

**Regulation of the Thai Traditional Medical Council  
Pertaining to Criteria for Suspending or Revoking Licenses  
B.E. 2559 (2016)**

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By virtue of Section 24 Paragraph 1 (4) (*thor*) and Section 30 Paragraph 1 (1) of the Thai Traditional Medical Professions Act B.E. 2556 (2013), the Committee of the Thai Traditional Medical Council, with the approval of the Honorary President of the Thai Traditional Medical Council, hereby issue this regulation as follows:

**Section 1.** This regulation is called “Regulation of the Thai Traditional Medical Council Pertaining to Criteria for Suspending or Revoking Licenses B.E. 2559 (2016).”

**Section 2.** This regulation shall enter into effect as of the day after its publication in the Government Gazette.

**Section 3.** In this regulation:

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

“Thai traditional medical practitioner” means an individual registered with and licensed by the Thai Traditional Medical Council to practice Thai traditional medicine;

“applied Thai traditional medical practitioner” means an individual registered with and licensed by the Thai Traditional Medical Council to practice applied Thai traditional medicine;

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

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

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

**Section 4.** The Committee is authorized to suspend or revoke licenses under Section 45 Paragraph 3 of the Thai Traditional Medical Professions Act B.E. 2556 (2013) when it appears that a Thai traditional medical practitioner or an applied Thai traditional medical practitioner has engaged in any of the following behavior:

(1) behavior in breach of the code of ethics of the Thai traditional medical professions as defined in the regulation of the Thai Traditional Medical Council pertaining to the code of ethics of the Thai traditional medical professions;

(2) violation of the Thai Traditional Medical Council regulation pertaining to restrictions and conditions on the practice of Thai traditional medicine and the practice of applied Thai traditional medicine.

**Section 5.** In deciding to suspend the license of a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine, the Committee may set a suspension period not in excess of two years.

**Section 6.** In all decisions regarding the suspension or revocation of licenses, the Committee should take into account the reason for the practitioner's breach of ethics and the consequences of such a breach for the Thai traditional medical professions and for society as a whole; the Committee should also consider whether the accused's behavior was deliberate; whether he/she acted solely to benefit him/herself or another individual from the practice of Thai traditional medicine or the practice of applied Thai traditional medicine; or whether he/she acted deliberately or out of negligence in the practice of Thai traditional medicine or the practice of applied Thai traditional medicine, and in doing so, has had an impact on the public and the Thai traditional medical professions, or whether the accused has committed previous breaches of ethics.

**Section 7.** The Committee shall consider revoking the license of any practitioner of Thai traditional medicine or practitioner of applied Thai traditional medicine who knowingly destroys or induces someone else to destroy evidence or who produces false evidence or undertakes any other action intended to conceal a breach of professional ethics.

**Section 8.** The investigating subcommittee shall submit a file of its inquiry together with its opinion to the Committee for a decision as to whether the license of a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine should be suspended or revoked.

**Section 9.** In the event that a practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine has been subject to a prior suspension or revocation of his/her license, and he/she commits a further breach of professional ethics, the Committee may decide to revoke the practitioner's license.

In considering whether to revoke a practitioner's license as in Paragraph 1, the Committee shall take into account the nature of the behavior in breach of the professional code of ethics.

**Section 10.** The Secretary General shall inspect the past history of the practitioner of Thai traditional medicine or the practitioner of applied Thai traditional medicine for previous breaches of the restrictions and conditions relating to the practice of Thai traditional medicine and the practice of applied Thai traditional medicine, or the code of ethics of the Thai traditional medical professions, a report of which shall be submitted to the Committee for use in its decision.

**Section 11.** When the Committee has decided to suspend or revoke a practitioner's license under Section 30 Paragraph 1 (4) of the Thai Traditional Medical Professions Act B.E. 2556 (2013), the President of the Thai Traditional Medical Council shall promptly forward the decision to the Honorary President of the Thai Traditional Medical Council. If the Honorary President of the Thai Traditional Medical Council raises no objection within fifteen days as of the date of the decision forwarded by the President of the Thai Traditional Medical Council, it shall be considered that the Honorary President of the Thai Traditional Medical Council has given its approval.

If the Honorary President of the Thai Traditional Medical Council objects to the decision, the Committee shall meet to reconsider the matter within thirty days of the date on which the objection is made known. If, at this meeting, not fewer than two-thirds of the members in attendance vote to confirm the decision, then the decision shall stand.

**Section 12.** A decision of the Committee to suspend or revoke a practitioner's license shall take the form of an order of the Thai Traditional Medical Council and shall include the reasons for the decision, and the decision shall be final.

**Section 13.** The Secretary General shall keep a record of the order of the Thai Traditional Medical Council in the registry of practitioners of Thai traditional medicine or practitioners of applied Thai traditional medicine.

**Section 14.** The Secretary General shall notify the accused of the order of the Thai Traditional Medical Council within seven days of the order and shall also notify:

- (1) the Food and Drug Administration of the Ministry of Public Health;
- (2) the Health Service Support Department of the Ministry of Public Health;
- (3) the Provincial Public Health Office where the practitioner whose license has been suspended or revoked has his/her official residence;
- (4) the original affiliation of the practitioner whose license has been suspended or revoked; and also notify the accused of the decision.

**Section 15.** The period for which a license is suspended or revoked shall begin as of the day on which the practitioner whose license is suspended or revoked is notified of the order, whereby the Thai Traditional Medical Council shall send its order by registered return mail to the practitioner's official residence or the address listed in the registry.

The date on the reply form shall be considered as the date of notification, or the fifteenth day as of the date on which the order is sent shall be considered the date of notification.

In the event that the order of the Thai Traditional Medical Council cannot be delivered or the accused refuses to take receipt of the order, a copy of the order shall be posted in a public place at the accused's place of residence as listed in the registry and at the Office of the Thai Traditional Medical Council, in which case the accused shall be considered as having acknowledged the order as of the date on which it is posted.

In posting an order as in Paragraph 3, the Secretary General or a person appointed by him/her shall clearly indicate the date on which the order is posted in the order of the Thai Traditional Medical Council.

**Section 16.** A practitioner of Thai traditional medicine or a practitioner of applied Thai traditional medicine whose license is currently under suspension or revocation and who is guilty of a violation of Section 47 and sentenced to imprisonment under Section 53 by a court of final instance shall have his/her license revoked as of the date on which the court of final instance passes judgment.

**Section 17.** In the case of a member who is subject to the prohibitions in Section 12 (5) but whose membership has not yet expired under Section 14 Paragraph 1 (5), the Committee may decide to suspend that individual's membership for a period deemed appropriate but not to exceed two years.

**Section 18.** The President of the Thai Traditional Medical Council shall be responsible for making decisions regarding problems arising from this regulation of the Thai Traditional Medical Council.

Given on 9<sup>th</sup> March B.E. 2559 (2016)

Pichet Banyat

First Vice President of the Thai Traditional Medical Council  
On Behalf of the President of the Thai Traditional Medical Council

Unofficial translation