 a Secretary General, Deputy Secretary General, Treasurer, and other positions as necessary;

The selection of committee members under Section 15 (2) (3) and (4) and the election of committee members under Section 15 (5) shall be completed within 180 days of the day on which this Act enters into effect;

To avoid possible conflicts of interest, in the first term, no individual who is a member of the select committee charged with reviewing the draft bill on Thai Traditional Medical Professions either in the House of Representatives or in the Senate may serve as President or Secretary General of the Thai Traditional Medical Council for a period of two years as of the day on which he/she is no longer member of the select committee for the review of this draft bill on Thai Traditional Medical Professions.

Section 62. Prior to the issuing of ministerial decrees, rules, regulations, and announcements on the enforcement of this Act, the ministerial decrees, rules, regulations, and announcements issued under the Law on Practice of the Art of Healing shall remain in effect *mutatis mutandis*, but not for a period to exceed two years from the date on which this Act enters into effect.

Section 63. Violations of the professional code of ethics or restrictions and conditions pertaining to practice under the Law on Practice of the Art of Healing pertaining to Thai traditional medical professions which occurred prior to the day on which this Act comes into effect and for which proceedings have not yet been initiated under the Law on Practice of the Art of Healing shall be considered violations of professional ethics and/or restrictions and conditions for the practice of Thai traditional medicine and applied Thai traditional medicine under this Act and all further proceedings shall be conducted in accordance with the provisions in this Act;

In the event that proceedings against an individual in violation of the professional code of ethics or restrictions and conditions pertaining to the practice of the art of healing of Thai traditional medicine or applied Thai traditional medicine under the Law on Practice of the Art of Healing occur prior to the day on which this Act enters into effect, such proceedings shall be considered as having been conducted in accordance with this Act and any further proceedings shall be conducted in accordance with the provisions of this Act.

Countersigned by
Yingluck Shinnawatra
Prime Minister

Note: The reasons for the promulgation of this Act are as follows: The practice of the art of healing in the branch of Thai traditional medicine and in the branch of applied Thai traditional medicine is currently subject to control under the Law on the Practice of the Art of Healing, with a the Practice of the Art of Healing Commission responsible for overseeing the practice of various arts of healing, as well as Profession Commissions in the branch of Thai traditional medicine and applied Thai traditional medicine overseeing the practice of the art of healing in the branch of Thai traditional medicine and the practice of the art of healing in the branch of applied Thai traditional medicine as well as compliance with the professional code of ethics. At present, however, the number of practitioners of the art of healing in the branch of Thai traditional medicine and applied Thai traditional medicine has grown as has the number of individuals with educational qualifications, credentials and expertise in the practice of Thai traditional medicine and applied Thai traditional medicine. In addition, the science and technology associated with Thai traditional medicine and applied Thai traditional medicine has progressed tremendously, and the profession now has the resources to oversee its own community members. Also, in order to comply with the provisions of the Constitution of the Kingdom of Thailand, which grant individuals the freedom to do business or practice a profession in an environment of open and fair competition, and which seeks to give the public a direct role in politics, it has been deemed appropriate to transfer the supervision and control of the practice of Thai traditional medicine and applied Thai traditional medicine from the authority and responsibility of the the Practice of the Art of Healing Commission and the Profession commissions in the branch of Thai traditional medicine and applied Thai traditional medicine to a newly-created “Thai Traditional Medical Council,” charged with promoting the practice of Thai traditional medicine and applied Thai traditional medicine, and setting and enforcing standards and ethics among practitioners of Thai traditional medicine and applied Thai traditional medicine in line with the Thai traditional medicine professional code of ethics. The Council will also be responsible for ensuring that unscrupulous individuals are unable to take advantage of uninformed members of the public, causing harm and potential danger to the society. Finally, through the promulgation of this Act, which provides for support, promotion and development of Thai traditional medical professions, these professions will have a brighter and more secure future.

Schedule of Fees in Thai traditional medical professions

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|---|-------|------|
| (1) Registration and licensing of practitioners of Thai traditional medicine or practitioners of applied Thai traditional medicine | 3,000 | baht |
| (2) License renewal fee | 2,000 | baht |
| (3) Certification fee of registration to be a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine | 500 | baht |
| (4) Fee for credential or diploma certifying professional proficiency in the practice of Thai traditional medicine or the practice of applied Thai traditional medicine | 2,000 | baht |
| (5) Replacement license fee | 500 | baht |