

Practice of the Art of Healing Act, B.E. 2542 (1999)

Translation

BHUMIBOL ADULYADEJ, REX

Given on the 10th Day of May B.E. 2542;

Being the 54th 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 control of the practice of the art of healing;

This Act contains certain provisions in relation to the restriction of right and liberty of the people which Section 29, Section 35, Section 36, Section 39, Section 48 and Section 50 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 Assembly, as follows:

Section 1

This Act is called the "Practice of the Art of Healing Act, B.E. 2542 (1999)".

Section 2

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

Section 3

The following shall be repealed:

- (1) Act for the Control of the Practice of the Art of Healing, B.E. 2479,
- (2) Act for the Control of the Practice of the Art of Healing (No. 2), B.E. 2480;
- (3) Act for the Control of the Practice of the Art of Healing (No. 3), B.E. 2483;
- (4) Act for the Control of the Practice of the Art of Healing (No. 4), B.E. 2490;
- (5) Act for the Control of the Practice of the Art of Healing (No. 5), B.E. 2490,
- (6) Act for the Control of the Practice of the Art of Healing (No. 6), B.E. 2504;
- (7) Act for the Control of the Practice of the Art of Healing (No. 7), B.E. 2509;
- (8) Act for the Control of the Practice of the Art of Healing (No. 8); B.E. 2511;
- (9) The Order of the National Administrative Reform Council No. 38 dated 21st October B.E. 2519;
- (10) Act for the Control of the Practice of the Art of Healing (No. 9), B.E. 2530;

Section 4

In this Act;

"the practice of the art of healing" means the professional practice, which is performed or intended to perform on human, concerning a medical examination, diagnosis, cure, prevention of diseases, health promotion and rehabilitation, obstetrics, but not including other professional practice in medical and public health under the law on such matters;

"Thai traditional medicine" means the practice of the art of healing in accordance with, Thai knowledge or text books which is passed on and developed successively, or in accordance with the study from an institution approved by the Commission;

"Thai medicine" means an examination, diagnosis, cure or prevention of diseases by means of Thai traditional medicine;

"Thai pharmacy" means the practice in the preparation of drugs, manufacture of drugs, invention of drugs, selection of drugs, control and guarantee of the quality of drugs, mixture of drugs and delivery of drugs in accordance with the prescriptions of the practitioner in the branch of Thai traditional medicine, and the distribution of drugs in accordance with the law on drugs, provided that by means of Thai traditional medicine;

"Thai obstetrics" means an examination* cure, suggestion, and health promotion of pregnant women, prevention of abnormality in the period of pregnancy and childbirth, child delivery, taking care and health promotion of mother and infant in the period after giving birth, provided that by means of Thai traditional medicine;

"The applied Thai traditional medicine" means the practice of the art of healing in accordance with the study from schools approved by the Commission and the uses of scientific medical appliances for diagnosis and cure as prescribed in the Ministerial Regulations;

"physiotherapy" means the practice to human concerning the assessment, diagnosis and cure of body defectiveness which causes from the conditions of diseases or abnormal bodily movement, health promotion, prevention, improvement and rehabilitation of impairment and disability of body and mind by means of physiotherapy or the use of appliances or tools prescribed by the Minister to be physiotherapy appliances or tools;

"medical technique" means any practice for acquiring samples and the proceedings through scientific and technological method for the diagnosis, following-up of cure, diseases prophecy, prevention of diseases, assessment of health or research;

"practitioner of the art of healing" means person who has been registered and licensed to be a practitioner of the art of healing by the professional commission;

"license" means a license for being a practitioner of the art of healing;

"Commission" means the Practice of the Art of Healing Commission;

"member" means a member of the Practice of the Art of Healing Commission;

"Sub-commission" means the Practice of the Art of Healing Sub-commission;

"member of tire Sub-commission" means a member of the Practice of the Art of Healing Sub-commission;

"competent official" means a person appointed by the Minister for the execution of this Act;

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

Section 5

The practice of the art of healing under this Act is categorized into the following branches:

- (1) the branch of Thai traditional medicine which are Thai medicine, Thai pharmacy. Thai obstetrics and other kinds of Thai traditional medicine as prescribed by the Minister with the advice of the Commission;
- (2) the branch of applied Thai traditional medicine;
- (3) the branch of physiotherapy;
- (4) the branch of medical technique;
- (5) other branches as prescribed by a Royal Decree.

Section 6

In the case where the provisions of any law refers to the practice of the art of healing or a practitioner of the art of healing with respect to the provisions of this Act, it shall be deemed to be the reference of the practice of the art of healing or a practitioner of the art of healing in accordance with this Act.

Section 7

The Minister of the Public Health shall have charge and control of the execution of this Act and shall have the power to appoint competent officials, and to issue Ministerial Regulations determining fees not exceeding the rates annexed hereto and determining other activities as well as to issue Rules and Notifications for the execution of this Act.

Such Ministerial Regulations, Rules and Notifications shall come into force upon their publication in the Government Gazette.

CHAPTER I

The Practice of the Art of Healing Commission

Section 8

There shall be a Commission called "the Practice of the Art of Healing Commission" consisting of the Permanent Secretary for Public Health as Chairman and other members as follows:

- (1) four representatives from the Ministry of Public Health, one representative each from the Ministry of Defense, the Ministry of University Affairs, the Medical Council, the Dental Council, the Nursing Council, the Pharmacy Council, and two representatives each from all branches of professional commissions in accordance with this Act, and;
- (2) not more than five qualified persons appointed by the Minister.

The Director of the Medical Registration Division shall be a member and secretary.

Section 9

The Commission shall appoint one member as Vice-chairman.

Section 10

The members under Section 8 (1) shall have the qualifications and shall not be under any prohibition as follows:

- (1) being a practitioner of the art of heating, a medical practitioner, a nursing and obstetrics practitioner, a pharmacy practitioner, or a dental practitioner in accordance with the law on such matter;
- (2) not being a person who has been suspended or revoked the license under this Act or the law on the control of the practice of the art of healing, the law on medical professional, the law on nursing and obstetrics professional, the law on pharmacy professional, or the law on dental professional, as the case may be;
- (3) not being a bankrupt person.

Section 11

A qualified member under Section 8 (2) shall hold office for a term of two years and may be reappointed.

In the case where a qualified member vacates office before the expiration of term, or in the case where the Minister appoints an additional qualified member during the term of the qualified member already appointed, the replacing or additional qualified member shall hold office for the remaining term of that qualified member already appointed.

Section 12

In addition to the vacation of office upon the termination of term, a member appointed by the Minister under Section 8 (2) vacates office upon:

- (1) death;
- (2) resignation,
- (3) being removed by the Minister.

Section 13

The Commission has the power and duties as follows:

- (1) to propose to the Minister opinions with regard to the determination of policies, work plans and measures in supervising the practice of the art of healing;
- (2) to give advice or propose opinions to the Minister with regard to the increase of categories and branches of the practice of the art of healing, or the issue of Ministerial Regulations, Rules and Notifications;
- (3) to notify or publicize information by any means as may be reasonable so that the public shall not be deceived as to the danger resulting from the practice of the art of healing;
- (4) to give advice and recommendations to professional commissions;
- (5) to decide appeals against the order of professional commissions under Section 53 and Section 54;
- (6) to instigate competent officials, government agencies or professional commissions to perform in accordance with the powers and duties as prescribed by laws;
- (7) to appoint a sub-commission to perform any task which is within powers and duties of the Commission;
- (8) to carry out other matters which the law has prescribed to be the powers and duties of the Commission;
- (9) to consider or proceed with other matters as entrusted by the Commission.

CHAPTER II

The Professional Commission

Section 14

There shall be professional commissions in the branches as follows;

- (1) the professional commission in the branch of Thai traditional medicine,
- (2) the professional commission in the branch of applied Thai traditional medicine;
- (3) the professional commission in the branch of physiotherapy;
- (4) the professional commission in the branch of medical technique;
- (5) the professional commission in other branches as prescribed by a Royal Decree enacted under Section 5 (5).

Section 15

The professional commission in the branch of Thai traditional medicine consists of:

- (1) professional members each of them is a representative of the Office of the Permanent Secretary for Public health, the Department of Medical Services, the Department of Medical Sciences, the Food and Drug Administration and the Ministry of University Affairs;
- (2) not more than three professional members whom the Minister appoints from qualified persons;
- (3) professional members elected by practitioners in the branch of Thai traditional medicine in the same amount as that of the professional members in (1) plus (2) at the time each election is held.

The Director of Medical Registration Division shall be a member and secretary.

Section 16

The professional commission in the branch of applied Thai traditional medicine consists of:

- (1) professional members each of them is a representative of the Office of the Permanent Secretary for Public Health, the Department of Medical Services, the Department of Medical Sciences, the Food and Drug Administration and the Ministry of University Affairs;
- (2) not more than three professional members whom the Minister appoints from qualified persons;
- (3) professional members elected by practitioners in the branch of applied Thai traditional medicine in the same amount as that of the professional members in (1) plus (2) at the time each election is held.

The Director of the Medical Registration Division shall be a member and secretary.

Section 17

The professional commission in the branch of physiotherapy consists of:

- (1) ex-officio professional members who are the Director-General of the Department of Medical Services and the Dean of the Faculty of Physiotherapy or the Head of the Department of Physiotherapy or of the department called by other similar name in higher education institutions approved or permitted to be established by the Ministry of University Affairs;
- (2) not more than three professional members whom the Minister appoints from qualified persons,
- (3) professional members elected by practitioners in the branch of physiotherapy in the same amount as that of the professional members in (1) plus (2) at the time each election is held.

The Director of the Medical Registration Division shall be a member and secretary.

Section 18

The professional commission in the branch of medical technique consists of:

- (1) ex-officio professional members, who are the Director-General of the Department of Medical Sciences and the Dean of the Faculty of Medical Technique or of the faculty called by other similar name in higher education institutions approved or permitted to be established by the Ministry of University Affairs;
- (2) not more than three professional members whom the Minister appoints from qualified persons,
- (3) professional members elected by practitioners in the branch of Medical Technique in the same amount as that of the professional members in (1) plus (2) at the time each election is held.

The Director of the Medical Registration Division shall be a member and secretary.

Section 19

The composition, powers and duties, and the performance of the professional commissions in other branches under Section 14 (5), including the qualifications of professional members in such branches shall be as prescribed in a Royal Decree issued under Section 5 (5).

Section 20

Within 30 days as from the date of the election of professional members under Section 15 (3), Section 16 (3), Section 17 (3) or Section 18 (3), the professional commission in each branch shall elect their professional members as a Chairman and a Vice-chairman

Section 21

The election of professional members under Section 15 (3), Section 16 (3), Section 17 (3) or Section 18 (3) and the election of professional members as a Chairman and a Vice-Chairman under Section 20 shall be in accordance with the Rule prescribed by the Minister.

Section 22

The professional members appointed by the Minister under Section 15 (2), Section 16 (2), Section 17 (2) or Section 18 (2) and the professional members elected under Section 15 (3), Section 16 (3), Section 17 (3) or Section 18 (3) shall hold office for a term of three years and may be reappointed or reelected.

The provisions of Section 10 shall apply *mutatis mutandis* to the qualifications of professional members elected under Section 15 (3), Section 16 (3), Section 17 (3), or Section 18 (3).

In addition to the vacation of office upon the termination of the term under paragraph one, the professional members appointed by the Minister under Section 15 (2), Section 16 (2), Section 17 (2), or Section 18 (2) and the professional members elected under Section 15 (3), Section 16 (3), Section 17 (3) or Section 18 (3) vacate office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister, in case of the professional members appointed by the Minister under Section 15 (2), Section 16 (2), Section 17 (2) or Section 18 (2);
- (4) being disqualified under paragraph two, in case of the professional members elected under Section 15 (3), Section 16 (3), Section 17 (3) or Section 18 (3)

Section 23

The professional commission in each branch has the power and duties as follows:

- (1) to register and issue a license to an applicant for being a practitioner of the art of healing in such branch;
- (2) to revoke a license in the case where a practitioner of the art of healing in such branch is disqualified;
- (3) to propose opinions to the Commission to exercise its powers in accordance with Section 13 (2);
- (4) to exercise its powers in accordance with Section 44 in the case where a practitioner of the art of healing in such branch do not behave in conformity with the code of professional conduct;
- (5) to give advices and recommendations to educational institutions concerning syllabuses of instruction in such branch of the practice of art of healing;
- (6) to notify or publicize information by any means as may be reasonable so that the public shall not be deceived as to the danger resulting from the practice of the art of healing in such branch;
- (7) to promote, develop and determine the standard of the practice of the art of healing in such branch;
- (8) to issue the certificate of expertise in the practice of the art of healing in such branch;
- (9) to consider and nominate representatives from professional commissions in such branch to be a member of the Practice of the Art of Healing Commission;
- (10) to appoint a professional sub-commission to perform any act within the power and duties of the professional commission in such branch;

- (11) to perform other tasks as prescribed by laws to be the power and duties of professional commission in such branch;
- (12) to consider or carry out other matters as entrusted by the Minister or the Commission.

CHAPTER III

The Performance of the Practice of the Art of Healing Commission and the Profession Commissions

Section 24

At the meeting of the Commission, the presence of not less than one-half of the total number of members is required to constitute a quorum.

The resolution of the meeting shall be made by a majority of votes. Each member shall have one vote. In case of an equality of votes, the Chairman of the meeting shall have an additional vote as a casting vote.

Section 25

In a meeting, if the Chairman does not attend the meeting or is unable to perform his or her duties, the Vice-chairman shall preside over the meeting. If the Vice-chairman does not attend the meeting or is unable to perform his or her duties, the members present shall elect one among themselves to preside over the meeting.

Section 26

The provisions of Section 24 and Section 25 shall apply *mutatis mutandis*; to the meeting of sub-commissions, professional commissions or professional sub-commissions.

Section 27

In the performance under this Act, members, members of a sub-commission, professional members or members of a professional sub-commission shall be competent officials under the Penal Code.

Section 28

The Commission and professional commissions shall have the power to summon any person to make a statement or to require him to produce any document or article necessary to the performance in accordance with the power and duties.

The summons to make a statement or to produce any document or article under paragraph one shall contain the subject-matter thereof.

Section 29

The members, members of a sub-commission, professional members and members of a professional sub-commission shall receive meeting allowances and other benefits in accordance with the rules prescribed by the Minister with the approval of the Ministry of Finance.

CHAPTER IV

The Control of the Practice of the Art of Healing

Section 30

No person shall practice the art of healing or enter in any kind of practice making people understand that he is entitled to practice the art of healing without being registered and licensed unless otherwise specified in any one of the following cases:

- (1) practicing the art of healing on his or her own body.
- (2) helping or curing patient in accordance with duties, law, or morality without gaining compensation.
- (3) students, scholars, or trainees who are in training under the supervision of the official trainers who are lecturers or trainers provided that in accordance with the rules, procedures, and conditions prescribed by the professional commission.
- (4) persons, who are trained or passed on knowledge from practitioner in the branch of Thai traditional medicine, practice the art of healing during the training or being passed on the knowledge, under the supervision of that practitioner in the art of healing provided that in accordance with the rules, procedures, and conditions prescribed by the professional commission, under the control of that practitioner of the art of healing.
- (5) persons to whom the ministry, sub-ministry, department, Bangkok Metropolitan Administration, Pattaya City, Changwat administration, municipality, sanitary boards, other local administration as determined by the Minister, or Thai Red Cross entrusted to practice the art of healing under the supervision of the official practitioner in the art of healing or practitioner in the art of healing in the branch of medicine provided that in accordance with the rules prescribed by the Minister.
- (6) persons who perform their duties in the medical center under the law on medical centers practice in the art of healing under the control of practitioner in the art of healing as prescribed by the Minister.
- (7) the governmental counselors or specialists who practice in the art of healing or lecturers in the education institution who are licensed as practitioners in the art of healing in the foreign country with the approval of the professional commission and in compliance with the conditions prescribed by the professional commission.

Section 31

Subject to the rules, procedures, and conditions prescribed by the Minister, the Minister, with the advice of the Commission, has a power to permit any person to practice the art of healing which performs on human or intend to perform on human for the purpose of examination, diagnosis, treatment, disease control, health promotion and rehabilitation, and obstetrics based on sciences or knowledge from foreign countries where such professional has not been acknowledged under the law of Thailand.

Section 32

An applicant for being registered and licensed as practitioner of the art of healing shall have qualifications or shall not be under prohibition as follows:

- (1) being not less than 20 years of age;
- (2) being a person having knowledge in the professional specified under Section 33;
- (3) not being person of bad character which in the opinion of the professional commission is detrimental to professional honor;
- (4) not having been imprisoned by a judgment in any case which in the opinion of the professional commission is detrimental to professional honor;
- (5) not being a person addicted to drugs;
- (6) not being physically unfit or having disease which in the opinion of the professional commission is unsuitable to be allowed to practice the art of healing;
- (7) not being of unsound mind.

Section 33

The applicant for being registered and licensed as practitioner of the art of healing shall have the following knowledge:

- (1) Branch of Thai traditional medicine;
 - (a) having been trained or passed on knowledge from the practitioner of the art of healing who is permitted to pass on knowledge in the institution or medical center certified by the professional commission in the branch of Thai traditional medicine under the rules, procedures, and conditions prescribed in the Ministerial Regulation and passed the test of the professional commission in that branch;
 - (b) having been trained from the Thai traditional medical institution certified by the professional commission in the branch of Thai traditional medicine. The professional commission in that branch may test the applicant's knowledge according to the rules, procedures, and conditions prescribed thereby;
 - (c) being certified by the governmental agency and passed an evaluation under the conditions of the professional commission in the branch of Thai traditional medicine
- (2) Branch of Applied Thai traditional medicine; the applicant must obtain a Degree or Certificate from an institution certified by the professional commission in the branch of Applied Thai traditional medicine. The professional commission may test the applicant's knowledge according to the rules, procedures, and conditions prescribed thereby;
- (3) Branch of Physiotherapy; the applicant must obtain a degree or Certificate equivalent to a degree in physiotherapy from an institution certified by the professional commission in the branch of physiotherapy. The professional commission in that branch may test the applicant's knowledge according to the rules, procedures, and conditions prescribed thereby. For a person graduated from a foreign country and not being of Thai nationality, he or she must obtain a license to practice the art of healing in the branch of physiotherapy from the country he or she graduated as well.
- (4) Branch of Medical technique; The applicant must obtain a degree or Certificate equivalent to a degree in the branch of medical technique from an institution certified by the professional commission in the branch of medical technique. The professional commission in that branch may test the applicant's knowledge according to the rules, procedures, and conditions prescribed thereby. For a person graduated from a foreign country and not being of Thai nationality, he or she must obtain a license to practice the art of healing in the branch of medical technique from a country he or she graduated as well.
- (5) other branches as prescribed in a Royal Decree issued under Section 5 (5); the applicant must meet all requirements prescribed in such Royal Decree.

Section 34

Registration and licensing, issue of license, issue of certificate of expertise in practicing the art of healing, applying for a license substitute and issue of license substitute must be in accordance with rules, procedures, and conditions prescribed in the Ministerial Regulation.

According to the issue of the Ministerial Regulation under paragraph one, the term of license and renewal of license may be prescribed therein.

Section 35

No person shall practice the art of healing in any branch or in another branch than that for which he or she is registered and licensed.

Section 36

The practitioner shall have duty to inform a patient the healing method and a patient shall have rights to choose the healing processes that will be performed on him or her except in case of emergency.

Section 37

A practitioner in the art of healing must practice the art of healing under the limitation and conditions imposed in the rules prescribed by the Minister.

Section 38

A practitioner shall be required to conform to the professional etiquette as prescribed by the Minister in the rules.

A practitioner shall not propagate, employ, hire, ask as favor or consent any person to propagate his or her practice or skills except such propagates are to publicize his or her work in the course of duty or academic or for educational purposes, conference, public interest or, declaration of honor, provided that the propagation may be permitted under the rules and procedure in the rule on professional etiquette prescribed under paragraph one.

Section 39

Any person, who is injured by a practitioner who fails to comply with Section 36 or limitation and conditions under Section 37 or professional etiquette under Section 38, shall have the rights to allege such practitioner by submitting an allegation to the professional commission.

When it appears to the member of a professional commission or any person that any practitioner fails to comply with Section 36 or infringes the limitation and conditions on the art of healing under Section 37 or infringes the professional etiquette under Section 38, they shall have the rights to denounce such practitioner by submitting such denunciation to the professional commission.

The rights to allege under the first paragraph or right to accuse under paragraph two shall be lapsed after one year from the date on which the wrongful act or a person commits the wrongful act became known to the injured person or the denouncer but shall not exceeding three years from the date on which the wrongful act is committed.

The withdrawal of the allegation or denunciation which has already been submitted shall not extinguish the proceeding under this Act.

Section 40

When the professional commission receives the allegation or denunciation under Section 39 and considers that it is a prima facie case, they shall submit the case to the professional sub-commission appointed by the professional commission under Section 23 (10) to perform duty in inquiring the commission of offense under this Act, to conduct the inquiry and to summarize the result of inquiry and submit the memorandum of inquiry together with an opinion of the professional commission for decision.

Section 41

In the performance of duties of the professional sub-commission who have a duty to investigate under Section 40, Section 28 shall be applied thereto.

Section 42

The chairman of the professional sub-commission who has duty to hold an inquiry shall notify an allegation or denunciation in writing together with the copies thereof to the alleged or the accused not less than 15 days before the beginning of inquiry.

The alleged or accused has right to make a statement or produce an evidence to the professional sub-commission who hold an inquiry.

The statement or evidence shall be produced to the chairman of the professional sub-commission who hold an inquiry within fifteen days from the day on which he or she was notified from the chairman or within the period of time extended by the professional sub-commission who hold an inquiry.

Section 43

The rules and procedure for allegation, denunciation, or inquiry shall be in accordance with the rules prescribed by the Minister.

Section 44

When the professional commission receive the file of inquiry and opinion of the professional sub-commission who have duty to hold an inquiry, the commission shall adjudicate as follows:

- (1) dismissal of an allegation or denunciation if it appears that such practitioner does not commit an offense as in an allegation or accusation; or
- (2) inflicting any one of the following punishment in case where a practitioner commits an offense as in an allegation or denunciation:
 - (a) warning;
 - (b) probation;
 - (c) suspension of a license for a period as it deems fit, but not exceeding 2 years;
 - (d) cancellation of a license.

The decision of the professional commission under paragraph one shall be made in writing and signed by the member of professional commission who adjudicate such denunciation or allegation and must also contain reasons in which consisting of material facts, the law invoked, considerations and supporting views relied on in the exercise of their discretion.

Section 45

Director of the Art of Healing Division shall submit the decision of the professional commission under Section 44 to the Commission and the alleged or the accused within seven days from the date on which the decision is made and records the statement of the decision in the registration of the practitioner of the art of healing.

In case where the alleged or the accused cannot be found or refuses to accept the notice of decision under paragraph one, such decision shall be posted at a conspicuous place at the business office or domicile of such person and such person shall be deemed as receiving of the decision from the date of posting thereof.

The Director of the Act of Healing Division shall publish the substantial decision of the professional commission for dissemination unless it is deemed confidential as to the national security or public interest which is not appropriate to disclose.

Section 46

In the case where it appears to the professional commission that any practitioner of the act of healing lacks qualification as provided in Section 32 or fails to comply with die order of the suspension of license, the professional commission shall cancel a license of such person and Section 45 paragraph one and paragraph two shall apply mutatis mutandis.

Prior to giving an order for cancellation of a license, the professional commission shall appoint the professional sub-commission to make an investigation and report together with an opinion to the professional commission for consideration.

Section 47

Subject to Section 30, no practitioner of the art of healing, during the suspension or cancellation of license, shall practice or by any means making other persons to believe that he or she is entitled to practice the art of healing from the date on which he or she is notified of the suspension or cancellation of that license.

Section 48

Any practitioner who violates the order of the suspension of license is condemned under Section 58 and the case becomes final, the professional commission shall order to cancel a license of such practitioner. Such order shall be effective as from the date on which the court reaches a final judgment.

Section 49

A practitioner whose license is cancelled may apply for a license after two years from the date on which his or her license was cancelled. After the professional commission has considered an application and refused to issue him or her license, such person may apply for a license again after the lapse of one year from the date of the refusal. If the professional commission refuses to issue a license for a second time, such person has the right to appeal in writing to the Commission under Section 53.

If the Commission upholds the opinion of the professional commission, such person no longer has a right to apply for a license.

CHAPTER V

Competent Officials

Section 50

The competent officials shall, in the performance of the duties, have the power as follows:

- (1) to enter a place of the practitioner of the art of healing during one hours for examining or Controlling for the compliance with this Act;
- (2) to enter a place which is reasonable ground to suspect that there is a commission of the offence under this Act between sunrise and sunset or during office hours of such place for examining a document, evidence or thing which may be used for the purpose of an inquiry of fact or prosecution for a commission of the offence under this Act except;
 - (a) when the competent officials entered and examined by daylight, if unfinished, it may be continued by night or out of office hours; or
 - (b) in case of extreme emergency, they may examine by night or out of office hours;
- (3) to seize or attach documents, evidences or things relating to a commission of the offence under this Act, for the purpose of an inquiry of fact or prosecution.

In the performance of the duties of the competent officials under paragraph one, a person in such place shall facilitate reasonably to the competent officials.

Section 51

In the performance of the duties, an official shall produce the identity card.

The identity card of a competent official shall be in accordance with the form notified by the Minister.

Section 52

In the performance of the duties under this Act, a competent official shall be an official under the Penal Code.

CHAPTER VI

Appeal

Section 53

In the case where the professional commission have an order not to register and license an applicant to be a practitioner of the art of healing, or refuse to license a practitioner of the art of healing whose license was cancelled under Section 49, such person is entitled to submit to the Commission an appeal in writing within thirty days as from the date of the receipt of the notice of the order not to register and license, or refuse to license, as the case may be.

The decision of the Commission shall be final.

Section 54

The practitioner of the art of healing whose license was suspended or cancelled is entitled to submit the Commission an appeal in writing within thirty days as from the date of the order.

The appeal under paragraph one shall not stay the execution of the order of suspension or cancellation. The decision of the Commission shall be final.

Section 55

The rules and procedure on filing an appeal and procedure of appeal under Section 53 and Section 54 shall be in accordance with the rules prescribed by the Commission.

CHAPTER VII

Penalties

Section 56

Any person who does not comply with a summon or a written notice issued under Section 28 or Section 41, shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one hundred Baht or both.

Section 57

Any person who is not the practitioner of the art of healing practices the art of healing which is a violation of Section 30, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding thirty thousand Baht or both.

Any person who is not the practitioner of the art of healing commits any act that it may be believed by any other person that he has right to practice the art in healing, which is a violation under Section 30, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand Baht or both.

Section 58

Any practitioner of the art of healing who violates Section 35 or the practitioner of the art of healing whose license has been suspended or cancelled practices the art of healing which is a violation under Section 47, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand Baht or both.

Any practitioner of the art of healing whose license has been suspended and cancelled, commits any act that it may be believed by other person that the has right to practice of the art of healing, which is a violation under 47, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten thousand Baht or both.

Section 59

Any person, who docs not provide reasonable facilities to the competent official under paragraph two of Section 50, shall be liable to a fine not exceeding two thousand Baht.

Transitory Provisions

Section 60

Any person who, on the day of the coming into force of this Act, holds a position of member in the Commission for the Control of the Practice of the Art of Healing under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 shall perform his duties continually until the Commission for the Control of the Practice of the Art of Healing is held under this Act; provided that it must not be exceeding one hundred and eighty days from the date of the coming into force of this Act.

Section 61

In the early period of time that the practitioner of the art of healing has not been elected as the professional member under Section 15 (3), Section 16 (3), Section 17 (3) or Section 18 (3), the Minister shall appoint the practitioners of the art of healing from such branch in the number prescribed in the said Section as a professional member.

A professional member appointed by the Minister under paragraph one shall perform his or her duties of under this Act until a professional member elected under this Act enters to hold the duties.

The election of the practitioner of the art of healing as a professional member under Section 15 (3), Section 16 (3), Section 17 (3) or Section 18 (3) shall be done within one hundred and eighty days as from the day of the coming into force of this Act, and a professional member who has been elected under this Section shall be relieved from the position with the term of a professional member appointed by the Minister under Section 15 (2), Section 16 (2), Section 17 (2) or Section 18 (2), as the case may be.

Section 62

Any person being registered and licensed as a practitioner of the art of healing under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 and such license is still valid on the date of publication of this Act in the Government Gazette shall be deemed to have been, continually registered and licensed under this Act as follows:

- (1) any person being registered and licensed as the practitioner of modern art of healing in the branch of physiotherapy shall be deemed to have been registered and licensed in the branch of physiotherapy;
- (2) any person being registered and licensed as the practitioner of modern art of healing in the branch of medical technique shall be deemed to have been registered and licensed in the branch of medical technique;
- (3) any person being registered and licensed as the practitioner of general old-fashioned art of healing in the branch of medicine shall be deemed to have been registered and licensed in the branch of Thai traditional medicine in the category of Thai medicine;
- (4) any person being registered and licensed as the practitioner of general old-fashioned art of healing in the branch of pharmacy shall be deemed to have been registered and licensed in the branch of Thai traditional medicine in the category of Thai pharmacy;
- (5) any person being registered and licensed as the practitioner of general old-fashioned art of healing in the branch of obstetrics shall be deemed to have been registered and licensed in the branch of Thai traditional medicine in the category of Thai obstetrics;
- (6) any person being registered and licensed as a practitioner of old-fashioned applied art of healing shall be deemed to have been registered and licensed as the practitioner of the art of healing in the branch of the applied Thai traditional medicine.

Section 63

A person being registered and licensed as a second class practitioner of modern art of healing in the branch of medicine under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 and such license is still valid on the date of publication of this Act in the Government Gazette shall have the rights to continue practicing of the art of healing under the limitations and conditions as well as to keep professional etiquette under the provisions of such Act.

Section 64

An application for registration and licensing as a practitioner of the art of healing and an application for altering or adding the registered statement which is submitted under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 before the date this Act published in the Government Gazette shall be complied with the following:

- (1) if the Commission for the Control of the Practice of the Art of Healing under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 has not been had any order for such application, such application shall be deemed an application submitted under this Act and it shall proceed under this Act;
- (2) if the Commission for the Control of the Practice of the Art of Healing under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 have any order for such application, the proceeding about such application shall continue under the provisions of the Act for the Control of the Practice of the Art of Healing, B.E. 2479 until the proceeding becomes final.

Section 65

The inquiry proceeding and the consideration for deciding to suspend or cancel the license of the practitioner of the art of healing under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 pending on the date this Act published in the Government Gazette, shall proceed under this Act except:

- (1) in the case where the Commission for the Control of the Practice of the Art of Healing has been submitted to the sub-commission on inquiry the matters for making an inquiry before the date this Act published in the Government Gazette and it is unfinished, the inquiry shall be continued under the Act for the Control of the Practice of the Art of Healing, B.E. 2479.

When the inquiry finished, the sub-commission on inquiry shall resume the results of the inquiry and present the files of the opinion to the professional commission under Section 15 or Section 17 or Section 18, as the case may be, for further consideration under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 until it is finished;

- (2) in the case where the inquiry or consideration is finished in accordance with the provisions of the Act for the Control of the Practice of the Art of Healing, B.E. 2479 before the date this Act published in the Government Gazette, such inquiry or consideration shall, as the case may be, remain valid;
- (3) in the case where the matters or the files of the inquiry is presented to the Commission for the Control of the Practice of the Art of Healing for consideration in accordance with the provision of the Act for the Control of the Practice of the Art of Healing, B.E. 2479 but it is unfinished, the professional commission under Section 15 or Section 16 or Section 17 or Section 18, as the case may be, shall continue the consideration and decide such matter in accordance with the provisions of the Act for the Control of the Practice of the Art of Healing, B.E. 2479 until it is finished.

Section 66

Any proceeding pending under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 on the date this Act published in the Government Gazette shall be in accordance with the proceeding prescribed by the Commission.

Section 67

All the Ministerial Regulations, Rules or Notifications issued under the Act for the Control of the Practice of the Art of Healing, B.E. 2479 shall continue to be in force insofar as they are not contrary to or inconsistent with this Act until the Ministerial Regulations, Rules or Notifications are issued under this Act.

Countersigned by

Chuan Leekpai

Prime Minister

Fees

- (1) Fee for registration of a license for a practitioner of the art of healing 3,000 Baht each
- (2) Fee for renewal of a license 1,000 Baht each
- (3) Fee for altering or adding the registration and license 500 Baht each
- (4) Fee for a certificate of registration for a practitioner of the art of healing 500 Baht each
- (5) Fee for the test of an applicant's knowledge 2,000 Baht each
- (6) Fee for a certificate of expertise in the practice of the art of healing 1,000 Baht each
- (7) Fee for a license substitute 300 Baht each
- (8) Fee for the translation in foreign language of a license 1,000 Baht each
- (9) Fee for any application 50 Baht each

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