

Unofficial Translation

PRACTICE OF THE MEDICAL TECHNOLOGY ACT
B.E. 2547 (2004)¹

BHUMIBOL ADULYADEJ, REX;
Given on the 12th Day of October B.E. 2547;
Being the 59th 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 practice of the medical technology;

This Act contains certain provisions in relation to the restriction of right and liberty of person, in respect of which section 29, in conjunction with section 31, section 35, section 39, section 48 and section 50 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1. This Act is called the “Practice of the Medical technology Act B.E. 2547”.

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. In this Act:

“Medical Technology” means a practice of laboratory investigations on human body and scientific and technology procedures in examining, investigating, analyzing, researching

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. 121, Part 65a, Special Issue, Page 33, dated 22nd October B.E. 2547.

and reporting on the examination in order to consider, follow-up, predict and prevent or to evaluate the stage of health.

“A practitioner of the medical technology” means a person who is registered and licensed to be a practitioner of the medical technology from the Medical Technology Council.

“License” means license for a practitioner of the medical technology issued by the Medical Technology Council.

“Member” means member of the Medical Technology Council.

“Member of the Board” means member of the Medical Technology Board.

“Board” means Board of the Medical Technology Council.

“Secretary-General” means Secretary-General of the Medical Technology Council.

“Competent officials” means a person assigned by the Minister to perform under this Act.

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

Section 4. In the case where there is a provision in any law referring to a practice of the art of healing in the field of medical technology, a person who practices the art of healing in the field of medical technology or a representative of the Board of profession in the field of medical technology, this shall mean a practice of medical technology, a practitioner of the medical technology or a representative of the Medical Technology Council under this Act.

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, 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.

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CHAPTER 1
Medical Technology Council

Section 6. There shall be the Medical Technology Council, a legal entity, whose duties and powers are in stipulated in this Act.

Section 7. The Medical Technology Council shall have the duties as follows:

(1) to promote education, research study and practice of the medical technology;

(2) to control, supervise, take charge and stipulate standards for the service practice of the medical technology;

(3) to control behaviors of a practitioner of the medical technology to be in accordance with the code of conduct for practice of the medical technology;

(4) to help, advice, disseminate and provide education to people and other organizations relating to medical technology and public health;

(5) to provide advice or recommendations to the government on medical technology and public health;

(6) to promote unity and dignity of the members;

(7) to maintain rights, fairness and to promote welfare of the members;

(8) to be a representative of Medical Technology Council of Thailand.

Section 8. Medical Technology Council shall have powers and responsibilities as follows:

(1) to register and issue licenses to applicants for a practitioner of the medical technology;

(2) to give orders under section 42 paragraph four;

(3) to certify academic degrees, certificates or diplomas in the field of medical technology of institutions for the benefits of member application;

(4) to certify curriculums for training programs on specialization of medical technology designed by training institutions;

(5) to certify academic standing of the training institutions;

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(6) to issue approval letters or diplomas stating knowledge and specialization in the practice of medical technology and issue other letters stating other qualifications in the field of medical technology ;

(7) to conduct plans and reports of the overall operation submitted to the Honorary Chairman at least once a year;

(8) to execute in accordance with purposes of the Medical Technology Council.

Section 9. The Medical Technology 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 assets management and activities under the purposes specified in section 7;
- (4) money and assets donated to the Medical Technology Council;
- (5) interests of money and assets in (1) (2) (3) and (4).

Section 10. The Minister shall hold the position of Honorary Chairman of the Medical Technology Council and have charge as stipulated in this Act.

CHAPTER 2 Membership

Section 11. An applicant for membership of Medical Technology Council shall have qualifications and not be under any of prohibition as follows:

- (1) being exceeding twenty years of age;
- (2) having knowledge in the medical technology , which can be illustrated by an academic degree, a certificate or diploma in the field of medical technology from an academic institute certified by the Medical Technology Council;
- (3) not being a person whose behaviors are damaging and the Board sees that such behaviors would make professional reputation damaged;

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(4) not having been sentenced by a final judgment of the Court to a term of imprisonment in the case which the Board sees that it will bring damages to professional reputation;

(5) not being an incompetent, quasi-incompetent or having any disease stipulated in the rule of the Medical Technology Council.

Section 12. The members shall have rights and duties as follows:

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

(2) to give opinion in writing on the operation of the Medical Technology Council and send to the Board for consideration and in the case where over fifteen members submit a request to the Board to consider any operation of the Medical Technology Council, the Board shall consider and notify the result of the consideration to the requesters within ninety days from the date of being notified;

(3) to select, to be selected or to be elected as a member of the Board;

(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) being disqualified or being under any of the prohibitions under section 11(1)

(2) or (5);

(4) being removed from being a member by the resolution of the Board as the Board sees that such person will bring damages to the profession honor under section 11(3) or (4).

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CHAPTER 3

Board

Section 14. There shall be a Board of Medical Technology Council which consists of:

- (1) members of the Board due to their positions which are: the permanent secretary of the Minister of Public Health and the chairman of the Medical Technology Council;
- (2) members who are a Dean of faculty of Medical technology or a Dean of faculty of other names or a head of organization which is called other names but maintain the same status as the faculty or the head of division which produces graduates in medical technology field in the higher education institutes certified or approved by Office of the Higher Education Commission, Ministry of Education and these shall be selected amongst themselves to five people;
- (3) three members who are representatives of the Ministry of Public Health, one member who is a representative of the Ministry of Defense and one member from Bangkok Metropolitan Administration;
- (4) members elected by members of the Council shall have the amount as the members in (1) (2) and (3) add up together in each election.

Section 15. The Board may appoint qualified persons as consultants and shall have power to remove such consultants.

The consultant shall be in office for the same term as a member of the Board under section 14(4).

Section 16. The Board shall select a member of the Board within thirty days from the Election Day under section 14(4) to be a chairman of the Medical Technology Council, the first vice chairman of the Medical Technology Council and the second vice chairman of the Medical Technology Council, one person for each position.

Chairman of the Medical Technology Council shall appoint members of the Board to be in the position of Secretary-General, Deputy Secretary-General, Public Relations, and

Treasurer, one person per each position and may select members of the Board to hold other positions as seen necessary. Such an appointment shall be approved by the Board.

Chairman of the Medical Technology Council shall have powers to dismiss Secretary-General, Deputy Secretary-General, Public Relations, Treasurer and other positions under paragraph two. Such a dismissal shall be approved by the Board.

The term of office for Chairman of the Medical Technology Council, the first vice chairman of the Medical Technology Council and the second vice chairman of the Medical Technology Council shall be the same as members of the Board under section 14(4).

When the Chairman of the Medical Technology Council vacates the office, the Secretary-General, Deputy Secretary-General, Public Relations, Treasurer and other positions under paragraph two, shall also vacate their offices.

Section 17. An election of a member of the Board under section 14(4), an appointment of consultant under section 15, a selection of a member of the Board to be in different positions under section 16 and postponement of an election of selection of member of the Board under section 22 shall be in accordance with Rule of the Medical Technology Council.

Section 18. A member of the Board under section 14, besides Permanent Secretary of the Ministry of Public Health, shall have qualifications as follows:

- (1) being a practitioner of the medical technology ;
- (2) not being a person whose license had been suspended or revoked;
- (3) not being a bankrupt declared by the Court.

Section 19. Members of the Board under section 14 (2) and (4) shall hold office for a term of three years and may be re-selected or re-elected, as the case may be. A member of the Board under section 14 (4) shall not be in office for more than two terms.

A member of the Board who had vacated office shall perform duties for the time being until the there is a new election for a member of the Board.

Section 20. In addition to vacating office on the expiration of term, members of the Board under section 14(2) and (4) vacates office upon:

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- (1) a membership expires under section 13;
- (2) lack of qualifications under section 18;
- (3) resignation;

(4) being removed from the position of the Dean of the Faculty of Medical Technology or other faculties under any other names or a head of organization which is called other names but maintain the same status as the faculty or the head of division which produces graduates in medical technology field in the higher education institutes in the case of members of the Board under section 14(2).

Section 21. In the case where a member of the Board under section 14(2) vacates the office prior to the end of the office term, the Board shall internally select a qualified person to be a member of the Board under section 14(2) within thirty days from the date that the office has become vacant.

In the case where the member of the Board under paragraph one has less than ninety days left in office, the Board may or may not select a replacement.

The appointee shall hold office for the remaining term of the member of the Board he or she replaces.

Section 22. When members of the Board under section 14(4) become vacant for not amount exceeding one third of the total members prior to the expiration of the office term, the Board shall promote a qualified member under section 18 who is the runner-up shall become a member of the Board within thirty days from the date that the position has become vacant.

In the case where members of the Board under paragraph one become vacant for the amount exceeding one third of the elected members of the Board, the Board shall arrange an election for members of the Board within ninety days from the date that one third of the Board positions have become vacant.

In the case where there is no runner-ups to replace members of the Board under paragraph one or there are insufficient runner-ups to replace the vacant positions, paragraph two shall apply *mutatis mutandis*.

If the term of office of the members of the Board under paragraph one remains less than ninety days, there shall be no replacement or election.

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The appointee shall hold office for the remaining term of the member of the Board he or she replaces.

Section 23. The Board shall have powers and duties as follows:

- (1) to manage and execute operations of the Medical Technology Council in accordance with purposes and functions stipulated in section 7 and section 8;
- (2) to appoint an ethic sub-committee, an investigation sub-committee and other sub-committees to execute other tasks or consider other issues within the scope of purposes and functions of the Medical Technology Council;
- (3) to conduct operation plans and budgets of the Medical Technology Council;
- (4) to issue rules of the Medical Technology Council on:
 - (a) membership application;
 - (b) stipulation of diseases under section 11 (5);
 - (c) an increase in membership fee, maintenance fee and other fees besides of the fees stipulated in the annex of this Act;
 - (d) selection, election of a member of the Board, promotion of a qualified person to become a member of the Board, appointment of a consultant and selection of members of the Board to positions under section 16;
 - (e) meeting of the Board, sub-committees and team of consultants;
 - (f) stipulation of powers and duties of consultants under section 15;
 - (g) stipulation of powers and duties of other positions under section 16 paragraph two;
 - (h) qualifications of a practitioner of the medical technology under section 32;
 - (i) forms and fields of licenses, rule, procedures and conditions in registration, issuance of licenses, period of licenses, renewal of licenses and replacement of licenses;
 - (j) rules on approval letters or diplomas illustrating knowledge, specialization in different fields of medical technology and other letters stating qualifications in medical technology;
 - (k) rule on suspension of a license or revocation of a license;
 - (l) code of conduct of the medical technology profession;

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- (m) establishment, execution and abolishment of an institute providing training to be specialists in different fields of a practitioner of the medical technology ;
- (n) rules, procedures and conditions on knowledge tests under section 32;
- (o) rule on inquiry or investigation in the case of accusation or incrimination of a a practitioner of the medical technology ;
- (p) restrictions and conditions of the a practitioner of the medical technology ;
- (q) other matters within the scope of purposes or powers of the Medical Technology Council under this Act or other relevant laws.

By virtue of section 27, rule of the Medical Technology Council shall come into force upon their publication in the Government Gazette.

Section 24. Chairman of the Medical Technology Council, the first vice chairman of the Medical Technology Council, the second vice chairman of the Medical Technology Council, the Secretary-General, Deputy Secretary-General, Public Relations, Treasurer, Consultants and people in other positions shall have duties and powers and follows:

(1)the Chairman of the Medical Technology Council shall have duties and powers as follows:

- (a) to manage and operate the Medical Technology Council in accordance with this Act or resolutions of the Board;
- (b) to represent the Medical Technology Council in any matter;
- (c) to be a chairman of the Board meeting.

Chairman of the Medical Technology Council may assign, in letter, any other members of the Board to perform his or her duties for him or her, as seen fit.

(2) the first vice chairman of the Medical Technology Council shall be an assistant to the Chairman of the Medical Technology Council in matters within the scope of powers and duties of the Chairman of the Medical Technology Council, as assigned by the Chairman himself. He or she shall be the person who acts on behalf of the Chairman of the Medical Technology Council when he or she is not in the office or cannot perform his or her duty;

(3)The second vice chairman of the Medical Technology Council shall be an assistant to the first vice chairman of the Medical Technology Council in matters within the

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scope of powers and duties of the first vice chairman of the Medical Technology Council, as assigned by the first vice chairman himself. He or she shall be the person who acts on behalf of the first vice chairman of the Medical Technology Council when he or she is not in the office or cannot perform his or her duty;

(4) Secretary-General shall have powers and duties as follows:

- (a) to supervise every level of officers of the Medical Technology Council;
- (b) to be in charge of general administrative work of the Medical Technology

Council;

(c) to be responsible in keeping the record of membership registration, record of a practitioner of the medical technology and other records of the Medical Technology Council;

(d) to control assets of the Medical Technology Council;

(e) to be a secretary of the Board.

(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 himself. 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 powers and duties in managing the spread of information, giving recommendations and disseminating the work of the Medical Technology Council to the public and other organizations;

(7) treasurer shall have powers and duties in controlling, supervising and being in charge accounting, finance and budget of the Medical Technology Council;

(8) consultant under section 15 shall have powers and duties as specified by the Board;

(9) other positions under section 16 paragraph two shall have powers and duties as specified by the Board.

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CHAPTER 4
Execution of the Board

Section 25. At a meeting of the Board, the presence of not less than one-half of the total number of the existing members is required to constitute a quorum.

A decision of the meeting shall be by a majority of the votes. . In casting votes, each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote and is the decisive vote.

A decision of the meeting to withdraw a membership under section 13(4) shall be voted for by not less than two-thirds of the total number of the existing members.

Paragraph one and paragraph two shall apply, *mutatis mutandis*, to a meeting of a sub-committee

A meeting of consultants shall be in accordance with the Rule of the Medical Technology Council.

Section 26. Honorary chairman can attend any meeting and give opinion to a meeting of the Board or send an opinion letter to the Medical Technology Council.

Section 27. A decision of the Board in the following matters shall be approved by honorary chairman prior to its execution:

- (1) issuance of the any Rule;
- (2) management and budget plan of the Medical Technology Council;
- (3) withdrawal of a membership under section 13(4);
- (4) a decision to suspend or revoke a license under section 42 paragraph three (4) or (5).

Chairman of the Medical Technology Council shall present a decision under paragraph one to honorary chairman without delay. Honorary chairman may veto such decision. In the case that the decision is not vetoed under paragraph one (1) within thirty days or is not vetoed under paragraph one (2) (3) or (4) within fifteen days from the date of receiving the decision, the decision is deemed to be approved by the honorary chairman.

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If the honorary chairman vetoes a decision, the Board shall have a meeting and consider such matter again within thirty days from the date of being vetoed. In the case where two third of the total existing members insists on the decision, the Board shall act following the decision.

CHAPTER 5

Control of practice of the medical technology

Section 28. No one, who is not a practitioner of the medical technology, shall practice medical technology or any practice which would make others misunderstand that he or she has the right to be a practitioner of the medical technology except in one of the following circumstances:

- (1) a practice of medical technology done to his or herself;
- (2) an assistant to patient under duties, laws or code of conduct without receiving any benefit from such help;
- (3) students, university students or trainee who is practicing or being trained under the state medical technology institutes or institutes granted a state permission to be established or educational institutes or other medical institutes certified by the Medical Technology Council. The practice shall be done under supervision of a practitioner or trainer who is a practitioner of the medical technology ;
- (4) a person who is assigned responsibilities from a ministry, bureau, department, municipality, Provincial Administrative Organization, Sub-district Administrative Organization, Bangkok Metropolitan Administration, Pattaya Metropolitan Administration, other extraordinary regional administrative organizations as stipulated by the law, or Thai Red Cross, to perform medical technology under the control of a practitioner of the medical technology or medical practitioner, in accordance with the Ministerial Regulation published in the Government Gazette;
- (5) a person who practices in a health institute under the law on health institutes, a practice of medical technology under the control of a practitioner of the medical technology , in accordance with the Ministerial Regulation published in the Government Gazette;

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(6) a person who practices the art of healing or other professions which is an art of healing or other professions under limitations and conditions on the law on practice of the art of healing or the law on particular profession;

(7) practice of medical technology of an official consultant or specialist or a lecturer in an educational institute who holds a license to practice medical technology in other countries, with an approval of the Board.

Section 29. No one who does not obtain a degree, certificate or diploma in medical technology shall use a word or statement in Thai or in foreign letters stating “medical technology” or abbreviation of such word or a word illustrating educational background in medical technology or abbreviation of the educational background with his or her name or surname or any word or statement which has the same meaning as mentioned above. This includes the use, employment, request or agreement to allow others to perform such actions for him or her.

Section 30. No one shall use any word or statement which could be mistaken by others that he or she has knowledge or skills in different fields of medical technology. This includes the use, employment, request or agreement to allow others to perform such actions for him or her except in the case where that person has received an approval letter or diploma stating that he or she has knowledge or skills in a particular kind of medical technology from the Medical Technology Council or from a place approved by the Council or that person has qualifications in accordance with the Rule of Medical Technology Council.

Section 31. Registration, issuance of license, period of license, renewal of license, issuance of approval letter or diploma stating knowledge and skill in different fields of medical technology or letter stating other educational background in medical technology in accordance with the Rule of Medical Technology Council.

Section 32. An applicant for registration or license must be a member of the Medical Technology Council including obtaining qualifications and must pass the exam stipulated in the Rule of the Medical Technology Council.

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In the case where a membership of the Medical Technology Council expires under section 13, the license shall, as well, be expired.

A person whose membership of the Medical Technology Council expires under section 13(2) (3) and (4) shall return the license to the Secretary-General within fifteen days from the date of being notified that the membership expires.

Section 33. A practitioner of the medical technology shall perform his or her profession under restrictions, conditions and code of conducts of a practitioner of the medical technology as stipulated in the Rule of Medical Technology Council.

Section 34. A person who is injured from a malpractice under section 33 of a practitioner of the medical technology shall have the right to accuse the injurer by submitting a written letter to the Medical Technology Council.

Other persons have the right to accuse a practitioner of the medical technology that his or her practice is malpractice under section 33 and shall submit a written letter to the Medical Technology Council.

A member of the Board has the right to accuse a practitioner of the medical technology that his or her practice is malpractice under section 33 and shall notify such accusation to the Medical Technology Council.

The rights to accusation under paragraph one or the right to accusation under paragraph two or paragraph three exhausts after one year limitation period, calculated from the date that the injured or the person who made an accusation has learnt about the malpractice under section 33 and known the accused. This shall not go beyond the three year limitation period, calculated from the date of malpractice under section 33.

A withdrawal of accusation or incrimination letter, which has already been submitted or presented, shall not be a reason to withdraw the proceeding under this Act.

Section 35. When the Medical Technology Council has received the matter of accusation or incrimination under section 34 or in the case where the Board has a resolution that there is a reasonable circumstance justifying a malpractice consideration, by a practitioner of the medical technology, under section 33, the Secretary-General shall present such matter to the Chairman of an Ethic sub-committee without delay.

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Section 36. The Board shall appoint an Ethic sub-committee from members. It shall compose of one Chairman and no less than three members of the sub-committee. It shall have duties and powers to investigate the fact in matters stipulated under section 35 and conduct a report including its opinion and submit it to the Board for consideration.

The Board may appoint more than one Ethic sub-committees.

The Ethic sub-committee shall proceed in accordance with its powers and duties stipulated in paragraph one within the time period specified by the Board. Unless there is a necessary reason which prevents the sub-committee to finish its work within the specified time period, Chairman of the sub-committee shall notify the Board prior to a completion of the time period. The Board may extend the execution time for no longer than thirty days from the date of a completion of the time period.

Section 37. Once the Board receives the report and recommendations of the Ethic sub-committee, the Board shall consider the report and recommendations and has one of the following resolutions:

(1) to order the Ethic sub-committee to find out additional facts and present it to the Board for consideration;

(2) to order the Investigation sub-committee to examine in cases where there is a reasonable ground to believe that the accusation or incrimination is true;

(3) to lift the accusation or incrimination in cases where the Board sees that there is no reasonable ground to believe that such accusation or incrimination is true.

Section 38. The Board shall appoint an investigation sub-committee from members. It shall compose of one Chairman and no less than three members of the sub-committee. It shall have duties and powers to investigate, conclude the investigation and present file of a case including its opinion to the Board for a decisive judgment.

The Board may appoint more than one Investigation sub-committees.

The Investigation sub-committee shall proceed in accordance with its powers and duties stipulated in paragraph one within the time period specified by the Board. Unless there is a necessary reason which prevents the sub-committee to finish its work within the specified time period, Chairman of the sub-committee shall notify the Board prior to a completion of the

time period. The Board may extend the execution time for no longer than thirty days from the date of a completion of the time period.

Section 39. For the Ethic sub-committee and the investigation sub-committee to perform their duties under this Act, members of the sub-committees shall be competent officials under the Criminal Code and have powers to call upon any person for deposition and shall send letters to any person requesting them to send documents or articles for the benefits of the work progress of such sub-committees.

Section 40. Chairman of the Investigation sub-committee shall send a letter notifying the accusation or incrimination, including a photocopy of the matter of accusation or incrimination, to the accused or incriminated person for no less than fifteen days prior to the start of the investigation.

The accused or incriminated person shall have the right to submit explanation or bring in witnesses or evidence to the Investigation sub-committee.

Explanation or evidence shall be submitted to the chairman of the Investigation sub-committee within fifteen days from the date of being notified by the chairman of the sub-committee or within the time period the chairman has extended to.

Section 41. When the Investigation sub-committee completes the investigation, it shall submit the investigation report including its opinion to the Board within fifteen days from the date of completion and shall not extend beyond the time period specified under section 38 paragraph three, for the Board to make a decisive judgment.

Section 42. When the Board has received the investigation report and opinion of the sub-committee, it shall consider the report and opinion within thirty days from the date of receiving the report and opinion of the sub-committee.

The Board may request the Investigation sub-committee for an additional investigation prior to its decisive judgment and section 38 paragraph three shall apply *mutatis mutandis*.

The Board has powers to make one of the following decisive judgments:

- (1) to lift the accusation or incrimination;

- (2) to give a warning;
- (3) to put on probation;
- (4) to suspend a license for the reasonable amount of time but shall not exceed two years;
- (5) to revoke a license.

Under the application of section 27, the decisive judgment of the Board under this section shall be made in the form of Order of the Medical Technology Council and shall state the reasoning of the judgment. The judgment shall be final.

Section 43. The Secretary-General shall notify Order of the Medical Technology Council to the accused or incriminated person within seven days from the date of issuance of the Order and shall record the Order in the registration of a practitioner of the medical technology s and notify the accused or incriminated person of the outcome of the judgment.

Section 44. Under the application of section 28, a practitioner of the medical technology whose license is suspended or revoked shall not perform medical technology or any action which could be mistaken by others that he or she has the right to perform medical technology from the date of being notified of the Order of the Medical Technology Council on the suspension or revocation of such license.

Section 45. In the case where a practitioner of the medical technology, whose license is suspended, violates section 44 and is punished to a term of imprisonment by a final court judgment under section 50, the Board shall order for the revocation of the license from the date that the court judgment is final.

Section 46. A practitioner of the medical technology whose license is revoked may apply for a license after a lapse of two years from the date of license revocation. In the case where the Board considers the license application and refuse to issue the license, that person shall be able to apply for the license again after a lapse of one year from the date of refusal.

Paragraph one shall apply to a person who practices the art of healing in the field of medical technology, under the law on practice of the art of healing, and whose license

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to practice the art of healing is revoked prior to the enforcement of this Act as for the license application for a practitioner of the medical technology under the Act.

CHAPTER 6 Competent officials

Section 47. In the course of execution of duties, competent officials shall have powers as follows:

(1) to enter into the office of a practitioner of the medical technology during its operating hours to inspect or oversee in accordance with this Act;

(2) to enter into any place or vehicle where there is a reasonable ground to believe that there will be a wrongdoing, under this Act, during the sunrise and sunset or during its operating hours in order to inspect any document or article which could be used as evidence in the wrongdoing under this Act and there is a reasonable ground to believe that if it is left until the search warrant is issued, such documents or articles will be moved, hidden, destroyed or transformed.

(3) to seize any document or article which may be used as an evidence in the prosecution of wrongdoing under this Act.

In the execution of duties of the competent official under paragraph one; the concerned person shall render appropriate facilities thereto.

Section 48. The competent official shall, in the execution of this Act, produce his identification card.

The identification card shall be in accordance with the form stipulated by the Minister and is published in the Government Gazette.

Section 49. In the execution of duties under this Act, the competent official shall be the official under the Penal Code.

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CHAPTER 7 Penalties

Section 50. Any person who violates section 28 or section 44 shall be liable to imprisonment for a term of not exceeding three year or to a fine of not exceeding sixty thousand Baht or to both.

Section 51. Any person who violates section 29 or section 30 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht or to both.

Section 52. Any person who violates section 32 paragraph three or fails to render appropriate facilities to the competent official in the execution of his duties under section 42 paragraph two shall be liable to a fine of not exceeding two thousand Baht.

Section 53. Any person who fails to give a testimony statement or fails to hand in requested documents or articles under section 39 without any reasonable cause shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht or to both.

Section 54. A competent official who violates section 48 paragraph one without a reasonable cause shall be liable to a fine of not exceeding two thousand Baht.

Transitory Provision

Section 55. Any person who has registered and held a license to practice the art of healing in the field of medical technology under the law on practice of the art of healing when this Act comes into force shall be considered a member of the Medical Technology Council under the Act.

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Section 56. Any person who has registered and held a license to practice the art of healing in the field of medical technology under the law on practice of the art of healing and the license is still in effect on the date that this comes into force shall be considered that that person has registered and held a license to practice medical technology under this Act.

Section 57. At the beginning period when there is no election for members of the Board of the Medical Technology Council under section 14(4), the Board shall consist of the Permanent Secretary of the Ministry of Public Health as the Chairman of the Council and members of the Board shall come from the members under section 14(1) (2) and (3). Such members of the Board shall be appointed within sixty days from the date this Act comes into force.

The Permanent Secretary of the Ministry of Public Health shall appoint members of the Board under section 14(1) (2) and (3) to be Secretary-General, Deputy Secretary-General and Treasurer, one person per one position. This is until the appointment of such positions under section 16 paragraph two has been made.

An election for members of the Board of the Medical Technology Council under section 14(4) shall be held within one hundred and eighty days from the date this Act comes into force.

Section 58. During the period when there is no Ministerial Regulation, Rule, Article, or Notification for the execution of this Act, the Ministerial Regulation, Rule or Notification stipulated under the law on practice of the art of healing in the field of medical technology shall apply, *mutatis mutandis*, for a period of not exceeding one year from the date this Act comes into force.

Section 59. Any act in contradictory to the Professional Code of Conduct or restrictions and conditions in practice of the art of healing under the law on practice of the art of healing in the field of medical technology which occurred prior to the date this Act comes into force and there has been no legal proceeding against such act under the law on practice of the art of healing shall be the act which violates the Professional Code of Conduct or restrictions and conditions in practice of the medical technology under this Act and shall be proceeded under this Act.

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In the case where there has been a proceeding against the person who violated the Professional Code of Conduct or restrictions and conditions in practice of the art of healing in the field of medical technology under the law on practice of the art of healing prior to the date this Act comes into force, such proceeding shall be a proceeding under this Act and shall continue following provisions in this Act.

Countersigned by

Pol. Lt. Gen. Thaksin Shinawatra
Prime Minister

Office of the Council of State

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Rate of Fees

- | | | |
|-----|---|---------------|
| (1) | Fee for registration of a license for a practitioner of the medical technology each | 5,000 Baht |
| (2) | Fee for renewal of a license each | 2,500 Baht |
| (3) | Fee for a certificate of registration for a practitioner of the medical technology | 500 Baht each |
| (4) | Fee for approval letter or diploma stating knowledge and expertise in the practice of medical technology each | 3,000 Baht |
| (5) | Fee for a license substitute | 500 Baht each |

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