

The State Peace and Development Council
The Traditional Medical Council Law
(The State Peace and Development Council Law No. 2/2000)
The 9th Waxing Day of Pyatho, 1361 M.E.
(14th January, 2000)

The State Peace and Development Council hereby enacts the following Law:-

Chapter 1
Title and Definition

1. This Law shall be called the Traditional Medical Council Law.
2. The following expressions contained in this Law shall have the meanings given hereunder -
 - (a) Traditional Medicine means medicine for the physical well-being and longevity of people in accordance with anyone of the four nayas of traditional medicine, namely Desana naya, Bethi tea naya, Netkhata veda naya and Vissadara naya;
 - (b) Council means the Traditional Medical Council formed under this Law;
 - (c) Council Member means any person included as member in the Traditional Medical Council formed under this Law;
 - (d) Traditional Medical Practitioner means any person qualified in traditional medicine and registered under this Law;
 - (e) Registration Certificate means the certificate issued by the Council to the person entitled for registration as a traditional medical practitioner.

Chapter II
Aims

3. The aims of this Law are as follows: -
 - (a) to protect public health by applying any type of traditional medicine by the traditional medical practitioners collectively;
 - (b) to supervise traditional medical practitioners for causing abidance by their rules of conduct and discipline;
 - (c) to carry out modernization of traditional medicine and conformity to scientific method;
 - (d) to cooperate with the relevant government departments, organizations and international organization in carrying out modernization of traditional medicine.

Chapter III
Formation of the Traditional Medical Council

4. The Ministry of Health shall, with the approval of the Government form the Traditional Medical Council comprising the following persons:-

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| (a) Director-General
Department of Traditional Medicine | Chairman |
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- (b) four traditional medical practitioners assigned duty by the Ministry of Health member
- (c) five persons elected by the traditional medical practitioners from among themselves member
- (d) officer assigned duty by the Ministry of Health Secretary

5. The council may assign duty to any Council member as the Treasurer, If no such assignment has been made, the Secretary shall act as the Treasurer.

6. (a) The tenure of office of the Council member is the same as the tenure of the Council.

(b) A Council member has the right to act as such only for 3 consecutive tenures of the Council.

(c) When a vacancy occurs in the post of any Council member: -

(i) if it is the post of a Council member assigned duty by the Ministry of Health such Ministry shall assign duty for it in substitution;

(ii) if it is the post of a Council member elected by the traditional medical practitioners, they shall elect for it in substitution;

(d) The tenure of a Council member assigned duty or elected in substitution under sub-section (c) shall only be till the expiry of the current tenure of the Council.

7. (a) The tenure of the Council is 4 years at a time commencing from the date of its formation.

(b) The Council shall, although its tenure has expired, carry out its functions and duties until a new Council has been formed.

8. Matter relating to convening of meetings and financial matters of the Council shall be disposed of in accordance with the stipulations.

9. The Council shall have perpetual succession and a common seal with the right to sue or be sued.

Chapter IV Duties and Powers of the Council

10. The duties and powers of the Council are as follows: -

(a) issuing registration certificate after scrutinizing the applications for registrations as traditional medical practitioner:

(b) prescribing registration fees and annual fees for registration as traditional medical practitioner;

(c) stipulating the rules of conduct and discipline to be abided by traditional medical practitioners;

(d) taking action against traditional medical practitioners who have violated the rules of conduct and discipline;

(e) submitting necessary advice to the Ministry of Health in respect of modernization and development, conformity to scientific method and instructions of traditional medicine;

(f) tendering advice and recommendation to the Ministry of Health in respect of granting a right of practice to medical practitioners who practice by applying traditional medicine of any foreign country;

(g) communicating and coordinating with the relevant government departments and organizations, international organizations, regional organizations and non governmental organizations to enable modernization to traditional medicine;

(h) forming necessary committees and organizations and prescribing the duties and powers thereof in order to carry out the duties assigned and exercise the powers conferred by the Council.

Chapter V

Registration as the Traditional Medical Practitioner

11. A person possessing any of the following qualifications may apply to II' Council for registration as traditional medical practitioner:-

- (a) a person who has graduated from the Traditional Medical Institute Traditional Medical University;
- (b) a person who has attended and passed the Traditional Medical Practitioner Training Course opened by the Department of Traditional Medicine;
- (c) a person who has passed the qualifying examination held by Traditional Myanmar Medical Practitioners Board or the of Traditional Medicine
- (d) a person who is recognized as possessing qualifications deserving of a traditional medical practitioner, according to the scrutiny of Council.

12. If, after scrutinizing the application under section lithe Council finds that is in conformity with the stipulations, it shall issue the registration certificate to applicant, after causing the prescribed registration fees to be paid.

Chapter VI

Duties and Rights of the Traditional Medical Practitioner

13. The traditional medical practitioner shall:-

- (a) abide by the rules, procedures, orders and directives issued under this Law;
- (b) abide by and observe the rules of conduct and discipline prescribed by the Council;
- (c) pay the annual fees prescribed by the Council from time to time.

14. The traditional medical practitioner has the right to:-

- (a) be assigned the duty of ,be elected and to elect as a Council member;
- (b) practice traditional medicine as a profession;
- (c) tender advice to the Council;
- (d) submit his/her grievances to the Council.

Chapter VII

Functions and Duties of the Ministry of Health

15. The Ministry of Health:-

- (a) may appoint and assign duty to any officer from the Department of Traditional Medicine to act as a Registration Officer for the purpose of this Law;
- (b) shall prescribe the duties and powers of the Registration Officer.

16. The Ministry of Health may, in respect of issuing certificate for practice and taking of actions against the medical practitioners who practise by applying traditional medicine of any foreign country, assign duty to the Department of Traditional Medicine.

Chapter VIII Taking Action

17. (a) The Council shall, after forming an investigation body comprising 3 members, assign duty there to enable investigation of the traditional medical practitioner who is alleged to have violated any provision of section 13. Such body shall consist of at least one Council member.

(b) The investigation body shall submit a report of its findings to the Council.

18. If, after scrutinizing the report submitted to it under sub-section (b) of section 17, the Council finds that the alleged traditional medical practitioner:-

(a) is not guilty of the allegation, it shall pass an order for the closure of the case;

(b) is guilty of the allegation, it shall pass any of the following administrative penalties;

(i) giving a warning;

(ii) revoking the registration certificate subject to a time limit;

(iii) cancellation of the registration certificate.

19. The Council shall pass any of the following administrative penalties on the traditional medical practitioner who has been convicted by a court of an offence determined by the Council amounting to misconduct:

(a) revoking the registration certificate subject to a time limit; (b) cancellation of the registration certificate.

20. (a) The person whose registration certificate is revoked subject to a time limit may, if desirous of obtaining the registration certificate again apply to the Council on expiry of the said time limit;

(b) If, after scrutiny, the application is in conformity with the stipulations, the Council may re-issue the registration certificate.

Chapter IX Appeal

21. (a) A person who is dissatisfied with an order or decision passed by the Council may file an appeal to the Minister for the Ministry of Health within 60 days from the date on which such order decision has been passed.

(b) The decision of the Minister for the Ministry of Health shall be final and conclusive.

Chapter X Prohibitions and Penalties

22. No person shall, without obtaining the registration certificate issued by the Council, practise the profession of medical treatment by accepting money or benefit for personal interest.

23. No person shall, without having a right of practice certificate issued by the Department of Traditional Medicine, practise by applying traditional medicine of any foreign country.

24. Whoever

(a) violates the provision of section 22 or section 23 shall, on conviction, be punished with imprisonment for a term which may extend to 1 year, or with fine which may extend to Kyats 10,000 or with both.

(b) violates subsequently the provision of the relevant section after a previous conviction under subsection (a) shall, on conviction, be punished with imprisonment for a term which may extend from a minimum of 1 year to a maximum of 5 years and may also be liable to a fine.

Chapter XI Miscellaneous

25. The Department of Traditional Medicine shall, in respect of issuing of right of practice certificate and taking of actions against the medical practitioners who practise by applying traditional medicine of any foreign country, carry out in accordance with the directive of the Ministry of Health.

26. The Department of Traditional Medicine shall:

(a) bear expenditures of the Council;

(b) undertake to perform the office work of the Council.

27. Whenever a traditional medical practitioner passed away or is unable to practise, anyone of his family members shall inform, in writing, to the Council.

28. In prosecuting an offender under this Law, prior sanction of the Department of Traditional Medicine shall be obtained.

29. (a) The orders and directives issued under the Traditional Myanmar Medical Practitioners Board Act, 1315 M.E.(1 953) may continue to be applicable in so far as they are not inconsistent with this Law.

(b) The Traditional Myanmar Medical Practitioners Board formed shall, before the formation of the Traditional Medical Council under this Law, be entitled to continue performance of the duties and exercise of the powers thereof.

30. In order to carry out the provisions of this Law;

(a) the Ministry of Health may, with the approval of the Government, issue such rules and procedures as may be necessary;

(b) the Ministry of Health ,the Council and Department of Traditional Medicine may issue such orders and directives as may be necessary.

31. The Traditional Myanmar Medical Practitioners Board Act ,1315 M.E.(1953) is hereby repealed.

**Sd./ Than Shwe
Senior General
Chairman
State Peace and Development Council**