Unofficial Translation

NURSING AND MIDWIFERY PROFESSION ACT,
B.E. 2528 (1985)¹

BHUMIBOL ADULYADEJ, REX;
Given on the 20th Day of August B.E. 2528;
Being the 40th Year of the Present Reign

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

Whereas it is expedient to have a law on Nursing and Midwifery Profession;
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 "Nursing and Midwifery Profession Act B.E. 2528 (1985)"

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.²

Section 3. Any other laws, rules and by-laws in so far as they have already been provided herein, or are contrary to or inconsistent with the provisions of this Act, shall be replaced by this Act.

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 Government Gazette, No. 102/Part 120/ Special edition page 10/5 September B.E. 2528.
Section 4. In this Act:

“Nursing and midwifery profession” means profession relating to nursing and midwifery;

“Nursing”\(^3\) means any act upon human being concerning tending and assisting due to illness, rehabilitation, disease protection and health promotion including assisting doctors in disease treatment by using scientific theory and the art of nursing;

“Midwifery”\(^4\) means any act concerning tending and assisting pregnant women or women after giving birth and newborn babies including examination, delivery of baby, health promotion and protection of abnormality during pregnancy, delivery period and post-delivery period including assisting doctors in disease treatment by using scientific theory and the art of nursing;

“Nursing profession”\(^5\) means any following nursing practice upon individuals, families and communities:

(1) teaching, providing advice, consulting and fixing health and hygiene problem;
(2) any act upon individual’s body and mind including environmental management;
(3) any act under measures for primary disease treatment and disease immunity;
(4) assisting doctors on disease treatment;

This shall be done by using scientific theory and the art of nursing in evaluating and diagnosing the problem, planning, performing and result evaluation.

“Midwifery profession”\(^6\) means the following midwifery act upon pregnant women, post-delivery women, new born babies and families:

(1) teaching providing advice, consulting and fixing health and hygiene problem;

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\(^3\) Section 4 the definition of “nursing” was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
\(^4\) Section 4 the definition of “midwifery” was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
\(^5\) Section 4 the definition of “nursing profession” was added by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
\(^6\) Section 4 the definition of “midwifery profession” was added by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
(2) any act upon individual’s body and mind on pregnant women, post delivery women and new born babies in order to prevent abnormality during the pregnancy period, delivery period and post-delivery period;

(3) examination, delivery of baby and family planning;

(4) assisting doctors on disease treatment;

This shall be done by using scientific theory and the art of midwifery in evaluating and diagnosing the problem, planning, performing and result evaluation.

“Nursing practitioner” means any person who registers and holds a license to be a nursing practitioner from Thailand Nursing and Midwifery Council.

“Midwifery practitioner” means any person who registers and holds a license to be a midwifery practitioner from Thailand Nursing and Midwifery Council.

“Nursing and midwifery practitioner” means any person who registers and holds a license to be a nursing and midwifery practitioner from Thailand Nursing and Midwifery Council.

“License” means a license issued by Thailand Nursing and Midwifery Council to nursing practitioner, midwifery practitioner and nursing and midwifery practitioner.

“Member” means a member of the Thailand Nursing and Midwifery Council.

“Member of the Committee” means Member of the Committee of Thailand Nursing and Midwifery Council.

“Committee” means Committee of the Thailand Nursing and Midwifery Council.

“Secretary-General” means the Secretary-General of the Thailand Nursing and Midwifery Council.

“Competent official" means a person appointed by the Minister to execute this Act.

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

7 Section 4 the definition of “competent official” was added by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
Section 5. The Minister of Public Health shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and issue Ministerial Regulations specifying fees not exceeding the rate annexed to this Act including 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
Thailand Nursing and Midwifery Council

Section 6. There shall be the Nursing and Midwifery Council whose duties and powers are stipulated in this Act.

The Council shall be a legal entity.

Section 7. The Nursing and Midwifery Council shall contain purposes as follows:

1. to control behaviors of a nursing practitioner, a midwifery practitioner and a nursing and midwifery practitioner to be in accordance with the code of conduct for nursing and midwifery profession;

2. to promote education, services, research and development in nursing profession, midwifery profession and nursing and midwifery profession;

3. to promote unity and honor of members;

4. to help, advice, disseminate and provide education to people and other organizations relating to nursing, midwifery and public health;

5. to provide advice or recommendations to the government concerning problems on nursing, midwifery and public health;

6. to be a representative of nursing practitioner, midwifery practitioner and nursing and midwifery practitioner in Thailand;

Section 5 was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.

Section 7(2) was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.

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(7) to provide justice and promote welfare to members;

Section 8. The Nursing and Midwifery Council shall have the following powers and duties:

(1) to register and issue licenses to applicants for a nursing practitioner, midwifery practitioner and nursing and midwifery practitioner;

(2) to revoke or withdraw a license of nursing practitioner, midwifery practitioner and nursing and midwifery practitioner;

(3) to accredit academic degrees, certificates or diplomas in the field of nursing and midwifery of educational institutions that wishes to teach nursing and midwifery profession and submit it to the Ministry of University Affairs;

(4) to accredit curriculums for educational programs on diploma level of an educational institution wishing to teach nursing and midwifery profession;

(5) to accredit curriculums for training programs of an educational institution wishing to teach nursing and midwifery profession;

(6) to accredit academic standing of an educational or training institutions in (4) and (5);

(7) to accredit any degree, diploma equivalent to degree, certification or qualification in nursing and midwifery profession of any institution;

(8) to issue approval letters or diplomas stating knowledge and specialization in nursing and midwifery profession and issue other letters stating qualifications in the field of nursing and midwifery profession to a nursing practitioner, midwifery practitioner and nursing and midwifery practitioner;

(9) to execute in accordance with purposes of the Nursing and Midwifery Council.

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10 Section 8 was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
Section 9. The Nursing and Midwifery Council may obtain incomes from the following sources:

(1) subsidy from the government budget;
(2) member registration fee, maintenance fee and other fees under this Act;
(3) profits from asset management and activities under the purposes specified in section 8;
(4) money and assets donated to the Nursing and Midwifery Council;
(5) interests on money and assets in (1) (2) (3) and (4).

Section 11. The Minister shall hold the position of Honorary Chairperson of the Nursing and Midwifery Council and have charge as stipulated in this Act.

CHAPTER II
Membership

Section 11. The Nursing and Midwifery Council shall consist of 2 types of membership as follows:

(1) ordinary membership with the following qualification:
   (a) being not less than eighteen years of age;
   (b) having knowledge in nursing or midwifery profession illustrated by an academic degree, a diploma equivalent to a degree or certification in the field of nursing, midwifery or nursing and midwifery accredited by the nursing and Midwifery Council;
   (c) not being a person whose behaviors are damaging and the Committee sees that such behaviors would make professional reputation damaged;

11 Section 11(1)(b) was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
(d) not having been sentenced by a final judgment of the Court to a term of imprisonment in the case which the Committee sees that it will bring damages to professional reputation;

(e) not being an incompetent, quasi-incompetent or having any disease stipulated in the rule of the Nursing and Midwifery Council.

(2) Honorary membership are qualified members invited by the Nursing and Midwifery Council to be honorary members.

Section 12. Members shall have the following rights and duties:

(1) to apply for a registration and license for a nursing practitioner, midwifery practitioner or nursing and midwifery practitioner and to request for an approval letter or a diploma stating knowledge and specialization a letter stating other academic standings in nursing and midwifery profession by following the relevant rules of the Nursing and Midwifery Council;

(2) to give opinion or to submit questions in writing on the operation of the Nursing and Midwifery Council and submit it to the Committee for consideration and in the case where over fifty ordinary members submit a request to the Committee to consider any operation of the Nursing and Midwifery Council, the Committee shall consider and notify the result without delay;

(3) to elect or to be elected as a member of the Committee;

(4) to maintain honor of the profession and to act in accordance with this Act.

Section 13. A membership shall expire upon:

(1) death;

(2) resignation;

(3) lack of qualification under section 11(1)
CHAPTER III
Committee

Section 14. There shall be a Nursing and Midwifery Council Committee consisting of five representatives from the Ministry of Public Health, three representatives from the Ministry of Defense, one representative from the Ministry of Interior, four representatives from the Ministry of university affairs, one representative from Bangkok Metropolitan Administration, one representative from Thai Red Cross, Chairperson of the Nurse’s Association of Thailand and sixteen ordinary members of the Nursing and midwifery Council elected ordinary members of the Nursing and midwifery Council as members and Secretary-General shall be member and secretary.

Section 15. The Committee may appoint a honorary or ordinary member as consultant. The numbers of consultants shall not exceed one fourth of the Committee.

A consultant member shall be in office for the same office term as the Committee which appointed him or her.

Section 16. The Committee shall appoint members to be in the position of Chairperson of the Nursing and Midwifery Council, first vice chairperson of the Nursing and Midwifery Council and the second vice chairperson of the Nursing and Midwifery Council, one person for each position.

Chairperson of the Nursing and Midwifery Council shall appoint an ordinary member who has qualifications under section 18 to be Secretary-General and appoint members of the committee to be Deputy Secretary-General, Public Relations, and Treasurer, one person per each position with the approval of the Committee.

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12 Section 14 was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.

13 Section 15 paragraph one was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.

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Members who are in office under paragraph one and paragraph two shall be in office for the same office term as appointed or elected members except for the member who is the Secretary-General shall be in office for the same term as elected members.

Chairperson of the Nursing and Midwifery Council shall have powers to remove the Secretary General before term under paragraph one with the approval of the Committee.

Other members in office under this section may be removed from such positions before term with the approval of the Committee.

Section 17. An election of a member of the Committee under section 14, an appointment of consultant under section 15, and an appointment of a member of the Committee to be in different positions under section 16 shall be in accordance with Rule of the Nursing and Midwifery Council.

Section 18. Members besides of the Permanent Secretary of the Ministry of Public Health and consulting members shall have the following qualifications:

(1) to be a nursing, midwifery or nursing and midwifery practitioner;
(2) to not have his or her license revoked or withdrawn;
(3) to be a bankrupt.

Section 19. An appointed member and elected member shall hold office for a term of four years and may be reappointed or reelected but not more than two consecutive terms.

Section 20. In addition to vacating office on the expiration of term, an appointed member and elected ones vacates office upon:

(1) expiration of membership under section 13;
(2) lack of qualifications under section 18;
(3) resignation.

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Section 21. In the case where an elected member of Committee 16(3) vacates the office for no less than one half of the total elected members of the Committee before the expiration of the term, the Committee shall select an ordinary member who is qualified under section 18 to replace such member within thirty days from the date that the office has become vacant.

In the case where elected members vacates for more than one half of the total elected members, the Committee shall select ordinary members to replace such members within ninety days from the day that one half of the members vacates office.14

In the case where the remaining term of office of an elected member is less than ninety days, the Committee may not appoint anyone to replace such member.

The member shall be in office for the unexpired term of office of the member he or she replaces.

Section 22. The Committee shall have the following powers and duties:
(1) to manage and execute operations of the Nursing and Midwifery Council in accordance with purposes and functions stipulated in section 7;
(2) to appoint an ethic sub-committee, an inquiry sub-committee and other sub-committees to execute other tasks or consider matters within the scope of purposes and powers of the Nursing and Midwifery Council;
(3) to issue rules of the Nursing and Midwifery Council on:
   (a) membership application;
   (b) specification of diseases under section 11 (1) (e);
   (c) an increase in ordinary membership fee, maintenance fee and other fees besides of the fees specified in the annex of this Act;

14 Section 21 paragraph two was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
(d) an election and appointment of a member and appointment of a consultant under section 17;

(e) measure on registration and license issuance, form and type of license;

(f) restrictions and conditions of nursing and midwifery profession;

(g) ethic conduct of nursing and midwifery profession;

(h) committee and sub-committee meeting;

(i) measures on accreditation of educational institution on nursing and midwifery profession;

(j) measures on examination under powers and duties of the Nursing and Midwifery Council;

(k) measure on investigation or inquiry in the case of accusation or incrimination under the code of conduct of nursing and midwifery profession;

(l) other matters within the scope of purposes or powers of the Nursing and Midwifery Council under this Act or other relevant laws.

Rule of the Nursing and Midwifery Council shall come into force upon their publication in the Government Gazette.

Section 23. Chairperson of the Nursing and Midwifery Council, first Vice Chairperson of the Nursing and Midwifery Council, second vice Chairperson of the Nursing and Midwifery Council, Secretary-General, Deputy Secretary-General, Public Relations and Treasurer shall have the following duties and powers:

(1) Chairperson of the Nursing and Midwifery Council shall have the following duties and powers:

(a) to manage and operate the Nursing and Midwifery Council in accordance with this Act or resolutions of the Committee;

(b) to represent the Nursing and Midwifery Council in matters;

(c) to preside over the Committee meeting

Chairperson of the Nursing and Midwifery Council may assign, in writing, any other members of the Committee to perform his or her duties for him or her as he or she sees fit.

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(2) First vice chairperson shall be an assistant to the Chairperson of the Nursing and Midwifery Council in matters within the scope of powers and duties of the Chairperson, as assigned by the Chairperson. He or she shall be the person who acts on behalf of the Chairperson of the Nursing and Midwifery Council when he or she is not present at the office or unable to perform his or her duty;

(3) Second vice chairperson shall be an assistant to the Chairperson of the Nursing and Midwifery Council in matters within the scope of powers and duties of the Chairperson, as assigned by the Chairperson. He or she shall be the person who acts on behalf of the Chairperson of the Nursing and Midwifery Council when neither the Chairperson nor the first vice chairperson is not present at the office or unable to perform his or her duty;

(4) Secretary-General shall have the following powers and duties:
(a) to supervise every level of officers of the Nursing and Midwifery Council;
(b) to be in charge of general administrative work of the Nursing and Midwifery Council;
(c) to be responsible in keeping the record of membership registration, record of nursing, midwifery or nursing and midwifery practitioners and other records of the Nursing and Midwifery Council;
(d) to control and supervise assets of the Nursing and Midwifery Council;
(e) to be a secretary in committee meetings;

(5) Deputy Secretary-General shall be an assistant to the Secretary-General in matters within the scope of powers and duties of the Secretary-General, as assigned by the Secretary-General. He or she shall be the person who acts on behalf of the Secretary-General when he or she is not in the office or cannot perform his or her duty;

(6) Public Relation shall have duties in publicizing, providing recommendations and disseminating the work of the Nursing and Midwifery Council to the members, public and other organizations;

(7) Treasurer shall have powers and duties in controlling, supervising and being in charge of accounting, finance and budget of the Nursing and Midwifery Council;

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Chapter IV
Management of the Committee

Section 24. When the Committee meets, there must be committee members present not less than half of all the committee members in order to consider it a quorum.

A decision of the meeting may be from the majority in which one committee member has one vote. If the votes are equal, the chairperson of the meeting may cast one more vote rendering it a final decision.

A decision of the meeting in case there is termination of an ordinary member from his or her membership due to lack of the qualifications under Section 11 (1), (c), (d), and (e) may be from the votes of not less than two thirds of all the committee members.

When a sub-committee meets, the texts of paragraph two may be applied mutatis mutandis.

Section 25. The Honourary Chairperson may attend a committee meeting to listen to and express an opinion to the meeting, or send an opinion in writing to the Committee about any matters.

Section 26. Approval must be obtained from the Honourary Chairperson before a decision of a committee meeting related to the follow matters may be proceeded:

(1) making of a regulation;
(2) setting a budget for Nursing and Midwifery Council;
(3) terminating an ordinary member from his or her membership under Section 24 paragraph three; and,
(4) making a final judgment under Section 41 paragraph three (4) and (5).

The Chairperson may propose the decision under paragraph one to the Honourary Chairperson without delay. The Honourary Chairperson may issue an order suspending the decision. In case there is no suspension within fifteen days from the day the
Honourary Chairperson receives the decision proposed by the Chairperson, the Chairperson is deemed to have approved such decision.

If the Honourary Chairperson suspends a decision, the Committee may convene one more meeting within thirty days from the day the Committee becomes aware of the suspension. In the meeting, if the confirmed votes equate to not less than two thirds of all the committee members, the matter may be proceeded according to the decision.

Chapter V
Control of Nursing and Midwifery Profession

Section 27. No person may practise the nursing and midwifery profession without being a nursing practitioner or a midwifery practitioner, or being a nursing and midwifery practitioner by performing nursing or midwifery practices or performing a means, which makes other persons understand that he or she has a right to practise the profession in which he or she is not registered and licensed. One of the following exceptions applies:

(1) nursing or midwifery practices performed on himself or herself;

(2) helping or curing a patient according to his or her duty under the law, or according to ethics without obtaining any benefits. However, such practices must not be injection of any medicine or substance into the body of the patient; or giving dangerous medicine, poison controlling medicine, psychotropic substance, or narcotic substance under the law on such matter;

(3) a pupil, a student, or a trainee under supervision of a government educational institution on nursing and midwifery, or an educational institution with approval of establishment from the government, or an educational institution accredited by the Committee. However, it has to be under supervision of a practising officer or a training officer who is a nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner;

(4) a person who is tasked by a ministry, a sub-ministry, a department, Bangkok province, city of Pattaya, a provincial administrative organisation, a municipality office,
sanatorium district, any other local administrative organisation prescribed in the Government Gazette or the Red Cross Society of Thailand by the Minister to perform nursing or midwifery practices under supervision of an officer who is a nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner according to the regulation prescribed in the Government Gazette by the Minister;

(5) a healing arts practitioner, a medicine practitioner, or a practitioner of other professions under limitations and conditions of the law in those professions;

(6) nursing or midwifery practices performed by an advisor, or a government expert, or an educator in an educational institution with a licence to be a nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner in a foreign country. However, this is to be according to the regulation of the Nursing and Midwifery Council;

(7) a person who works in nursing and midwifery in order to assist an officer who is a nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner in case of a public hazard or a serious disaster; and,

(8) a person who helps or cares for a patient under supervision of a nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner in a sanatorium in accordance with the regulation prescribed by the Minister in the Government Gazette.

Section 28. Entry of registration, issuance of licence, renewal of licence, issuance of approval letter or diploma related to knowledge or expertise, and other letters of qualifications in the nursing and midwifery profession may be in accordance with the regulation of the Nursing and Midwifery Council.

Section 29. Entry of registration and issuance of licence may be divided into three types including nursing practitioner, midwifery practitioner, and nursing and midwifery

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15 Section 27 (5) was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
16 Section 27 (6) was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
17 Section 28 was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.

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practitioner. A practitioner in each category under paragraph one may be divided into two classes including class one and class two.

A licence of all types may be valid for five years from the date of its issuance.18

Section 30.19 A person who may be entitled to register and obtain a licence to be a practitioner under Section 29 must possess the knowledge as follows: (1) a nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner of class one must:

(a) have a bachelor degree or equivalent certificate in nursing, midwifery, or nursing and midwifery from an educational institution in Thailand where the Committee has certified and conducted a knowledge test; or,

(b) have a bachelor degree or equivalent certificate in nursing, midwifery, or nursing and midwifery from an educational institution from a foreign country; and is licensed to be a practitioner in the country where he or she obtains the bachelor degree or the certificate in which the Committee has checked the proof of education and conducted a knowledge test. However, if he or she is a Thai national, he or she does not have to be a person with a licence to perform the profession in the country where he or she obtains the bachelor degree or the certificate;

(2) a nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner of class two must:

(a) have an elementary level certificate in nursing, midwifery, or nursing and midwifery from an educational institution in Thailand that the Committee has certified and conducted a knowledge test; or,

(b) have a certificate in nursing, midwifery, or nursing and midwifery from an educational institution in a foreign country; and is licensed to be a practitioner in the country where he or she obtains the certificate in which the Committee has checked the proof of

18 Section 29 paragraph three was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
19 Section 30 was amended by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
education and conducted a knowledge test. However, if he or she is a Thai national, he or she does not have to be a person with a licence to perform the profession in the country where he or she obtains the certificate.

Section 31. An applicant to register and obtain a licence must be an ordinary member of the Nursing and Midwifery Council, and have other qualifications as prescribed in the regulation of the Nursing and Midwifery Council.

If membership of a nursing practitioner, midwifery practitioner, or nursing and midwifery practitioner lapses, his or her licence may become terminated.

The person whose membership lapses under paragraph two is to return his or her licence to the Secretary-General within fifteen days from the day he or she becomes aware of the lapse of membership.

Section 32. A nursing practitioner, a midwifery practitioner, or a nursing or midwifery practitioner must maintain the ethics of the nursing and midwifery profession as prescribed in the regulation of the Nursing and Midwifery Council.

Section 33. A person who receives damage, because a nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner misbehaves against the ethics of the nursing and midwifery profession, may have a right to accuse the person who causes the damage by submitting the matter to the Nursing and Midwifery Council.

A committee member may have a right to impeach a nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner that the practitioner behaves against the ethics of the nursing and midwifery profession by reporting the matter to the Nursing and Midwifery Council.

The right to accuse under paragraph one or the right to impeach under paragraph two terminates when one year passes from the day the damaged person or the impeaching person becomes aware of the behaviour against the ethics of the profession and the

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misbehaved person. However, this may not be more than thirty days from the day the behaviour against profession occurs.

Withdrawal of the accusation or the impeachment that has been submitted or reported is not the cause to cease the execution under this Act.

Section 34. When the Nursing and Midwifery Council receives the accusation or the impeachment under Section 33, or in case the Committee decides that there is behaviour, which deserves consideration about the ethics of any nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner, the Secretary-General may present the matter to the chairperson of the ethic sub-committee without delay.

Section 35. The Committee may appoint the ethic sub-committee from ordinary members comprising one chairperson plus sub-committee members to equate at least three persons who will be responsible for seeking facts related to the matter received under Section 34 before preparing a report and suggesting their opinions to the Committee for consideration.

Section 36. When the Committee receives the report and the opinion of the ethic sub-committee, the Committee may consider the report and the opinion before making a decision as one of the followings:

1. the ethic sub-committee may seek additional facts in order to provide suggestion the Committee for consideration;
2. the ethic sub-committee may conduct an inquiry in case it sees the accusation or the impeachment has grounds of action;
3. the accusation or the impeachment may be dismissed in case it sees that the accusation or the impeachment has no grounds of action;

Section 37. The Committee may appoint an inquiry sub-committee from ordinary members comprising one chairperson plus sub-committee members to equate at least
three persons who will be responsible for enquiring, concluding the inquiry, and submitting a brief to the Committee for a final decision.

**Section 38.** In performing a duty of the ethic sub-committee and the inquiry sub-committee under this Act, the ethic sub-committee and the inquiry sub-committee are competent officials under the Criminal Code, and have the authority to summon a person to give a statement as well as to send a letter requiring a person to send a document or an item for the benefit of the work of the sub-committees.

**Section 39.** The chairperson of the inquiry sub-committee may inform the accused person or the impeached person of the accusation or the impeachment together with a copy of the accusation or the impeachment not less than fifteen days before the inquiry beings.

The accused person or the impeached person may have a right to provide an explanation or bring any evidence to the inquiry sub-committee. The explanation or the evidence may be submitted to the chairperson of the inquiry sub-committee within fifteen days from the day the accused person or the impeached person receives the information from the chairperson of the inquiry sub-committee or within the period the inquiry sub-committee will extend.

**Section 40.** When the inquiry sub-committee completes the inquiry, it may present the brief of inquiry as well as its opinion to the Committee for consideration without delay.

**Section 41.** When the Committee receives the brief of inquiry and the opinion from the inquiry sub-committee, the Committee may consider the brief of inquiry and the opinion.

The Committee may have the inquiry sub-committee conduct further inquiry before making a final decision.

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The Committee has the authority to make a final decision as one of the followings:

(1) to dismiss an accusation or an impeachment;
(2) to warn;
(3) to put on probation;
(4) to suspend a licence or impose a reasonable period of suspension but not more than two years; and,
(5) to revoke a licence.

Under the provision of Section 26, a final decision of the Committee under this Section may be made an order of the Nursing and Midwifery Council and it is final.

Section 42. The Secretary-General may send a notification about the order of the Nursing and Midwifery Council under Section 41 to the accused person or the impeached person without delay. The text of the order may also be recorded in the registration of the nursing practitioner, the midwifery practitioner, and the nursing and midwifery practitioner.

Section 43. Under the provision of Section 27, no nursing practitioner, midwifery practitioner, or nursing and midwifery practitioner may practise such profession by any means to have another person believe that he or she has a right to practise such profession while he or she is under the suspension of his or her licence or whose licence is revoked. This is from the day he or she acknowledges the order of the Nursing and Midwifery Council about the suspension or the revocation of the licence.

Section 44. A nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner whose licence is under suspension who contravenes Section 43 and is imprisoned under Section 46 by a final judgment, the Committee may revoke the licence of such person from the day of the final judgment.
Section 45. A nursing practitioner, a midwifery practitioner, or a nursing and midwifery practitioner whose licence is revoked may re-apply for the licence after two years from the day the licence is revoked. If the Committee considers the application and rejects the issuance of the licence, the person may re-apply for the licence after one year from the day the Committee rejects the application. If the Committee rejects the application for the second time, the person may no longer have the right to apply for the licence.

Chapter 5 V bis 20
Competent Officials

Section 45 bis. A competent official may have the authority to enter into the following premises during sunrise to sunset or during business hours of such premises in order to check a licence, search or confiscate documents or items that may be used as evidence for consideration or taking legal action:

1. a place of business where there are working practitioners of the nursing, midwifery, or nursing and midwifery profession;
2. a place where there is a reasonable ground that there are practices of the nursing, midwifery, or nursing and midwifery profession; and,
3. a place that conducts the teaching or is believed to conduct the teaching of the nursing, midwifery, or nursing and midwifery profession.

Section 45 ter. While performing duties, a competent official must present an identification card to a relevant person.

A competent official identification card may be in accordance with the form prescribed in the ministerial regulation.

20 Chapter V bis, Competent Official, Section 45 bis to Section 45 quiquies were added by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540.
Section 45 quater. While performing duties, a competent official may be a competent official under the Criminal Code.

Section 45 quinquies. While performing duties of a competent official, a responsible person or a person working at the places under Section 45 bis is to facilitate the work of the competent official.

Chapter VI
Penalty Provision

Section 46. A person who contravenes Section 27 or Section 43 is liable for imprisonment of not more than two years or a fine of not more than twenty thousand baht, or both.

Section 47. A person who contravenes Section 31 paragraph three is liable for a fine of not more than one thousand baht.

Section 48. A person who fails to provide a statement, or delivers a document or any item as summoned or notified under Section 38 is liable for imprisonment of not more than one month or a fine of not more than one thousand baht, or both.

Section 48 bis. A person who fails to facilitate the competent official under the provision of Section 45 quinquies is liable for imprisonment of not more than one month or a fine of not more than one thousand baht, or both.
Transitory Provision

Section 49. A person who is already registered and licensed to be a healing arts practitioner, medical doctor of the nursing branch, the midwifery branch, or the nursing and midwifery branch under law on the control of healing arts practices on the day this Act is published in the Government Gazette, such person is deemed to be an ordinary member of the Nursing and Midwifery Council under this Act.

Section 50. A person who is registered and licensed to be a healing arts practitioner, medical doctor of the nursing branch, the midwifery branch, or the nursing and midwifery branch under the law on the control of healing arts practices and such licence is still valid on the day this Act is published in the Government Gazette, such person is deemed to be registered and licensed as practitioner of that type and class depending on each case under this Act.

Section 51. In the initial period when there is yet to be an election for ordinary membership of the Nursing and Midwifery Council to members, there may be a committee comprising the permanent secretary of the Ministry of Public Health as the Chairperson, and persons who are appointed under Section 14 as members. The appointment must be completed within thirty days from this day this Act comes into force.

The permanent secretary of the Ministry of Public Health may choose representatives from the Ministry of Public Health who are appointed as members under Section 14 to perform the duties of the Secretary-General, the vice Secretary-General and the treasurer in which one position is for one person. However, this is until the election of ordinary membership of the Nursing and Midwifery Council is completed.

Section 52. While a regulation or a rule for the execution of this Act is yet to be made, a ministerial regulation, a rule, or an announcement made under the law on the control
of healing arts practices in the part related to the nursing and midwifery profession may be used for enforcement *mutatis mutandis*. However, this must not be more than one year from the day this Act comes into force.

Countersigned by

General Prem Tinsulanonda
Prime Minister
Rate of Fees

(1) Fee for registration and licence to be a nursing practitioner
    class one                          3,000 baht per copy

(2) Fee for registration and licence to be a midwifery practitioner
    class one                          3,000 baht per copy

(3) Fee for registration and licence to be a nursing and midwifery practitioner
    class one                          3,000 baht per copy

(4) Fee for registration and licence to be nursing practitioner
    class two                          2,400 baht per copy

(5) Fee for registration and licence to be a midwifery practitioner
    class two                          2,400 baht per copy

(6) Fee for registration and licence to be a nursing and midwifery practitioner
    class two                          2,400 baht per copy

(7) Fee for an approval letter or diploma related to the knowledge
    and expertise, other qualification letters of nursing, midwifery,
    or nursing and midwifery profession 2,400 baht per copy

(8) Fee for a certification letter of registration to be nursing,
    midwifery, or nursing and midwifery practitioner 1,800 baht per copy

(9) Fee for a licence duplicate and document duplicate under (7) 1,800 baht per copy

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Rate of Fees was added by the Nursing and Midwifery Profession Act (No. 2) B.E. 2540

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