

Unofficial Translation

HEALING ARTS PRACTICES ACT,
B.E. 2542 (1999)¹

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 appropriate to improve the law on control of healing arts practices;

This Act contains certain provisions related to the limitation of rights and liberty of persons in which Section 29 together with Section 35, Section 36, Section 39, Section 48, and Section 50 of the Constitution of the Kingdom of Thailand permits to do by virtue of the law;

Be it, therefore, enacted by His Majesty the King, with the advice and consent of the Parliament, as follows:

Section 1. This Act is called the “Healing Arts Practices Act B.E. 2542”.

Section 2.² This Act comes into force as from the day following the date of its publication in the Government Gazette.

Section 3. The following Acts are repealed:

- (1) Control of Healing Arts Practices Act B.E. 2479;

¹ Translated by Mr. Watthana Suksiripakonchai under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Published in the Government Gazette Vol. 116, Part 39a, Page 28, 19th May B.E. 2542 (1999).

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- (2) Control of Healing Arts Practices (No. 2) B.E. 2480;
- (3) Control of Healing Arts Practices (No. 3) B.E. 2483;
- (4) Control of Healing Arts Practices (No. 4) B.E. 2490;
- (5) Control of Healing Arts Practices (No. 5) B.E. 2490;
- (6) Control of Healing Arts Practices (No. 6) B.E. 2504;
- (7) Control of Healing Arts Practices (No. 7) B.E. 2509;
- (8) Control of Healing Arts Practices (No. 8) B.E. 2511;
- (9) Council for Governance Reform Order No 38 dated 21 October B.E. 2519;
- (10) Control of Heal Arts Practice (No. 9) B.E. 2530

Section 4. In this Act:

“Healing arts practice” means a professional practice, which is performed or intended to perform on human beings related to medical examination, diagnosis, treatment, prevention, health promotion and rehabilitation, midwifery but not including practices of other medical and health professions under the laws on those professions;

“Traditional Thai medicine”³ (repealed);

“Thai medicine”⁴ (repealed);

“Thai pharmacy”⁵ (repealed);

“Thai midwifery”⁶ (repealed);

“Applied traditional Thai medicine”⁷ (repealed);

³ Section 4, the definition of “Thai traditional medicine” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

⁴ Section 4, the definition of “Thai medicine” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

⁵ Section 4, the definition of “Thai pharmacy” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

⁶ Section 4, the definition of “Thai midwifery” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

⁷ Section 4, the definition of “Applied traditional Thai medicine” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

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“Physical therapy”⁸ (repealed);

“Medical technology”⁹ (repealed);

“Occupational therapy”¹⁰ means an act related to an ability of persons with physical and psychological disorders; learning and development related to children by means of examination, assessment, preventive treatment, and rehabilitation so that such persons may conduct any activities and live their life according to their performances by using appropriate activities, methods, and equipment as methods of treatment;

“Communication disorder treatment”¹¹ means a speech therapy and hearing therapy;

“Speech therapy”¹² means an act conducted on human beings related to medical examination, diagnosis, and treatment for aphasia and communication disorders; health promotion; prevention; treatment and rehabilitation for speech and communication abilities by means of speech therapy, or equipment or tools used in speech therapy including result follow-ups;

“Hearing therapy”¹³ means an act conducted on a human being related to medical examination; diagnosis; and treatment for hearing disorders, feelings of disorders related to hearing; promotion; prevention, treatment and rehabilitation for hearing by means of hearing therapy, or equipment or tools used in audiology including result follow-ups;

⁸ Section 4, the definition of “Thai medicine” is repealed under the Healing Arts Practices Act (No. 2) B.E. 2547

⁹ Section 4, the definition of “Thai medicine” is repealed under the Healing Arts Practices Act (No. 2) B.E. 2547

¹⁰ Section 4, the definition of “Thai medicine” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

¹¹ Section 4, the definition of “correction of communication disorder” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

¹² Section 4, the definition of “speech therapy” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

¹³ Section 4, the definition of “hearing therapy” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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“Cardio and thoracic technology”¹⁴ means an act conducted on human beings related to uses of medical equipment and tools related to hearts and lungs; and the uses of other equipment and tools related to supporting functions of the cardiovascular system to be in a normal state during a hearts and chest surgery including the uses of equipment and tools to care for severe patients and patients in an emergency unit;

“Radiological technology”¹⁵ means an act conducted on human beings using radiation or various medical radioactive substances in order to assist with diagnosis; treatment; or research by means of radiology, or uses of any other equipment and tools that the Minister announces as radiological equipment or tools;

“Clinical psychology”¹⁶ means an act conducted on human beings related to medical examination, diagnosis, and treatment for psychological disorders which are resulted from a psychological condition, personality, intelligence level, temper, behaviour, adaptation, stress, or nervous system pathology. It includes research, promotion, and psychological condition assessment by a method specific to psychological clinic, or uses of equipment or an assessment tool for clinical psychology that the Minister announces as equipment or a tool for clinical psychology;

“Prosthesis”¹⁷ means an act conducted on human beings related to examination, disability assessment, manufacture of splints or external prostheses for use to replace missing or non-functional body parts related to the nervous system, muscles, and bones according to the diagnosis for treatment of a medical profession practitioner;

¹⁴ Section 4, the definition of “radiological technology” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

¹⁵ Section 4, the definition of “cardio and thoracic technology” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

¹⁶ Section 4, the definition of “clinical psychology” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

¹⁷ Section 4, the definition of “prosthesis” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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“Chinese medicine”¹⁸ means an act conducted or intended to conduct on human beings related to medical examination, diagnosis, treatment, disease prevention, promotion, and rehabilitation by using the knowledge according to Chinese medicine;

“Healing arts practitioner” means a person who is registered and licensed as a healing arts practitioner from the Profession Committee;

“Licence” means a licence to be a healing arts practitioner;

“Committee” means the Committee on Healing Arts Practices;

“Member” means a member of the Committee on Healing Arts Practices;

“Sub-committee” means the Sub-committee on Healing Arts Practices;

“Sub-committee member” means a member of the Sub-committee on Healing Arts Practices;

“Officer” means a person appointed by the Minister to act under this Act;

“Minister” means the Minister administering this Act.

Section 5.¹⁹ Healing arts practices under this Act are divided into the following branches:

- (1) Occupational therapy;
- (2) Communication disorder treatment;
- (3) Cardio and thoracic technology branch;
- (4) Radiological technology branch;
- (5) Clinical psychology branch;
- (6) Prosthesis branch;
- (7) Chinese medicine branch; and,
- (8) Other branches as prescribed in a Royal Decree.

¹⁸ Section 4, the definition of “Chinese medicine” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

¹⁹ Section 5 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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Section 6. In case that the provisions in any law refer to healing arts practices or healing arts practitioners which are related to the provisions under this Act, they are deemed to mean as references to the healing arts practices or healing arts practitioners under this Act.

Section 7. The Minister for Health has the power to administer this Act; and may have the power to appoint officers, make the Ministerial Regulation on Rates of Fees not exceeding the rates attached in this Act, and prescribe any other activities including making rules and announcements in order to comply with this Act.

Ministerial regulations, rules, and announcements may come into force when they are published in the Government Gazette.

Chapter 1

Committee on Healing Arts Practices

Section 8.²⁰ There may be the Committee on Healing Arts Practices comprising the Permanent Secretary of the Ministry of Health as the chairperson, the Director General of the Department of Health Service Support as the vice-chairperson, and other members as follows:

(1) One representative member from each of the of the followings: the Ministry of Defence, the Office of the Higher Committee, the Department of Medical Services, the Department for Development of Thai Traditional and Alternative Medicine, the Department of Medical Sciences, the Department of Mental Health, the Food and Drug Administration, the National Health Security Office, the Medical Council, the Dental Council, the Nursing and Midwifery Council, the Pharmacy Council, the Physical Therapy Council, the Medical Technology

²⁰ Section 9 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

Council, and the Traditional Thai Medicine Council; and one representative member from each of the Committee on Professions of each branch under this Act; and,

(2) Up to five members who are eminent persons appointed by the Minister.

A Deputy Director General delegated by the Director General of the Department of Health Service Support may be a secretary; and the Director of the Bureau of Sanatorium and Arts of Healing, Department of Health Service Support shall be a member as well as a secretary assistant.

Section 9.²¹ (Repealed)

Section 10. The members under Section 8 (1) must be with the qualifications and without the prohibited characters as follows:

(1)²² Being a healing arts practitioner, a medicine practitioner, a nursing and midwifery practitioner, a pharmacy practitioner, a dental practitioner, physical therapy practitioner, medical technology practitioner, a traditional Thai medicine practitioner, or an applied traditional Thai medicine practitioner according to that law;

(2)²³ Not being a person whose licence is suspended or revoked under this Act; or the law on the control of healing arts practices, the law on medicine profession, the law on nursing and midwifery profession, the law on pharmacy profession, the law on dental profession, the law on physical therapy profession, the law on medical technology profession, and the law on traditional Thai medicine depending on each case; and,

(3) Not being a bankrupt.

Section 11. The eminent members under Section 8 (2) may be in the position for the term of two years and may be re-appointed.

²¹ Section 9 is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

²² Section 10 (1) is amended under the Healing Arts Practices (No. 4) B.E. 2556.

²³ Section 10 (2) is amended under the Healing Arts Act (No. 4) B.E. 2556.

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In case an eminent member terminates the position before his or her term is up, or in case the Minister appoints an additional eminent member during the period when the existing eminent member is still in the position, the person who is appointed to be in the replacement position or to be an additional eminent member may be in the position for the remaining term of the former appointed eminent member.

Section 12. Other than the termination of position as per the term, the member appointed by the Minister under Section 8 (2) may terminate the position upon:

- (1) Death;
- (2) Resignation; and,
- (3) Termination by the Minister.

Section 13. The Committee has the powers and duties as follows:

- (1) To recommend the Minister about setting up policies, plans, and procedures for regulating healing arts practices;
- (2) To advise or recommend the Minister about adding types and branches of healing arts practices, or make any ministerial regulations, rules and announcements;
- (3) To notify or advertise news by any means the Committee considers appropriate in order to not have other persons misunderstand in which it may be dangerous as a result from practising healing arts;
- (4) To provide consultation and advise the Committee on Professions;
- (5) To consider, and appeal an order of the Committee on Professions under Section 53 and Section 54;
- (6) To expedite officers, government agencies, or the Committee on Professions to exercise powers and perform duties as prescribed by the law;
- (7) To appoint a sub-committee in order to conduct any action within the powers and duties of the Committee;

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(8) To take any action as prescribed by the law to be the powers and duties of the Committee; and,

(9) To consider or take action in any other matters as assigned by the Minister.

Chapter 2

Committee on Professions

Section 14.²⁴ There may be a Committee for the follow professions:

- (1) Committee on the Occupational Therapy Profession;
- (2) Committee on the Communication Disorder Treatment Profession;
- (3) Committee on the Cardio and Thoracic Technology Profession;
- (4) Committee on the Radiological Technology Profession;
- (5) Committee on the Clinical Psychology Profession;
- (6) Committee on the Prosthesis Profession;
- (7) Committee on the Chinese Medicine Profession; and,
- (8) Committee on Other Professions as prescribed by a Royal Decree issued

under Section 5 (8).

Section 14/1.²⁵ There may be the Committee on the Occupational Therapy, which comprises the followings:

- (1) Professional members who are a representative from the Department of Medical Services, a representative from the Department for Development of Thai Traditional and Alternative Medicine, and a representative from the Department Health Service Support;
- (2) The Dean from the Faculty of Occupational Therapy or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of a

²⁴ Section 14 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

²⁵ Section 14/1 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of occupational therapy in which they may, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from the Occupational Therapy Association of Thailand; and,

(4) The number of the professional members elected by healing arts practitioners from the occupational therapy branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

Section 14/2.²⁶ There may be the Committee on the Communication Disorder Treatment Profession, which comprises the followings:

(1) Professional members who are a representative from the Department of Medical Services, and a representative from the Department of Health Service Support;

(2) The Dean from the Faculty of Communication Disorder Treatment or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of a department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of communication disorder treatment in which they may, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from the Thai-Speech Language and Hearing Association; and,

²⁶ Section 14/2 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

(4) The number of the professional members elected by healing arts practitioners from the communication disorder treatment branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

Section 14/3.²⁷ There may be the Committee on the Cardio and Thoracic Technology Profession, which comprises the followings:

(1) Professional members who are a representative from the Department of Medical Services, and a representative from the Department of Health Service Support;

(2) The Dean from the Faculty of Cardio and Thoracic Technology or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of a department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of cardio and thoracic technology in which they may, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from the Society of the Thoracic Surgeons of Thailand; and,

(4) The number of the professional members elected by healing arts practitioners from the cardio and thoracic technology branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

²⁷ Section 14/3 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

Section 14/4.²⁸ There may be the Committee on the Radiological Technology Profession, which comprises the followings:

- (1) Professional members who are a representative from the Department of Medical Sciences, and a representative from the Department of Health Service Support;
- (2) The Dean from the Faculty of Radiological Technology or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of a department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of radiological technology in which they may, among themselves, elect three persons;
- (3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from the Thai Society of Radiological Technologists; and,
- (4) The number of the professional members elected by healing arts practitioners from the radiological technology branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

Section 14/5.²⁹ There may be the Committee on the Clinical Psychology Profession, which comprises the followings:

- (1) Professional members who are a representative from the Department of Health Service Support, and a representative from the Department of Mental Health;
- (2) The Dean from the Faculty of Clinical Psychology or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of the

²⁸ Section 14/4 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

²⁹ Section 14/5 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of clinical psychology in which they shall, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and from these appointed members at least one must be a representative from the Royal College of Psychiatrists of Thailand and one from the Thai Clinical Psychologist Association; and,

(4) The number of the professional members elected by healing arts practitioners from the clinical psychology branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

Section 14/6.³⁰ There may be the Committee on the Prosthesis Profession, which comprises the followings:

(1) Professional members who are a representative from the Department of Medical Services, and a representative from the Department of Health Service Support;

(2) The Dean from the Faculty of Prosthesis or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of the department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of prosthesis in which they may, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and from these appointed members at least one must be a representative from the

³⁰ Section 14/6 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

Royal College of Psychiatrists of Thailand and one from the Royal College of Othopaedic Surgeons of Thailand; and,

(4) The number of the professional members elected by healing arts practitioners from the prosthesis branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

Section 14/7.³¹ There may be the Committee on the Chinese Medicine Profession, which comprises the followings:

(1) Professional Members who are a representative from the Department for Development of Thai Traditional and Alternative Medicine, a representative from the Department of Medical Sciences, a representative from the Department of Health Service Support, and a representative from the Food and Drug Administration;

(2) The Dean from the Faculty of Chinese Medicine or a head of an agency, using another name, which is in the equivalent level as the Faculty; or a head of a department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of Chinese medicine in which they may, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from an association or a foundation related to Chinese medicine located in Thailand; and,

(4) The number of the professional members elected by healing arts practitioners from the Chinese medicine may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

³¹ Section 14/7 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

Section 15.³² (Repealed).

Section 16.³³ (Repealed).

Section 17.³⁴ (Repealed).

Section 18.³⁵ (Repealed).

Section 19.³⁶ The composition, powers and duties, and operations of the Committees on various professions under Section 14 (8) including the qualifications, and prohibited characters of professions members of the Committee on Other Professions may be in according with the Royal Decree issued under Section 5 (8).

Section 20.³⁷ Within thirty days from the day of the election for the professional members under Section 14/1 (4), Section 14/2 (4), Section 14/3 (4), Section 14/4 (4), Section 14/5 (4), Section 14/6 (4), and Section 14/7 (4), the Committee on each profession may select one member to be the chairperson, and one member to be the vice-chairperson.

³² Section 15 is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

³³ Section 16 is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

³⁴ Section 17 is repealed under the Healing Arts Practices Act (No. 2) B.E. 2547.

³⁵ Section 18 is repealed under the Healing Arts Practices Act (No. 2) B.E. 2547.

³⁶ Section 19 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

³⁷ Section 20 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

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Section 21.³⁸ A selection, an appointment, and an election of the professional members under Section 14/1 (2), (3) or (4); Section 14/2 (2), (3), or (4); Section 14/3 (2), (3), or (4); Section 14/4 (2), (3), or (4); Section 14/5 (2), (3), or (4); Section 14/6 (2), (3) or (4); Section 14/7 (2), (3) or (4); and the selection of the professional members to be the chairperson, and a vice-chairperson under Section 20 may be subject to the rule prescribed by the Minister.

In case the number of the members under Section 14/1 (2), Section 14/2 (2), Section 14/3 (2), Section 14/4 (2), Section 14/5 (2), Section 14/6 (2), and Section 14/7 (2) is less than three persons, the Committee of that profession may be deemed to comprise the existing composition.

Section 22.³⁹ The professional members from the selection, appointment, and election under Section 14/1 (2), (3) or (4); Section 14/2 (2), (3) or (4); Section 14/3 (2), (3), or (4); Section 14/4 (2), (3), or (4); Section 14/5 (2), (3), or (4); Section 14/6 (2), (3) or (4); Section 14/7 (2), (3) or (4) may be in office for the term of four years, and may be re-selected or re-appointed depending on the case, but they may not be in office for more than two years consecutively.

Section 23. The Committee for each branch has powers and duties as follows:

- (1) To accept registration and issue a licence for a person applying to be a healing arts practitioner of that branch;
- (2) To revoke a licence if a healing arts practitioner of that branch lacks qualifications;
- (3) To suggest the Committee to exercise the power under Section 13 (2);
- (4) To exercise the power under Section 44 if a healing arts practitioner misbehaves against the ethics of that profession;

³⁸ Section 21 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

³⁹ Section 22 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

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- (5) To advise and recommend an educational institution about a curriculum on the study of healing arts practices in that branch;
- (6) To notify or advertise news by any means the Committee considers appropriate in order to not have other persons misunderstand in which it may be dangerous as a result from practising healing arts in that branch;
- (7) To promote, develop, and set standards of the healing arts practice in that branch;
- (8) To issue a letter of knowledge and expertise in the healing arts practices in that branch;
- (9) To consider and propose a name of a representative for the Committee on the profession in that branch to be a member of healing arts practices;
- (10) To appoint a sub-committee on professions to act in any matter within the powers and duties of the Committee on the profession in that branch;
- (11) To take other actions as the law prescribes to the powers and duties of the Committee on the profession in that branch; and,
- (12) To consider or manage other matters assigned by the Minister or the Committee.

Chapter 3

Conducts of the Committee on Healing Arts Practices and the Committee on Professions

Section 24. Not less than half of all the members must attend a committee meeting to constitute the quorum.

A decision of the meeting must be from the majority votes. One member may cast one vote and if the votes are even on both sides, the chairperson may cast an additional vote to be the final vote.

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Section 25. In a meeting, if the chairperson is absent or is unable to perform the duty, the vice-chairperson may perform the duty of the chairperson. If the vice-chairperson is absent or unable to perform the duty, the meeting may select one member to perform the duty of the chairperson.

Section 26. For a sub-committee meeting, a Committee on Professions meeting, or a sub-committee on professions, the provisions under Section 24, and Section 25 may be used to enforce *mutatis mutandis*.

Section 27. In performing duties under this Act, the members, sub-members, professional members, or sub-professional members are considered officers under the Criminal Code.

Section 28. The Committee, and the Committee on Professions may have the powers to summon a person to provide a statement, or to notify a person to send documents or items necessary for their management according to the powers and duties.

A letter summoning a person to provide a statement or a letter notifying a person to send documents or items under paragraph one must specify the matters of which the person is to provide a statement, or send documents or items.

Section 29. The members, sub-members, professional members, and sub-professional members may obtain a meeting attendance allowance or other benefits subject to the rule prescribed by the Minister with the consent of the Ministry of Finance.

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Chapter 4

Control of Healing Arts Practices

Section 30. No person may perform healing arts practices, or perform any act that may make other people understand that he has the right to perform healing arts practices without being registered and licenced except in the case of one of the followings:

- (1) The healing arts practices are performed on himself;
- (2) It is an assistance or treatment for a patient according to the duty, the law, or the ethics without receiving any benefits;
- (3) A pupil, a student, or a trainee who is practising or training under the supervision of a healing arts practitioner who is an educator or a trainer in accordance with the criteria, processes, and conditions as prescribed by the Committee on Professions;
- (4)⁴⁰ (Repealed);
- (5) A person whom a ministry, a department, Bangkok, the City of Pattaya, a provincial administrative organisation, a municipality office, a sanitation office, other a local administrative organisation as prescribed by the Minister; or the Thai Red Cross Society assigns to perform healing arts practices under the control of an officer who is a healing arts practitioner or a medical practitioner but this is subject to the rule prescribed by the Minister;
- (6) A person who performs duties in a sanatorium under the law on sanatorium and performs healing arts practices under the control of a healing arts practitioner but this is to be in accordance with the rule prescribed by the Minister; and,
- (7) Healing arts practices by an advisor or an expert of the government, or an educator in an educational institution who has a licence to practise healing arts practices from a foreign country but this is with an approval from the Committee on Professions and must conform to the conditions imposed by the Committee Professions.

⁴⁰ Section 30 (4) is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

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Section 31. The Minister, with the recommendation of the Committee, may have the powers to permit a person to work in a profession performed on human beings or intended to perform on human beings related to medical examination, treatment, disease prevention, promotion and rehabilitation, and midwifery by applying science or knowledge from a foreign country in which the profession does not have any law on that in Thailand, but it is subject to the criteria, processes, and conditions prescribed by the Minister.

Section 32. A person applying to be registered and obtain a licence to be a healing arts practitioner must be with the qualifications and be without the prohibited characters as follows:

- (1) Being a person of not less than twenty years of age;
- (2) Being a person with the professional knowledge under Section 33;
- (3) Not being a person with misbehaviour in which the Committee on Professions considers that it may bring dishonour to the profession;
- (4) Having never been imprisoned by the final judgment in the case in which the Committee on Professions considers that it may bring dishonour to the profession;
- (5) Not being a drug addict;
- (6)⁴¹ Not being with a disease that the Committee on Professions announces as inappropriate to practise healing arts; and,
- (7) Not being a person of unsound or frantic mind.

Section 33.⁴² A person applying to be registered and obtain a licence to be a healing arts practitioner of each branch must have the professional knowledge as follows:

- (1) The occupational therapy branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate

⁴¹ Section 32 (6) is amended under the Healing Arts Practices Act (No. 3) B.E. 2550.

⁴² Section 33 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

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equivalent to the academic degree in the occupational therapy branch from an educational institution certified by the Committee on the Occupational Therapy Profession; and must take a knowledge test according to the criteria, professes, and conditions imposed by the Committee on the Occupation Therapy Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(2) The communication disorder treatment branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the communication disorder treatment branch from an educational institution certified by the Committee on the Communication Disorder Treatment Profession; and must take a knowledge test according to the criteria, professes, and conditions imposed by the Committee on the Communication Disorder Treatment Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(3) The cardio and thoracic Technology branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the cardio and thoracic technology branch from an educational institution certified by the Committee on the Cardio and Thoracic Technology Profession; and must take a knowledge test according to the criteria, professes, and conditions imposed by the Committee on the Cardio and Thoracic Technology Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(4) The radiological technology branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the radiological technology branch from an

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educational institution certified by the Committee on the Radiological Technology Profession; and must take a knowledge test according to the criteria, professions, and conditions imposed by the Committee on the Radiological Technology Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(5) The clinical psychology branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the clinical psychology branch from an educational institution certified by the Committee on the Clinical Psychology Profession; and must take a knowledge test according to the criteria, professions, and conditions imposed by the Committee on the Clinical Psychology Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(6) The prosthesis branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the prosthesis branch from an educational institution certified by the Committee on the Prosthesis Profession; and must take a knowledge test according to the criteria, professions, and conditions imposed by the Committee on the Prosthesis Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(7) The Chinese medicine branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the Chinese medicine branch from an educational institution certified by the Committee on the Chinese Medicine Profession; and must take a knowledge test according to the criteria, professions, and conditions imposed by the Committee on the Chinese Medicine Profession. For a person with a qualification from a foreign country

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who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained; and,

(8) Other branches according to a royal decree issued under Section 5 (8) must have the knowledge according to that royal decree.

Section 34. A process to be registered and obtain a licence, issuance of the licence, issuance of a letter of knowledge and expertise in healing arts practices, a request for a licence duplicate, and issuance of the licence duplicate may be subject to the criteria, processes, and conditions prescribed in a ministerial regulation.

In making the ministerial regulation under paragraph one, the validity period for the licence and the renewal process may also be prescribed.

Section 35. No healing arts practitioner of a particular branch may practise healing arts practices of other branches that he is not registered and licenced.

Section 36. A healing arts practitioner has a duty to inform the methods of performing healing arts practices to patients, and the patients may have the right to choose the methods to be applied to them except in an emergency case.

Section 37. A healing arts practitioner must perform healing arts practices under the control and limitations subject to the rule prescribed by the Minister.

Section 38. A healing arts practitioner must maintain ethics of the profession subject to the rule prescribed by the Minister.

A healing arts practitioner must not advertise, employ, ask, or consent to have another person advertise the healing arts practices, knowledge and expertise in healing arts practices for him except when it is an advertisement related to showing the works as parts of his

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duties, academic purposes, or educational purposes; academic conferences; benevolent acts; and announcements of honour, which may be conducted, but it is to be in accordance with the criteria and processes prescribed in the rule on maintenance of the professional ethics under paragraph one.

Section 39. A person may have the right to accuse a healing arts practitioner by lodging the accusation with the Committee on Professions when the person has been damaged because the healing arts practitioner contravenes Section 36, or breaches the limitations or conditions for healing arts practices under Section 37, or misbehaves against the professional ethics under Section 38.

A professional member or other persons may have the right to impeach the healing arts practitioner by lodging the impeachment with the Committee on Professions when they find or know that a healing arts practitioner contravenes Section 36, or breaches the limitations or conditions for healing arts practices under Section 37, or misbehaves the professional ethics under Section 38.

The right of accusation under paragraph one or the right of impeachment under paragraph two become terminated when one year passes from the day the damaged person or the impeacher becomes aware and knows who the breaching person is but not more than three years from the day the breach is constituted.

Withdrawing the accusation or the impeachment that has been lodged may not be the cause of stopping the implementation under this Act.

Section 40. When the Committee on Professions receives the accusation or impeachment under Section 39 and considers that there are grounds of action, the matter may be forwarded to the sub-committee on professions that the Committee on Professions appoints under Section 23 (10) to investigate the offence under this Act. This is to investigate and

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summarise the investigation in order to present to records together with the recommendation to the Committee on Professions for consideration under Section 44.

Section 41. In performing the duty of the sub-committee on professions under Section 40, which is to investigate, the provision under Section 28 may be used to enforce.

Section 42. The chairperson of the sub-committee on professions who conducts the investigation may write a letter, together with their copies, notifying the accused person or the impeached person of the accusation or the impeachment not less than fifteen days before the investigation begins.

The accused person or the impeached person may have the right to provide an explanation or evidence to present to the sub-committee on professions that conducts the investigation.

The explanation or evidence may be submitted to the chairperson of the sub-committee on professions who conducts the investigation within fifteen days from the day receiving the notification from the chairperson of the professional sub-committee who conducts the investigation or within the time the sub-committee on professions who conducts the investigation prescribes for extension.

Section 43. The criteria and processes for the accusation, impeachment, or investigation may be subject to the rule prescribed by the Minister.

Section 44. When the Committee on Professions receives the record and recommendation from the professional sub-committee that conducts the investigation, the Professional Committee may consider the case as follows:

(1) Remove the accusation or impeachment in case the healing arts practitioner does not commit the offence in the accusation or the impeachment; or,

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(2) Punish with one of the followings in case the healing arts practitioner commits an offence in the accusation or the impeachment:

- (a) Warning;
- (b) Putting on probation;
- (c) Suspending the licence for an appropriate period but not more than two years; and,
- (d) Revoking the licence.

The judgment of the Committee on Professions under paragraph one may be in a form of letter and signed by the professional member who judges the accusation or the impeachment, and must contain the reasons. The reasons must, at least, contain essential facts, reference to relevant law, matters of consideration, and matters of support used for the judgment.

Section 45. The Director of the Bureau of Sanatorium and Arts of Healing may forward the letter notifying the judgment of the Committee on Professions under Section 44 to the members, and the accused person or the impeached person within seven days from the day of the judgment, and the record of the judgment may be saved on file in the registration of the healing arts practitioner.

In case the accused person or the impeached person cannot be found, or the accused person or the impeached person refuses to accept the notification of judgment under paragraph one, the judgment may be displayed in a public place at the workplace or the birthplace of that person, and that person is deemed to have acknowledged the judgment from the day the notification is displayed.

The Director of the Bureau of Sanatorium and Arts of Healing may produce an essence of the judgment of the Committee on Professions for publication except if it is confidential information related to the safety of the country or the public benefits, which should not be disclosed.

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[The term “Director of the Bureau of Sanatorium and Arts of Healing” is amended under Section 15 of the Healing Arts Practices (No. 4) B.E. 2556].

Section 46. In case it appears to the Committee on Professions that a healing arts practitioner lacks the qualifications under Section 32 or disobeys the order to suspend the licence, the Committee on Professions may revoke the licence of that practitioner and applying Section 45 paragraph one and paragraph two *mutatis mutandis*.

Before issuing the order to revoke the licence under paragraph one, the Committee on Professions may appoint a sub-committee on professions to investigate the facts and prepare a report together with the recommendation to the Committee on Professions for consideration.

Section 47. Under Section 30, no healing arts practitioner, during the time whose licence is suspended or revoked, may practise healing arts or perform an act that leads other people to understand that he or she has the right to practise healing arts from the day he acknowledges the order to suspend or revoke the licence.

Section 48. A healing arts practitioner who disobeys the order to suspend the licence and the court orders the punishment under Section 58 when the case is final, the Committee on Professions may revoke the licence of that practitioner in which it may take effect from the day the court makes its final judgment.

Section 49. A healing arts practitioner whose licence is revoked may re-apply for the licence after two years from the day the licence is revoked. However, when the Committee on Professions considers the application and rejects it, the healing arts practitioner may re-apply for the licence after one year from the day the Committee on Professions rejects the application for the licence. If the Committee on Professions rejects the application for the licence for the

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second time, the healing arts practitioner may write an appeal letter to the Committee under Section 53.

If the Committee has an opinion in accord with the Committee on Professions, the healing arts practitioner no longer has the right to apply for the licence.

Chapter 5

Officers

Section 50. In performing their duties, the Officers have the duties and powers as follows:

(1) To enter into the premises of a healing arts practitioner during business hours to check or control the operations to be in accordance with this Act;

(2) To enter into the premises with a reasonable ground that there is an offence under this Act during the sunrise until the sunset; or during the business hours of the premises in order to check documents, evidence, items that may be used in examining the facts or taking legal action according to the offence under this Act except:

(a) After having entered into and conducted the check during the day and the actions are not completed, the actions may be carried on into the night or after business hours; or,

(b) In case of an urgent emergency, the check may be conducted at night or after business hours.

(3) To confiscate or seize documents, evidence, or items relate to the offences under this Act for the interest of examining the facts or taking legal action.

In performing the duties of the Officers under paragraph one, a person who is in the premises shall facilitate the officers as appropriate.

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Section 51. In performing their duties, the officers must display their identification cards.

The identification cards may be in accordance with the form prescribed by the Minister.

Section 52. In performing their duties under this Act, the Officers may be officers under the Criminal Code.

Chapter 6

Appeal

Section 53. In the case that the Committee on Professions issues an order rejecting the registration and the licence to a person applying to be a healing arts practitioner, or rejecting the issuance of the licence for a healing arts practitioner whose licence is revoked under Section 49, the healing arts practitioner may have the right to appealing in writing to the Committee within thirty days from the day he or she receives a letter notifying the denial for the registration or the issuance of the licence, or the rejection for the issuance of the licence depending on the case.

The decision of the Committee is considered final.

Section 54. A healing arts practitioner whose licence is suspended or revoked may have the right to appeal in writing to the Committee within thirty days from the day he or she acknowledges the order.

The appeal under paragraph one does not suspend the execution of the order to suspend or revoke the licence.

The decision of the Committee is considered final.

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Section 55. The criteria and processes to lodge an appeal and the consideration for the appeal under Section 53 and Section 54 may be in accordance with the rule prescribed by the Committee.

Chapter 7

Penalties Provision

Section 56. A person who fails to follow the summon letter or the notification letter issued under Section 28 or Section 41 may be subject to imprisonment of not more than one month or a fine of not more than one thousand Baht or both.

Section 57. A person who is not a healing arts practitioner but practises healing arts contravenes Section 30 and may be subject to imprisonment of not more than three years or a fine of not more than thirty thousand Baht or both.

A person who is not a healing arts practitioner but acts in any way to have other persons understand that he has the right to practise healing arts contravenes Section 30 and may be subject to imprisonment of not more than two years or a fine of not more than twenty thousand Baht or both.

Section 58. A healing arts practitioner who contravenes Section 35 or a healing arts practitioner whose licence is in the period of suspension or revocation who practises healing arts contravenes Section 47 and may be subject to imprisonment of not more than two years or a fine of not more than twenty thousand Baht or both.

A healing arts practitioner whose licence is in the period of suspension or revocation who acts in any way to have other people understand that he has to the right to practise healing arts contravenes Section 47 and may be subject to imprisonment of not more than one year or a fine of not more than ten thousand Baht or both.

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Section 59. A person who fails to facilitate an officer under Section 50 paragraph two may be subject to a fine of not more than two thousand Baht.

Transitory Provision

Section 60. A person who holds the position of a member of the Committee on the Control of Healing Arts Practices under the Healing Arts Practices Act B.E. 2479 on the day this Act is published in the Government Gazette may continue to perform his or her duties until there is a new Committee on Healing Arts Practices under this Act but it may not be more than one hundred and eighty days from the day this Act is enforced.

Section 61. In the initial stage when there is not yet an election of healing arts practitioners to be professional members under Section 15 (3), Section 16 (3), Section 17 (3), or Section 18 (3), the Minister may appoint healing arts practitioners of that branch in the number prescribed under that Section to be professional members.

The professional members appointed by the Minister under paragraph one may perform the duties of the professional members under this Act until the professional members elected under this Act starts their duties.

The election process of healing arts practitioners to become professional members under Section 15 (3), Section 16 (3), Section 17 (3), or Section 18 (3) may be completed within one hundred and eighty days from the day this Act is enforced, and the professional members who are elected under this Section terminate the position at the same time as the term of the professional members appointed by the Minister under Section 15 (2), Section 16 (2), Section 17 (2), or Section 18 (2) depending on the case.

Section 62. A person who is registered and licenced as a healing arts practitioner under the Control of Healing Arts Practices Act B.E. 2479, and the licence is still valid on the day

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this Act is published in the Government Gazette, the registered and licenced person is considered a healing arts practitioner under this Act as follows:

(1) A person who is registered and licenced as a healing arts practitioner of conventional medicine in the occupational therapy branch may be deemed as the person registered and licenced as the healing arts practitioner of the occupational therapy;

(2) A person who is registered and licenced as a healing arts practitioner of conventional medicine in the medical technology branch may be deemed as the person registered and licenced as the healing arts practitioner of the medical technology;

(3) A person who is registered and licenced as a healing arts practitioner of general traditional medicine in the medical branch may be considered as the person registered and licenced as the healing arts practitioner of the traditional Thai medicine, Thai medical type;

(4) A person who is registered and licenced as a healing arts practitioner of general traditional medicine in the pharmacy branch may be deemed as the person registered and licenced as the healing arts practitioner of the traditional Thai medicine, Thai pharmacy type;

(5) A person who is registered and licenced as a healing arts practitioner of general traditional medicine in the midwifery branch may be deemed as the person registered and licenced as the healing arts practitioner of the traditional Thai medicine, Thai midwifery type; and,

(6) A person who is registered and licenced as a healing arts practitioner of applied traditional medicine may be deemed as the person registered and licenced as the healing arts practitioner of the applied Thai traditional medicine.

Section 63. A person who is registered and licenced as a healing arts practitioner of conventional medicine, second class medicine branch under the Healing Arts Practices Act B.E. 2497, and the licence is still valid on the day this Act is published in the Government Gazette, the parson may have the right to continue practising healing arts subject to the

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limitations and conditions as well as maintaining professional etiquette subject to the provision of that law.

The Committee may have the authority to suspend or revoke the licence to be a healing arts practitioner of conventional medicine, second class medicine, when it appears that the person contravenes the provision under paragraph one.

Section 64. An application to register and obtain a licence to be a healing arts practitioner, and the request to amend or add texts that are already registered and submitted under the Healing Arts Practices Act B.E. 2479 before the day this Act is published in the Government Gazette, the followings may be abided by:

(1) If the Committee on Control of the Healing Arts Practices under the Control of Healing Arts Practices Act B.E. 2479 has not had any order related to the request, the request may be the request submitted under this Act and it may be administered accordingly under this Act; and,

(2) If the Committee on Control of the Healing Arts Practices under the Control of Healing Arts Practices Act B.E. 2497 has issued an order related to the request, the administration related to the request may continue to be under the control of the Control of Healing Arts Practices B.E. 2497 until the end.

Section 65. An examination and the consideration to decide the suspension of the licence to be a healing arts practitioner or revocation of the licence to be a healing arts practitioner, which are under the process under the Control of Healing Arts Practices Act B.E. 2497 on the day this Act is published in the Government Gazette, the implementation may be in accordance with this Act except:

(1) In case the Committee on Control of the Healing Arts Practices has forwarded the matter to the sub-committee on examination for examination before this Act is published in the Government Gazette and the examination is yet to be completed, the examination under the Control of Healing Arts Practices Act B.E. may be continued and when

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the examination is completed, it may be summarised, and the record of examination together with the recommendation may be presented to the Committee on Professions under Section 15 or Section 16 or Section 17 or Section 18 depending on the case in order to further consider the matter under the Control of Healing Arts Practices B.E. 2497 until the end;

(2) In case there has been correct examination or consideration under the Control of Healing Arts Practices B.E. 2497 and it is completed before the day this Act is published in the Government Gazette, the examination or the consideration may be valid depending on the case; and,

(3) In case there has been a presentation of the matter or the examination record to the Committee on Control of the Healing Arts Practices correctly under the Control of Healing Arts Practices Act B.E. 2497 and the Committee on Control of the Healing Arts Practices has not completed the consideration of the matter, the Committee on Professions under Section 14 or Section 16 or Section 17 or Section 18 depending on the case may continue to consider that matter under the Control of Healing Arts Practices Act B.E. 2479 until the end.

Section 66. An action under the process under the Control of Healing Arts Practices Act B.E. 2497 on the day this Act is published in the Government Gazette, the administration of that action may continue as prescribed by the Committee.

Section 67. The ministerial regulations, rules, or announcements made by virtue of the Healing Arts Practices Act B.E. 2497 may continue to be used as long as they do not contradict with this Act, but this is until there are ministerial regulations, rules, or announcements made by virtue of this Act.

Countersigned by

Chuan Leekpai

Prime Minister

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Rate of Fees

(1) Fee for the registration and licence for a healing arts practitioner	3,000 Baht per copy
(2) Fee for the licence renewal	1,000 Baht per copy
(3) Fee for amending or adding the registration and licence	500 Baht per copy
(4) Fee for the certification letter for registration to be a healing arts practitioner and other certification letters	500 Baht per copy
(5) Fee for the knowledge test for the applicant for the registration and obtaining a licence to be a healing arts practitioner	2,000 Baht per copy
(6) Fee for the approval letter of knowledge and expertise in healing arts practices	1,000 Baht per copy
(7) Fee for the licence duplicate	300 Baht per copy
(8) Fee for translation of the licence of a healing arts practitioner to a foreign language	1,000 Baht per copy
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