

Part 1

Definitions

Article 4 In these Regulations,

"Medical profession" means any profession that performs to humans activities of examination, diagnosis, treatment, disease prevention, midwifery, visual correction by contact lens insertion, acupuncture for therapeutic or anaesthetic purpose, and shall include surgical act, radiation use, injection of medicine or any substance, insertion of any object into the body for birth control, beautification, and fitness.

"Disease" means any sickness, injury, physical or mental abnormality, and shall include any symptom from such condition.

"Medical practitioner" means any person who is registered with and obtains a license to be medical practitioner from the Medical Council.

"Research study and experiment on human" means any research study and experiment of medicinal product and medical equipment, study of the nature of disease, diagnosis, treatment, health restoration, and disease prevention that is performed on a human subject, and shall include any research study of medical record and specimen collected from human body.

"Ethics committee" means a committee appointed by an institution, an organization, or an agency to review and consider ethics of research study and experiment on human in order to protect rights, safety, and well-being of subjects involved in the research study and experiment.

"Ethical guidelines for research study and experiment on human" mean ethical guidelines or criteria concerning research study and experiment on human, for example, the Declaration of Helsinki and the ethical guidelines set by each institution.

"Researcher's code of ethics" mean the researcher's code of ethics of the National Research Council of Thailand.

"Medical practice advertising" means any act to present to the public a message, an image, a sign, or any act to convey meaning to the public for a personal benefit.

"Sanatorium" means any sanatorium according to the Sanatorium Act.

"Sanatorium advertising" means any act to present to the public a message, an image, a sign, or any act to convey meaning to the public for a sanatorium's benefit.

"Organ transplantation" means a medical practice in transplanting or changing organs which are heart, lung, liver, pancreas, kidney, and others as announced by the Medical Council.

* "Donor" means a person who donates an organ for transplantation and shall include a person who donates stem cell or placental blood for stem cell transplantation to others.

"Healthcare products" mean food, drugs, psychotropic substances, medical narcotics, cosmetics, medical equipment, dangerous substances, and other products as identified by law, including any objects that have effects on user's health as identified by the Medical Council.

"Entrepreneur" means an entrepreneur of healthcare product business and shall include a representative of such entrepreneur.

** "Human death" means a condition in which the cardiovascular system and the respiratory system of a human stop irreversibly, or a condition of brain death in which the brain stem is damaged and loses function permanently. Criteria and methods of brain death diagnosis shall be defined and announced by the Medical Council.

Part 2

General Principles

Article 5 A medical practitioner shall live in a fair and moral manner and shall abide by laws.

Article 6 A medical practitioner shall not behave or perform any acts in a way that may disgrace the profession.

Article 7 A medical practitioner shall perform the profession with good will, regardless of status, race, nationality, religion, society, or political sect.

* "Donor" has been amended according to Article 4 of the Medical Council Regulations on Medical Ethics Preservation (Number 2), B.E. 2550 (The Royal Thai Government Gazette, Issue 124, Special Section 27 d, 8 March 2007)

** "Human death" has been amended according to the Medical Council Regulations on Medical Ethics Preservation (Number 3), B.E. 2551 (The Royal Thai Government Gazette, Issue 126, Special Section 7 d, 16 January 2009)

Part 3

Medical Practice Advertising

Article 8 A medical practitioner shall not advertise or employ, hire, or allow anyone to advertise his or her medical practice, knowledge and skills.

Article 9 A medical practitioner shall not advertise or employ, hire, or allow anyone to advertise medical practices, knowledge and skills of others.

Article 10 The advertising in Article 8 and Article 9 may be permitted in the following cases:

- (1) A publication of work in a medical and health academic journal or a presentation of work in a medical and health academic conference;
- (2) A presentation of work on duty or in public service;
- (3) A presentation of work or academic advancement or discovery of new treatment method and technique which is medically accepted for public study;
- (4) An official recognition by an academic institution, an association, or a foundation.

Article 11 A medical practitioner may present at his and her office only the following information relating to his or her medical practice:

- (1) Name and surname, with complements of Doctor, nomenclature, academic title, royal rank, rank, and noble rank only;
- (2) Degree name, diploma or license, or other certificates obtained fairly and lawfully according to the regulations of the Medical Council or those institutions;
- (3) Branch of the medical profession;
- (4) Operating hours.

Article 12 A medical practitioner may advertise his or her medical practice only with residential address, office address, telephone number, and/or messages allowed in Part 3 Article 11.

Article 13 If a medical practitioner who advertise or answer questions on the mass media is identified as medical professional, he or she can give information of his or her office. However, such information must not be exaggerated, deceive, or mislead patients. And the information about the office must not contain a personal telephone number.

Article 14 A medical practitioner shall be naturally careful not to publicize his or her medical practice in a way that can be perceived as advertising his or her knowledge and competence.

Part 4

Medical Practice

Article 15 A medical practitioner shall maintain the highest standard of medical practice in a particular setting, within the scope of competence and the limits of objectivity and circumstance surrounding.

Article 16 A medical practitioner shall not demand any extra wage other than a normal fee.

Article 17 A medical practitioner shall not persuade or induce patients to take medical services for his or her own benefit.

Article 18 A medical practitioner shall not give or take any benefit in return for accepting or sending patients to receive medical services or for any other purposes.

Article 19 A medical practitioner shall treat patients with courtesy.

Article 20 A medical practitioner shall treat patients without coercion.

Article 21 A medical practitioner shall not mislead patients for his or her own benefit.

Article 22 A medical practitioner shall concern about patient safety.

Article 23 A medical practitioner shall concern about patient's expense.

Article 24 A medical practitioner shall not prescribe, use, or encourage a use of nostrum as well as medical equipment of which components are undisclosed.

Article 25 A medical practitioner shall not issue a medical certificate with a dishonest intention.

Article 26 A medical practitioner shall not provide a dishonest opinion about the medical profession.

Article 27 A medical practitioner shall not disclose confidential information of a patient or a deceased patient that he or she recognizes in connection with the medical practice, unless permitted by law or required by law or duty.

Article 28 When being requested and within capacity, a medical practitioner shall not reject a person with critical illness, unless the person is not in an emergency or a fatal stage. Proper advice should be given.

Article 29 A medical practitioner shall not perform or encourage any illegal practice of medicine, healthcare or public health, or healing arts.

Part 5

Behaviors towards Other Medical Practitioners

Article 30 Medical practitioners shall honour and respect each other.

Article 31 Medical practitioners shall not slander, incriminate, or defame each other.

Article 32 Medical practitioners shall not draw patients from other doctors.

Part 6

Behaviors towards Associates

Article 33 Medical practitioners shall honour and respect their colleagues.

Article 34 Medical practitioners shall not slander, incriminate, or defame the colleagues.

Article 35 Medical practitioners shall promote and support practices of the colleagues.

Part 7

Behaviors in Relation to Sanatorium

Article 36 A medical practitioner who operates a sanatorium shall not advertise or allow anyone to advertise his or her sanatorium in the following manners:

- (1) Overstating the sanatorium's medical practice or other activities;
- (2) Giving the wrong idea about the sanatorium's activities or equipment qualities against the academic standard of the medical profession, or inducing the public to look for magnified qualities;
- (3) Indecent, impolite, sexually provocative, or immoral;
- (4) Promising cash discount or reward to anybody, unless conforming to the rules set by the Medical Council;
- (5) Publicizing a practice of any medical practitioner who does not work at the sanatorium.

Article 37 A medical practitioner who operates a sanatorium shall not pay or permit the payment of wage or reward to a person who refers a patient to the sanatorium.

Article 38 A medical practitioner who operates a sanatorium shall not provide or permit any illegal practice of medicine, healthcare or public health, or healing arts in the sanatorium.

Article 39 A medical practitioner who works at a sanatorium regularly or with a fixed schedule shall have a right to state or permit the statement of his or her name at that sanatorium. The statement must clearly notify the working schedule together with the name.

Article 40 A medical practitioner who works at a sanatorium occasionally or with no fixed schedule shall not have a right to state his or her name at the sanatorium, unless otherwise agreed in writing with the sanatorium operator.

Part 8

Behaviors When Having Interactions with Healthcare Product Entrepreneurs

Article 41 In any case a medical practitioner shall not accept money from an entrepreneur except for consulting fee, honorarium for academic lecture, and research honorarium if receiving a research grant from that entrepreneur.

Article 42 In any case a medical practitioner shall not accept any item, service, or recreation worth more than three thousand baht from an entrepreneur, except an item with academic contribution beneficial to patient service, which may be accepted in the name of his or her institution.

Article 43 When being sponsored by an entrepreneur for study visit, conference attendance, or academic lecture in the country and overseas, a medical practitioner can receive only travel expense, registration fee, lecture honorarium, meal and accommodation costs for himself or herself and only for the period of the visit, the conference, or the lecture.

Article 44 When being a presenter in any healthcare product advertisement, a medical practitioner shall not use the word Doctor or any other wordings or do anything to present messages, images, signs, or acts which make the public understand that he or she is a doctor or a medical practitioner.

Article 45 When publicizing an opinion about any healthcare product properties in spoken, written, or other form, a medical practitioner shall also reveal his or her connection with the entrepreneur, for example, as a consultant, as a co-investor, or as a recipient of visiting, conference, or lecture subsidy.

Article 46 Royal colleges and colleges under the Medical Council may formulate rules of practice for their members in agreement with the regulations in this Part.

Part 9

Research Study and Experiment on Human

Article 47 A medical practitioner who conducts a research study and experiment on human shall receive a consent from a human subject and be ready to protect the subject from any risk arising from such experiment.

Article 48 The medical practitioner shall treat the subject in the same manner as treating the patient in the medical practice stated in Part 4.

Article 49 The medical practitioner shall be responsible for risks or damages caused by the experiment to the subject who is not at fault.

Article 50 The medical practitioner who conducts or participates in the research study or experiment on human shall undertake such study or experiment only after it is approved by ethics committee concerned.

Article 51 The medical practitioner who conducts or participates in the research study or experiment on human shall conform to ethical guidelines for research study and experiment on human and researcher's code of ethics.

Part 10

Medical Profession on Organ Transplantation

*Article 52 For organ transplantation from a living donor, a medical practitioner who performs the transplantation shall respect the following criteria:

- (1) The donor must be genetically related to the recipient, or;
- (2) The donor must be legal spouse or known as cohabitant of the recipient for at least three years or less if they have a child together. In any problematic case, DNA testing can be adopted to determine parentage of the child; or,
- (3) The donor has received an organ transplant and desires to donate the removed organ to another person;
- (4) In case that Article 52 (1), (2), and (3) cannot be proved, the donation shall be determined by the Thai Red Cross Organ Donation Center;
- (5) The medical practitioner who performs the transplantation shall examine and collect evidences which prove the donor as a blood relative or a spouse of the recipient. Such evidences must be kept in the recipient's medical record.

- (6) The medical practitioner shall give the donor a comprehensive explanation about all potential risks that could occur from and after surgery. The donor shall sign an informed consent form with comprehension and voluntariness.
- (7) The medical practitioner shall document that the donor does not receive any compensation in exchange for organ donation.
- (8) The donor must be physically fit for organ donation.”

Article 53 For organ transplantation from a brain-dead person, a medical practitioner who performs the transplantation shall respect the following criteria:

53.1 The medical practitioner shall remove an organ only from a person who is determined as brain dead according to the diagnostic criteria of the Medical Council and does not possess the following conditions:

53.1.1 All types of cancer except primary malignant brain tumor

53.1.2 Infections and septicemia

53.1.3 HIV positive

53.1.4 Suspected rabies, acute encephalitis, acute transverse myelitis, or acute peripheral neuropathy with unclear cause of death

53.1.5 Creutzfeldt Jacob disease or dementia with unclear causes

53.2 A request for organ donation from a person determined as brain dead according to the criteria of the Medical Council shall be made to relatives by a team of doctors or an authorized person only. The doctors or a nurse caring for the deceased person shall initiate the request.

53.3 A relative who can give a consent for organ donation must be a legal heir or representative of the deceased person. He or she shall sign a consent form together with at least two witnesses.

53.4 The relative must certify in writing that he or she shall not receive any compensation for the organ donation.

53.5 In case that the relative according to Article 53.3 cannot be found whereas the deceased person has given a determining consent for organ donation to the Thai Red Cross Organ Donation Center with a voluntary donor card, the consent form given to the Thai Red Cross Organ Donation Center can replace the consent form in Article 53.3.

53.6 Before removing an organ from the brain-dead person, an autopsy must be performed as required by law. A pathologist must record organ removal in the medical record of the deceased person.

Article 54 The medical practitioner who transplants the organ shall be a surgeon who has received a diploma or a license from the Medical Council.

Article 55 The medical practitioner shall perform the organ transplantation in a public or private sanatorium which is a member of the Thai Red Cross Organ Donation Center.

Part 11

Medical Practice on Stem Cell Transplantation

Article 56 A medical practitioner who performs stem cell transplantation shall hold the following qualifications:

- (1) Being a hematologist or a pediatric hematologist who has received a diploma or a license from the Medical Council; or
- (2) Being a physician or a pediatrician who has passed a stem cell transplantation training course certified by the Medical Council.

Article 57 In case of stem cell transplantation from an unrelated donor, the medical practitioner who performs the transplantation shall possess the following qualifications in addition to the properties in Article 56:

- (1) Having no less than two years of experience in bone marrow transplantation;
- (2) Being certified by a subcommittee for stem cell transplantation.

Article 58 A subcommittee for stem cell transplantation shall comprise one representative of the Thai Transplantation Society, one representative of the Thai Society of Hematology, one representative of the National Blood Center of the Thai Red Cross Society, one representative each of at least four but no more than five institutions that have experiences in bone marrow transplantation, and two committee members of the Medical Council.

The subcommittee in the above section shall hold the following duties:

- (1) Certify the medical practitioner in Article 57;
- (2) Withdraw certification of the medical practitioner who is unqualified or disobey the regulations in this Part.

Article 59 The subcommittee for stem cell transplantation shall certify the medical practitioner in Article 57 with the following qualifications:

- (1) Performing medical practice in a sanatorium which has annually no less than ten patients of bone marrow transplanted from brothers with similar HLA;
- (2) Performing medical practice in a sanatorium which contains;

2.1 Other specialists in

2.1.1 Pediatrics and/or medicine in cardiology, infectious disease, gastroenterology, nephrology, and pulmonology

2.1.2 Surgery

2.1.3 Blood bank

2.2 Fixed staff nurses at a nurse-to-patient ratio of 1:3 in bone marrow transplant unit

2.3 Other aspects

2.3.1 A separate room for leucopenia treatment

2.3.2 Intensive care unit

2.3.3 24-hour laboratory and radiology services

2.3.4 24-hour blood and blood components service

Article 60 In case of stem cell transplantation from bone marrow or blood received from an unrelated donor, the donor shall be registered by the National Blood Center of the Thai Red Cross Society through National Stem Cell Donor Program under control of the Medical Council.

Article 61 For stem cell transplantation from blood, the medical practitioner who performs the transplantation shall comply with the following guidelines:

- (1) Check that the donor is physically fit for stem cell donation;
- (2) Explain clearly about all potential risks that could occur during and after the donation. The donor shall sign a consent form attached as an annex to these Regulations with comprehension and voluntariness. For stem cell transplantation from placental blood, the donor or her spouse shall give a consent for donation;
- (3) Document that the donor does not receive any compensation in exchange for stem cell donation.

Article 62 The medical practitioner who performs the transplantation may store stem cells in a laboratory for future transplantation at his or her discretion.

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