

# **The Medical Profession Act**

**B.E.2525 (1982)**

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## **Foreward**

The Practice of Medicine in Thailand which is defined by laws and regulations have been designed to protect the people's quality of life through the assurances of appropriate standards and quality of medical treatment. In doing so, the Medical profession Act (1982) and the Rules of the Medical Council on the Observance on Medical Ethics have been used as a basis for establishing the system of Medical Registration, practice standards, professional ethics and disciplinary control measures.

The Thai Medical Council being empowered by this act as the responsible authority to deal with the practice of medicine, has published the first English-language publication of the aforementioned act and rules for distribution to international readers and institution interested in the medical registration system in Thailand. It is hoped that this publication will serve as a useful source of information for medical practitioners in the country and abroad wishing to seek the opportunity of practicing medicine in Thailand and meanwhile, it will promote better understanding and closer collaboration with other medical registration authorities at international level as well.

**The Medical Council of Thailand**

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# **The Medical Profession Act**

**B.E. 2525 (1982)**

**Bhumibol Adulyadej, Rex.**

**Given on 28th July, B.E. 2525 (1982)**

**Being the 37th year of the Present Reign.**

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

Whereas it is expedient to revise the law on the medical profession,

Be it, therefore, enacted, with the advice and consent of the National Assembly as follows:

**Section 1** This Act is called “The Medical Profession Act B.E. 2525 (1982)”

**Section 2** This Act shall come into force on the day Following the date of its publication in the Government Gazette.

**Section 3** The Medical Profession Act B.E. 2511 (1968) Shall be repealed.

**Section 4** In this Act :

“The medical profession” means the profession which performs the following activities on human beings, the examination, diagnosis, treatment and prevention of disease, midwifery, insertion of contact lenses for visual correction, acupuncture for therapeutic or anaesthetic purpose, and shall include any act of surgical procedure, the use of radiation, the injection of medicine or other matter, the insertion of any matter inside the body for the purposes of birth control. Beautification, or physical fitness;

“Disease” means any sickness, injury, any physical or mental abnormalities and shall include any symptoms from such conditions;

“The medical practitioner” means the person who has registered and obtained the licence to be the medical practitioner issued by the Medical Council;

“Licence” means the licence to be the medical Practitioner issued by the Medical Council;

“Member” means member of the Medical Council;

“Councillor” means the Medical Councillor;

“Committee” means the committee of the Medical Council;

“Secretary-general” means the secretary-general of the Medical Council;

“Minister” means the Minister having charge and control of the execution of this Act.

**Section 5** The Minister of Public Health shall have charge and control of the execution of this Act, and shall have the authority to issue Ministerial Regulation prescribing fees not exceeding the Rates of fees annexed to this Act, and to issue rules by-laws for the execution of this Act.

Such ministerial regulation shall come into force on its publication in the Government Gazette.

## **Part I**

### **The Medical Council**

**Section 6** There shall be established the Medical Council having the objects and authorities and duties as prescribed in this Act.

The Medical Council shall be a juristic person.

**Section 7** The Medical Council shall have the following objectives:

(1) to control the professional conduct of the medical practitioner so as to be in compliance with the

medical ethics;

(2) to promote the studies, research, and the professional practice in medicine;

(3) to promote the unity and to maintain the honour of the members;

(4) to assist, to advise, to disseminate and to educate the public and other organizations in matters concerning medicine and public health;

(5) to give advice or recommendations to the government on the issue of national health problems;

(6) to act as representative of the medical profession in Thailand.

**Section 8** The Medical Council shall have the following authorities and duties :

(1) to register and to issue licenses to applicants applying to be the medical practitioners;

(2) to suspend or to revoke the licence to be the medical practitioner;

(3) to recognize the degree, certificate in medicine or the professional diploma of various institutions;

(4) to recognize the various curricula for the medical training of the medical institutions;

(5) to recognize the academic standard of the

medical institutions providing the training in (4);

(6) to issue the diploma in board of medical specialty in the various fields of the medical practice and to issue other certificates of special training in the medical profession.

**Section 9** The Medical Council may have the following income;

- (1) money appropriated from the national budget;
- (2) registration fee, subscription and other types of fees;
- (3) benefit from investment and other activities
- (4) properties donated by others and other assistance.

**Section 10** The Minister shall be the honorary president of the Medical Council having authorities and duties as prescribed in this Act.

## **Part II**

### **Members**

**Section 11** Members of the Medical Council shall have the following qualifications

- (1) not being less than twenty years of age;

(2) having knowledge in the medical profession by having obtained a degree or certificate in medicine recognized by the Medical Council;

(3) not being a person of bad conducts which, in the opinion of the Committee, will bring dishonour to the profession;

(4) not having been sentenced by the final judgement or the lawful order to imprisonment for the offences which in the opinion of the Committee, will bring dishonour to the profession;

(5) not being a person having mental disorder or the diseases prescribed in the Rule of the Medical Council.

**Section 12** The member shall have the following rights and duties:

(1) to apply for registration and license to be a medical practitioner, to apply for diploma in board of medical specialty in the various fields of medical practice or other certificates of special training in the medical profession, by complying with the Rule of the Medical Council on the matter;

(2) to provide written opinion on the affairs of the Medical Council and send to the Committee for consideration and in the case where not less than fifty

members submit any matters relating to the affairs of the Medical council to the Committee for consideration; the Committee have to consider the said matter and notify the result of the consideration to the said members without delay;

(3) to elect the councillor, to be selected or elected to be the councillor;

(4) to have the duty to maintain the honour of the profession and to act in compliance with this Act.

**Section 13** The membership of the member shall terminate upon :

(1) death;

(2) resignation;

(3) the order of the Committee terminating the membership for the reason of being the person who brings dishonour to the profession in accordance with section 11 (3) or (4)

(4) being disqualified in accordance with section 11 (1), (2) or (5)

## **Part III**

### **The Committee of the Medical council**

**Section 14** There shall be established the “Committee of the Medical Council” consisting of the Permanent Secretary for Public Health, the Director-General of the Department of Medical Services, the Director-General of the Department of Health, the Surgeon-General of the Army’s Medical Department, the Surgeon-General of the Navy’s Medical Department the Surgeon-General of the Air Force’s Medical Department, the Surgeon-General of the Police Department ,the Deans of the Faculties of Medicine in the Universities, the Director of the College of Medicine as councilors ex officio, and an equal number of councilors elected by the members, and the Secretary-General as councillor and secretary.

**Section 15** The councilors ex officio and the elected councilors shall elect the President, the first Vice-President, and the second Vice-President, of the Medical Council.

The President shall select one member having qualifications as specified in section 17 and appoint to the office of the secretary-general, one councillor to the office

of the deputy secretary-general, and one councillor to the office of the treasurer, with the approval of the meeting of councillors.

The President, the first Vice-President, and the second Vice-President shall hold offices for the same term as the term of the elected councillors, and the secretary-general, the deputy secretary-general, and the treasurer shall vacate offices on the termination of the President's term of office.

**Section 16** The election of councillors under section 14, the selection of councillors for appointment to various offices under section 15, and the selection or the election of councillors under section 20 shall be in accordance with the Rule of the Medical Council.

**Section 17** The elected councillors and the councillors holding various offices specified in section 15 shall have the following qualification:

- (1) being a medical practitioner;
- (2) being a person whose license has never been suspended or revoked;
- (3) not being a person who has been adjudged by the court to be a bankrupt.

**Section 18** The councillors elected by the members shall hold offices for a term of two years and may be re-elected.

**Section 19** Apart from vacating offices under section 15 paragraph three, section 18, or section 20 paragraph four, the selected or elected councillors and the councilors holding various offices shall vacate offices when their memberships are terminated under section 13 or being disqualified under section 17.

**Section 20** When the office of the elected councilor becomes vacant before the end of the term, the committee shall select a member having qualifications under section 17 to be councillor within thirty days as from the day the said office became vacant.

In case the vacancies of the said offices constitute more than half of the total number of elected councillors, the members shall elect the councillors to fill the vacancies within ninety days as from the day the vacancies constitute more than half of the total number of elected councillors.

If the remaining term of the office is less than ninety days, the committee may decide whether or not to order the selection or election of councillors to fill the vacancies.

The said selected or elected councillor shall hold office for the remaining term of the councilor whom he replaces.

**Section 21** The committee shall have the following authorities and duties:

(1) to administer the affairs of the Medical Council in accordance with the objects prescribed in section 7;

(2) to appoint the sub-committees to carry out works or to consider any matters, within the scope of the objects of the Medical Council;

(3) to issue Rules on:

(a) membership;

(b) the diseases under section 11(5);

(c) the membership's fee, the subscription, and other fees apart from the rates of fees annexed to this Act;

(d) the selection and election of councillors under section 16;

(e) the criteria for registration, and the issuance of the licences, the forms and the types of the licenses;

(f) the criteria for the issuance of the diploma in board of medical specialty in various fields of the medical practice and other certificates of special training in the medical profession;

(g) the observance of the medical ethics;

(h) the meetings of the committee and the sub-committees;

(i) the establishment, the administration , and the dissolution of the colleges of specialist in various fields of the medical profession;

(j) the qualifications of the medical practitioners under section 28;

(k) the other affair within the scope of the objects of the Medical Council or within the authorities and duties of the Medical Council defined by other law.

Subject to the section 25 the Rule of Medical Council concerning the member shall be published in the Government Gazette.

**Section 22** The President, the Vice Presidents of Medical Council, the secretary general, the deputy secretary-general, and the treasurer have the following authorities and duties:

(1) The President shall have the following authorities and duties;

(a) to manage the Medical Council's activities in accordance with this act or with the resolutions of the committee meeting;

(b) to be the official representative of the Medical Council in various occasions;

(c) to chair the meeting of the committee

The President shall designate any councillor to carry on duties as he think fit.

(2) The first Vice President shall assist the President in carrying on his authorities and duties as designated by the President and shall act for the President when the president is absent or is unable to carry on his duties.

(3) The second Vice President shall assist the President in carrying on his authorities and duties as designated by the President and shall act for the President when both the President and the first Vice President are absent or are unable to carry on their duties.

(4) The secretary-general shall have the following authorities and duties:

(a) to supervise the officers of the Medical Council of all levels;

(b) to be responsible for the general administrative works of the Medical Council;

(c) to be responsible for keeping in order of the register of members, of the medical practitioners and other registers;

(d) to oversee and to maintain the properties of the Medical Council;

(e) to be the secretary of the committee

(5) The deputy secretary-general shall assist the secretary-general in carrying on the authorities and duties of the secretary-general as the secretary-general may designate; and shall act for the secretary-general when the secretary-general is absent or is unable to carry on his duties.

(6) The treasurer shall have the authorities and duties to take responsibility for the account keeping, the financial control and the budgeting of the Medical Council.

## **Part IV**

### **The Works of the Committee**

**Section 23** At the meeting of the committee, there shall be not less than one-half of the total number of councillors present to constitute a quorum.

The resolution of the meeting shall be by majority votes, each councillor shall have one vote, in case of equal as a casting vote.

In case of the termination of membership of any member under section 13 (3), the resolution of the meeting to that effect shall have received the votes of not less than two-thirds of the total number of councillors.

The provisions of paragraph one and paragraph two shall apply to the meeting of the sub-committee *mutatis mutandis*.

**Section 24** The Honorary President may attend the meeting and present his opinion at the meeting or he may send his opinion on any matters in writing to the Medical Council.

**Section 25** The resolutions of the committee on the following matters shall have received prior approval of the Honorary President before implementation:

- (1) the issuance of Rules;
- (2) the determination of the budget of the Medical Council;
- (3) the termination of membership of any member under section 13 (3);
- (4) the decisions under section 39.

Subject to paragraph one, the implementation of the resolutions of the committee on any other matters, if the committee deems appropriate, the committee may request prior approval from the Honorary President.

The President of the Medical Council shall submit the resolution that requires prior approval from the Honorary President or the resolutions on any other matters that the committee deems appropriate to request prior approval from the Honorary President to the Honorary President without delay. The Honorary President may issue order suspending such resolutions. In case the order suspending the resolution is not issued within fifteen days as from the date he receives the resolution submitted by the President of the Medical Council, the Honorary President shall be deemed to have approved such resolution.

If the Honorary President orders the suspension of any resolution, the committee shall re-consider such resolution. If at the meeting, not less than two-thirds of the total number of councillors vote confirming the resolution, the resolution shall be implemented.

## **Part V**

### **Control of the Medical Practices**

**Section 26** No one shall carry out the medical practices or represent that he is ready to carry out the medical practices unless he is a medical practitioner under this Act, except in the following cases:

(1) the medical practice performed on one's self;

(2) giving aids to the patient on the ground of moral obligations regardless of benefit, but such aids shall not apply the surgery, the use of radiation, the injection of medicine or any matters into the patient's body, the use of acupuncture for therapeutic or anaesthetic purposes, or the use of dangerous drugs, the specially-controlled drugs, the psychothropic substances, or narcotics, as specified in the relevant laws, as the case may be, on the patient;

(3) the student or trainees under the control of the government's educational institutions, the educational institutions authorized by the government, the government's medical institutions, other educational institutions or medical institutions recognized by the Council which provide the training in medicine or in the practice of the art of healing under the supervision of the trainers who are qualified medical practitioner or the practitioner of the art of healing.

(4) the persons who are authorized by the Ministries, Sub-Ministries, the government departments, Bangkok Metropolis, the City of Pattaya, the Changwat Administrative Organizations, the Municipalities, the Sukha-Piban, and other local administrative organizations prescribed by the Minister in the Government Gazette, or the Thai Red Cross, to carry out the medical practices or the practices of the art of healing under the supervision of the medical practitioners or the practitioners of the art of healing in such branches, in compliance with the rule by-laws issued by the Minister and published in the Government Gazette;

(5) the practitioners of the art of healing who practice the said art under restrictions and conditions prescribed in the law on the control of the practice of the

art of healing;

(6) the medical practices carried out by the authority's advisers or experts having the licences to carry out the medical practice from foreign countries, with the authorization of the Committee;

(7) the practice of the art of healing carried out by the authority's advisers or experts having the licences to carry out the practice of the art of healing from foreign countries, with the authorization of the Committee on the Control of the Practice of the Art of Healing.

**Section 27** No one shall use the words Medical Doctor, or the abbreviation of such words, or use the word representing educational qualification in medicine or the abbreviation of such educational qualification with one's name or surname, or use the word or the phrase causing others to believe that he is a medical practitioner; provided that, this shall include the case where he calls, employs, requests, or consents to other persons doing such acts on his behalf, unless he has received a degree or certificate in medicine.

**Section 28** No one shall use the word or the phrase identifying oneself assuming to be a specialist in any field of medical practice, provided that, this shall include the

case where he calls, employs, requests, or consents to other persons doing such acts on his behalf, unless he is a person who has received the diploma in board of medical specialty in any field of medical practice from the Medical Council or to which recognize by the Medical Council or he is a medical practitioner having qualifications specified in the Rule of the Medical Council.

**Section 29** The registration, the issuance of licence, the issuance of diploma in board of medical specialty in various fields of medical practice and other certificates of special training in the medical profession shall be in accordance with the Rule of the Medical Council.

**Section 30** The applicant for registration and licence shall be a member of the Medical Council and shall have other qualifications prescribed in the Rule of the Medical Council.

Whenever the membership of the medical practitioner is terminated, his licence shall be automatically terminated.

**Section 31** The medical practitioner shall observe the medical ethics as prescribed in the Rule of the Medical Council.

**Section 32** Any person who is injured by any act contrary to

the medical ethics of any medical practitioner, shall have the right to bring accusation against such medical practitioner by filing a complaint with the Medical council.

Any other person has the right to bring accusation against the medical practitioner on the ground of his/her conduct contrary to the medical ethics by filing a complaint with the Medical Council.

The Committee has the right to bring accusation against the medical practitioner whose conduct makes it appropriate to carry out a fact finding on the possibility of acting contrary to the medical ethics.

The right to bring such accusation shall terminate after the period of one year from the date the injured person or the accuser knows of the act contrary to the medical ethics, and knows the person who commits the said act, provided, however, that it shall not exceed the period of three years from date of the commission of the act contrary to the medical ethics.

The withdrawal of the accusation already filed deem not to cause withholding the proceeding carried out under this Act.

**Section 33** When the Medical Council has received the accusation under section 32, the secretary-general shall

send the matter to the chairman of the Sub-Committee on the Professional Ethics without delay.

**Section 34** Each Sub-Committee on the Professional Ethics shall consist of a chairman and not less than three persons appointed by the Committee from the members. The Sub-Committee on the Professional Ethics shall have the duties to investigate and to find out the facts relevant to the matter received under section 33 and to submit the report together with its opinion on the matter to the Committee for consideration.

**Section 35** When the Committee has received the report and the opinion of the Sub-Committee on the Professional Ethics, the Committee shall consider the said report and opinion and shall pass any one of the following resolutions;

(1) that the Sub-Committee on the Professional Ethics shall reinvestigate and find out additional facts for the re-consideration of the Committee;

(2) that the Sub-Committee on Investigation shall carry out the investigation in case the Committee considers that there is a prima facie case;

(3) that the accusation be dismissed in case the Committee considers the accusation to be groundless.

**Section 36** Each Sub-Committee on Investigation shall consist of a chairman and not less than three persons appointed by the Committee from the members. The Sub-Committee on investigation shall have the duties to carry out the investigation, and submit the result of the investigation together with its opinion to the Committee for decision.

**Section 37** In carrying out their duties under this Act, the members of the Sub-committee on the Professional Ethics and the members of the Sub-Committee on Investigation shall be officials under the Penal Code, and shall have the power to call any person to give information and to order any person in writing to send any documents for the purpose of inquiry and investigation.

**Section 38** The chairman of the Sub-Committee on Investigation shall notify the medical practitioner who is accused with the copy of complaints not less than fifteen day before commencing the investigation.

The accused person has the right to give explanation and to bring to any evidence for the consideration of the Sub-Committee on Investigation.

The explanation shall be submitted to the

chairman of the Sub-Committee on Investigation within fifteen days from the day he received the notification from the chairman of the Sub-Committee on Investigation or within any other period extended by the Sub-Committee on investigation.

**Section 39** When the Committee has received the report on the result of the investigation and the opinion of the Sub-committee on investigation, the Committee shall consider the said report and opinion.

The Committee has the authority to give final decision in any one of the following ways:

- (1) dismissing the accusation;
- (2) warning;
- (3) reprimand;
- (4) suspension of the licence for a period that the Committee deems appropriate but shall not exceed the period of two years;
- (5) revocation of the licence;

Subject to section 25, the decision of the Committee shall be final and the decision shall be made in the form of the order of the Medical Council.

**Section 40** The secretary-general shall notify the medical

practitioner who is accused of the order of the Medical Council in section 39 and shall also record such order in the register of the medical practitioners.

**Section 41** The medical practitioner whose licence is suspended shall be deemed not to be a medical practitioner under this Act as from the date the Committee orders the suspension of the said licence.

The medical practitioner whose licence is suspended, if he is sentenced by the court for the offence under section 43 and the judgement is final, the Committee shall order the revocation of the said license.

**Section 42** The medical practitioner whose licence has been revoked may reapply for a licence after the period of two years from the day of the revocation of the license has passed. If the Committee considers his application and refuses to grant him the license, such person can reapply for the license again only when the period of one year from the day of refusal of the Committee to grant the licence has passed. If the Committee refuses to grant him the license for the second time, he shall no longer have the right to apply for the license.

**Section 43**      Whoever violates section 26 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding thirty thousand Baht or to both.

**Section 44**      Whoever violates section 27 or section 28 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand Baht or to both.

### **Transitional Provisions**

**Section 45**      The Medical Council established under the Medical Profession Act B.E. 2511 (1968) shall be the Medical Council under this Act.

                 All the undertakings, properties, debts, rights and the budgetary appropriations of the Medical Council existing on the date this Act comes into force shall belong to the Medical Council under this Act.

**Section 46**      The Committee of the Medical Council existing on the date this Act is published in the Government Gazette shall continue to carry on its duties until the election of the councillors under section 14 of this Act.

                 The election of councillors under paragraph one shall be carried out within one hundred and eighty days as

from the date this Act comes into force.

**Section 47** The persons who have already been members of the Medical Council on the date this Act is published in the Government Gazette shall be members of the Medical Council under this Act.

**Section 48** The persons who have been registered and granted licences to be the medical practitioners or granted the diploma in board of medical specialty in various fields of the medical practices under the Medical Profession Act B.E. 2511 (1968) on the date this Act is published in the Government Gazette, shall be the medical practitioners or the persons who have received the said diploma under this Act.

**Section 49** All the employees of the Medical Council remaining on the date this Act comes into force shall be the employees of the Medical Council under this Act.

**Section 50** During the time when the Medical Council has not issued any Rule of the Medical Council for the execution of this Act, the Rules of the Medical Council which are in force on the date this Act is published in the Government Gazette shall be applicable *mutatis mutandis*.

During the time when no Ministerial Regulation

prescribing the rates of fees under this Act, the Ministerial Regulation prescribing the rates of fees issued under the Medical Profession Act B.E.2511 (1968) shall continue to be applicable until the Ministerial Regulation prescribing the rates of fees issued under this Act comes into force.

Countersigned by :

General P. Tinsulanonda

Prime Minister

## **Rates of Fees.**

	<b>Bath/each</b>
1) Licensed medical practitioner registration fee	500
2) Certificate of medical practitioner registration fee	200
3) Diploma in board of medical specialty fee	300
4) Licence substitute fee	100

**Note :** The reason for the promulgation of this Act is that the present law on the medical profession has been in force for a long time and many of its provisions has become obsolete. It is appropriate to revise it to ensure better supervision of the medical profession and better protection for the safety of the public, It is therefore necessary to enact this Act.

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