

# **EMERGENCY MEDICAL ACT**

**B.E. 2551**

**(English translation)**



**National Institute for Emergency Medicine**



# **EMERGENCY MEDICAL ACT**

**B.E. 2551**

.....

**(English translation)**





**EMERGENCY MEDICAL ACT.**

**B.E. 2551 (A.D. 2008)**

.....

**BHUMIBOL ADULYADEJ, REX.**

**Given on the 23<sup>rd</sup> Day of February B.E. 2551 (A.D. 2008);  
Being the 63<sup>rd</sup> Year of the Present Reign**

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that

Whereas it is expedient to have an emergency medical law

This Act contains certain provisions concerning the restriction of rights and freedom of individuals, in respect of which Section 29 in conjunction with Section 41 and Section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of the provision of law.

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

Section 1. This Act is called the "Emergency Medical Act, B.E. 2551".

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

Section 3. In this Act,

“Emergency Medical..” means any emergency operation, study, training, research and analysis in respect of the evaluation, management, treatment of emergency patients and prevention of emergency sickness;

“Emergency Patients” means an injured person or a person suffering acute sickness which threatens his/her being or the functioning of vital organs requiring prompt evaluation, management and treatment to prevent the loss of life or worsening of the injury or sickness;

“Hospitals” means Government hospitals, the Thai Red Cross hospitals, hospitals according to the Laws on Hospitals and other hospitals as prescribed by the Minister.

“Government Hospitals” means and includes hospitals under government control.

“Emergency Operations” means medical emergency operations starting from the perception of the emergency sickness up to treatment and recovery of emergency patients including the evaluation, management, coordination, control, supervision, communication, supply or transportation, diagnosis and treatment of emergency patients both inside and outside the hospitals.

“Operational units” means units or organizations operating emergency operations.

“Operators” means the persons who perform work relating to emergency medical services as prescribed by the Emergency Medical Services Board;

“Institute” means the National Institute for Emergency Medicine;

“Fund” means the Emergency Medical Fund;

“Member” means the member of the Emergency Medical Board;

“Secretary-General” means the Secretary-General of the National Institute for Emergency Medicine;

“Officer” means officers of the National Institute for Emergency Medicine;

“Employee” means employees of the National Institute for Emergency Medicine;

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

Section 4. The Minister of Public Health shall have charge and control of the execution of this Act and shall have the power to issue announcements for the execution of this Act.

Such announcements shall come into force and effect after its publication in the Government Gazette.

**CHAPTER 1**

**The Emergency Medical Board**

.....

Section 5. There shall be an Emergency Medical Board, consisting of:

- (1) the Minister of Public Health as Chairperson;
- (2) four ex officio members, namely the Permanent Secretary of Ministry of Finance, the Permanent Secretary of Ministry of Public Health, the Secretary-General of the Social Security Office and the Secretary-General of the National Health Security Office;
- (3) two members as representatives of the Medical Council; at least one must be a specialist in emergency medicine;
- (4) one member as representative of the Nursing and Midwifery Council;
- (5) two members as representatives of the hospitals, being elected among themselves, one from governmental hospital and one from private hospital;
- (6) two members as representatives of local government, being elected among themselves;
- (7) two members as representatives of the non-profit private organization ,being elected among themselves;
- (8) not exceeding four qualified members appointed by the Minister from experts having proven experience and expertise in finance, and accounting, law, emergency medical services and in other fields of interest.

The Secretary-General shall be a member and secretary of the Board and shall appoint not more than two officers as assistant secretaries.

Section 6. Appointment of the members under Section 5 (5) (6) (7) and (8) shall be in accordance with the principles and methods as prescribed by the Minister.

Section 7. The members under Section 5 (5) (6) (7) and (8) shall possess the following qualifications and shall not possess the following prohibitions:-

- (1) being a Thai national;
- (2) not being under thirty-five or over seventy years of age;
- (3) not having been sentenced by a final judgment of the Court to imprisonment, except for an offence committed through negligence or a petty offense.

Section 8. The members under Section 5 (5) (6) (7) and (8) shall hold office for a term of three years, and may be re-appointed, but not for more than two consecutive terms.

At the end of the term of office according to the preceding paragraph, if a new member under Section 5 (5) (6) (7) and (8) has not been appointed the member who vacates the term shall continue performing his duty until a new member shall have been appointed.

In the case where a member is due to vacate the term by rotation, a new member of the same category shall be appointed at least ninety days before the vacancy occurs.

In the case where a member under paragraph one vacates the term before the expiration, a new member of the same category shall be appointed to replace him/her within ninety days from the date the term becomes vacant and such person shall remain in term for the unexpired term of the member he/she replaces.

In the case where the remaining term of office of a member under paragraph one who vacates the term, before the end of the term, is less than ninety days, an appointment of a member to fill such vacancy may not be necessary. In this case, the Board shall consist of the remaining members

Section 9. In addition to vacating office at the end of the term of office, the members under 5 (5) (6) (7) and (8) vacates office upon:

- (1) death;
- (2) resignation;
- (3) being disqualified or being under any of the prohibitions under Section 7;
- (4) being incompetent or quasi-incompetent;

- (5) being removed from office by the resolution of the Board by no less than two-thirds of the votes of existing members due to negligence in the discharge of duty, misconduct or incompetence.

Section 10. At a meeting of the Board, the presence of not less than one-half of the total number of the members shall constitute a quorum.

In the case where the Chairperson is not present at the meeting or is unable to perform his/her duty, the Board shall elect one among themselves to preside over at the meeting.

In the case where the Chairperson or any member has an interest, whether direct or indirect, in respect of the matter to be considered by the Board, the Chairperson or the member concerned shall notify the meeting. The meeting shall determine whether or not it shall be appropriate for the Chairperson or the member concerned to remain in the meeting or shall have the right to vote on such matter in accordance with regulations set by the Board.

The decision shall be made by a majority of votes. Each member shall have one vote. In case of an equality of votes the person who presides at the meeting shall have an additional vote as a casting vote.

Section 11. The Board shall have the following powers and duties :

- (1) to lay down standards and measures in respect of emergency medical systems;
- (2) to make recommendations to the Cabinet in respect of emergency medical policies;
- (3) to propose solutions to problems or obstacles in respect of emergency medical operations for consideration of the Cabinet;
- (4) to lay down management policies and approve the Institute's operations/action and financial plans;
- (5) to supervise the operations and general management; to establish or dissolve branch offices as well as to issue rules, regulations or announcements in respect of administration, human resources, budgetary, finance and assets; to monitor and evaluate results and other operations of the Institute;
- (6) to issue rules governing the certification of organizations and educational or training curriculum and the issuance of the certificates or academic pins to the graduates except where there already exist specific laws on medical and public health, then such laws shall apply.



- (7) to issue rules in the conferring of honorary pins to supporters of emergency medical activities;
- (8) to provide communications and information technology systems for the benefit of coordination and emergency medical operation;
- (9) to bring about coordination/collaboration among relevant work agencies to have access to information for the benefit of emergency medical operation;
- (10) to issue regulations regarding receipt of payment, payment and maintenance of the Fund and procuring benefits in accordance with Section 36;
- (11) to approve emergency medical fees and operation of the Institute;
- (12) to recruit, appoint, evaluate and remove the Secretary-General;
- (13) to perform other duties as prescribed in this Act, other laws or as entrusted by the Cabinet or the Prime Minister.

Section 12. The Board shall have the power to appoint sub-committees or advisors/consultants to perform their duties according to this Act or as assigned by the Board.

Section 10 shall apply to sub-committee meetings *mutatis mutandis*.

Section 13. The Chairperson of the Board, Board members, Chairperson of the sub-committees, or sub-committee members, shall receive fringe benefits as prescribed by the Cabinet.

## **CHAPTER 2**

### **The National Institute for Emergency Medicine**

.....

Section 14. There shall be established a National Institute for Emergency Medicine as an autonomous government agency which is non-official by virtue of the State Administration Law or which is not a state enterprise by virtue of the budgetary or other laws.

The Institute shall have a status of a juristic entity and under the supervision of the Minister.

Activities of the Institute shall not be subject to the Labor Protection Law, Labor Relations Law, Social Security Law and Laws on Severance Payments. However, benefits to officers and employees of the Institute shall not be less than the rate prescribed by such Laws.

Section 15. The Institute shall have the following powers and duties:

- (1) to draw up a master plan in emergency medical respect for presentation to the Board;
- (2) to set standards and guidelines in emergency medical respect for presentation to the Board as well as to set the criteria and emergency operations according to standards and guidelines prescribed by the Board;
- (3) to draw up emergency medical operation systems including management and communication and information technology systems development for the benefit of emergency operations;
- (4) to study, research, analyze, develop and disseminate emergency medical knowledges;
- (5) to arrange for education and training for emergency medical operators;
- (6) to coordinate, monitor and evaluate the result of emergency operations;
- (7) to act as the coordination centre for public and private agencies locally and abroad operating the emergency medical respects
- (8) to charge emergency medical fees and the operation of the Institute;
- (9) to be responsible for the administrative work of the Board or to perform other acts and things prescribed in this Act or other laws or as assigned by the Board.

Section 16. Income of the Institute comprises:

- (1) general subsidies provided by the government as appropriate;
- (2) money or property from donation;
- (3) money or other property vested in the Institute;
- (4) income from emergency medical services and operation of the Institute;
- (5) fruit of money or property described in(1) (2) (3) and (4).

Money and property or asset of the Institute shall not be required to be remitted to the Ministry of Finance to become income of the State by virtue of the Laws on Land Revenue and Budgetary Procedures.

Section 17. Property of the Institute shall not be liable to legal enforcement and no one shall raise prescription period as a defense against the Institute in the matter concerning the property of the Institute.

Property donated to or acquired by means of purchasing or exchanging out of the Institute's income shall be owned by the Institute except for the immovable property acquired by means of income according to Section 16 (1) which shall become the property of the Treasury Department but under the Institute's management, supervision, maintenance and use.

The Institute shall have the power in the management, supervision, maintenance, use and acquiring benefits from the property of the Institute.

Section 18. Maintenance and expenses of the Institute shall be according to the regulations prescribed by the Board and shall be subject to an internal audit in respect of finance and accounts and procurement shall be reported to the Board at least once a year.

The Institute shall prepare a financial statement which shall at least consist of a balance sheet and accounts to be sent to the auditors within 120 days after the end of the fiscal year on a yearly basis.

The Office of The Auditor General or an external auditor appointed by the Board with the consent of the Office of The Auditor General, shall carry out the audit and evaluate the Institute's expenses and properties and give an opinion if such expenses have been made in compliance with the objectives, cost-saving and the how much of the set target has been achieved and report to the Board.

Within 180 days after the end of the accounting year, the Institute shall present an annual report to the Board and the Minister showing the audited financial statement and accounts and auditor's report as well as the Institute's operation for the preceding year.

Section 19. The Institute shall have one Secretary-General who shall be responsible for its management and report directly to the Board, with the duties of looking after the overall work of the Institute as well as acting as the supervisor in charge of the officers and employees.

The Board shall appoint and remove the Secretary-General.

Rules and criteria for appointment of the Secretary-General shall be as prescribed by the Board.

Section 20. The Secretary-General shall possess the following qualifications and without the following prohibitions:-

- (1) being a Thai national;
- (2) not under thirty-five years and no more than sixty years of age;
- (3) being able to work for the Institute full time;
- (4) not being insane or mentally deranged;
- (5) not being bankrupt or have been bankrupt as a consequence of dishonesty;
- (6) not having been sentenced by the final judgment of the Court for properties to be vested in the States a consequence of being unusually wealthy or because of an unusual or abnormal increase in properties;
- (7) not having been sentenced by the final judgment of the Court to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (8) not being a person holding an administrative position or officer of State enterprise;
- (9) not being a civil servant, officer or employee holding a permanent position or salary of the central government, regional government or local authority or other State agencies;
- (10) not being a person holding political position, member of Parliament, senator, members of local assemblies or local administrators;
- (11) not having been discharged or dismissed from government agencies, State enterprises or public companies as a consequence of dishonesty to duty;
- (12) possessing the qualities or without other prohibitions as prescribed by the Board.

Section 21. The Secretary-General holds office for a term of four years, can be re-appointed but not for more than two consecutive terms.

In the case of vacancy and a new Secretary-General has not been appointed, the Board shall appoint one Board member or an officer of the Institute to take care of the position.

In the case where the Secretary-General is not able to perform his/her duty, the Deputy Secretary-General assigned by the Board shall take care of the position. In the case where there is no Deputy Secretary-General, or where the Deputy Secretary-General is not able to perform his/her duty, the Board shall appoint one employee of the Institute to take care of the position.

Section 22. The Secretary-General shall vacate office upon:

- (1) death;
- (2) resignation;

- (3) lacking the qualifications or possessing prohibited characteristics according to Section 20;
- (4) being removed from office by the Board as a consequence of negligence to duty, misconduct or incompetence;

Board resolution to remove the Secretary-General according to (4) shall consist of at least two-thirds of the votes of the existing members, excluding the Secretary-General

Section 23. Salary and benefits of the Secretary-General shall be determined by the Board according to the guideline set by the Cabinet.

Section 24. The Secretary-General shall have the following powers and duties :

- (1) to manage the business of the Institute in compliance with the laws, rules, regulations, announcements, resolutions or policies of the Board;
- (2) to draw up operation/action and financial plans of the Institute for Board approval;
- (3) to manage personnel, finance, budget and other administrative work of the Institute in accordance with rules, regulations or announcements of the Board;
- (4) to issue regulations concerning the operation of the Institute which are not contrary to laws, rules, regulations, announcements, resolutions or policies of the Board;
- (5) to perform other duties assigned by the Board.

Section 25. The Secretary-General shall be the representative of the Institute in dealing with outside parties. The Secretary-General may assign any person to perform any duty on his/her behalf according to regulations prescribed by the Board.

Juristic acts committed in violation of Board regulations shall not be binding upon the Institute unless ratified by the Board.

Section 26. For the benefit of the operation of the Institute, the Minister may request government officers being civil servants, officers or other workers at ministries, departments, regional government, local government, State enterprises or other governmental agencies to perform work as officers or employees of the Institute on a temporary basis, at the consent of the authority or employer of such person, as the case may.

Any government officers consented to perform work as officers or employees of the Institute according to preceding paragraph shall be deemed to have been consented to leave the governmental services and the period of work at the Institute shall be included in the computation of pension or other benefits in the same manner as if they were still with the government services full time, as the case may be.

Section 27. In the case where government officers under Section 26 return or resume their work within the approved period of time, such persons shall have the right to be installed and appointed to maintain the positions and to earn the salaries in accordance with the agreement made at the time of approval according to Section 26.

### **CHAPTER 3**

#### **Emergency Medical Operations**

.....

Section 28. To protect the safety of emergency patients, the operational units, hospitals and operators shall ensure the following principles:

- (1) treat and prioritize patients according to their severity;
- (2) emergency patients shall receive the fullest treatment according to the ability of the operational units or hospitals before referral, except with a doctor consent that the referral will help prevent death or severity;
- (3) emergency operations on the emergency patients shall be based on necessity and medical indication without the concern of insurance, registered health facilities, payment ability of the emergency patients or any other conditions as a cause to delay timely treatment;

The operational units or hospitals must control and supervise the operators to adhere to and follow the above practices.

Section 29. For the benefit of emergency operations under Section 28, the Board shall have the powers and authorities to prescribe the following:

- (1) types, authority levels, powers and duties, limitations, responsibilities or restrictions of the operators, operational units and hospitals;
- (2) principles and conditions in connection with the performance of duty of the operators, operational units and hospitals;
- (3) emergency operation standards;
- (4) rules and procedures for the coordination and reporting of the operational units and hospitals including the readiness of personnel, vehicles, locations and equipments as well as the picking up emergency patients;

In the case of operational units operating according to the principles, conditions and standards set by the Board shall be approved or may be eligible for financial support from the Fund.

In the case of operational units failing to operate according to the principles, conditions and standards set by the Board shall not be approved or shall be subject to limitations on their rights or responsibilities or may also have their financial support discontinued.

In the case of hospitals failing to operate according to the principles, conditions and standards set by the Board, the Board shall notify their supervisory units to order them to take remedial action being a condition required in the operation of hospitals.

Section 30. The Board shall supervise and monitor the operators, operational units and hospitals to ensure compliance with the prescribed principles, conditions and standards.

Supervision and monitoring of the operation of the operators shall be according to Board announcement, except in the case of operators practicing medicines and public health which shall be according to the relevant laws.

Section 31. In the case where the operators, operational units or hospitals do not comply with the prescribed principles, conditions and standards, the Board shall conduct investigations according to Section 32.

In so doing, the Board shall have the power to call upon individuals to explain themselves or to notify individuals to submit documents or evidences relevant to such investigation.

Section 32. In the case the result/outcome of investigations under Section 31 shows the failure of the operators, operational units or hospitals to comply with the prescribed principles, conditions and standards, the Board shall proceed with one of the following:

- (1) notify the operator, operational unit or hospital concerned in writing to take remedial action;
- (2) notify the authority in control of the operational unit to take action;
- (3) notify the authority to take disciplinary action against the operator of State hospitals or government agencies;
- (4) notify the authority to take ethical punishment against the operator who practices medicine and public health.

## **CHAPTER 4**

### **Emergency Medical Fund**

.....

Section 33. There shall be established a fund called the “Emergency Medical Fund”, the objective of which is to support the operation of the emergency medical services and to reimburse or compensate the operators, operational units or hospitals, taking into account operations in the geographical areas where there are insufficient operators, operational units or hospitals.

To promote the readiness, suitability and the need of the people the Board shall support and coordinate with the local administrative authority to determine the principles for



such authority to operate and manage the emergency medical services at the community level with may receive a subsidy from the Fund.

Section 34. The Fund consists of:

- (1) subsidy from the Government allocated from the annual budget;
- (2) money or property from donation;
- (3) money or property derived from the operation of the Institute;
- (4) fine/penalty according to this Act;
- (5) money from government agencies or other funds with the objective of or related to the management of public health or medicine;
- (6) additional money prescribed by law;
- (7) fruit from benefits derived from money or property described in (1) (2) (3) (4) (5) and (6).

Section 35. For the benefit of the management of the Fund under Section 34 (5) the Board may enter into an agreement with government agencies or other funds having the objective of or relating to management in the field of public health or medicine to provide financial support to the Fund by taking into account the rate of operation according to the powers and duties of the Institute and the reduction in the burden of operation of the government agencies or such funds. If operating problems are encountered the Board may submit the matter for consideration of the Cabinet.

Cash payment of government agencies or other funds to the Fund according to the preceding paragraph shall be deemed to be cash payment which could be made according to the powers and duties of the government agencies or other funds according to the relevant laws.

Section 36. Cash and assets under Section 34 shall belong to the Institute to be used in accordance with its objectives.

Receiving of payment, payment and maintenance of the Fund as well as the management of the Fund shall be according to regulations as prescribed by the Board.

Section 18 shall apply mutatis mutandis with the preparation of accounts, audits and evaluation of expenses and assets of the Fund.

**CHAPTER 5**

**Punishment**

.....

Section 37. Whoever violates the announcements of the Board prescribed under Section 29 (1) shall be fined not exceeding the amount of one hundred thousand Baht.

Section 38. Whoever uses the communication and information technology systems provided for the emergency operation in a manner that may cause damages to the operation shall be fined not exceeding the amount of five thousand Baht.

Section 39. In determining the punishment under Sections 37 and 38, the Board shall take into consideration the severity of the behavior, damages caused according to the principles, methods and rates prescribed by the Board.

Section 40. Whoever uses the Honorary Pins without the right to do so shall be fined not exceeding the amount of fifty thousand Baht.

**CHAPTER 6**

**Transitory Provision**

.....

Section 41. The powers and duties, businesses, assets, rights, debts/obligations and budget of the Office of the Permanent Secretary, Ministry of Public Health, specifically pertaining to the part concerning the Office of Emergency Medical Services System shall be transferred to the Institute on the date this Act comes into force and effect.

Section 42. At the initial period, the Ministry of Public Health shall proceed to establish the Board within one hundred and twenty days from the date this Act comes into force and effect.

During the period that the Board is not as yet established according to this Act, the Board shall consist the Minister of Public Health, Permanent Secretary of the Ministry of Finance, Permanent Secretary of the Ministry of Public Health, Secretary-General of National Health Security Office, Secretary-General of Social Security Office and Acting Secretary-General of the Institute under Section 43.

Section 43. The Director of Office of Emergency Medical Services System on the date this Act comes into force and effect shall perform the duties of the Secretary-General of Institute until the appointment of the Secretary-General according to this Act, but shall not exceed one hundred and twenty days from the date this Act comes into force and effect.

Section 44. Civil servants or government employees wishing to work as officers or employees of the Institute shall submit their intention in writing to the Secretary-General and shall be required to the screening and evaluation according to principles and criteria prescribed by the Board within two years from the date this Act comes into force and effect.

Section 45. Civil servants or employees working as officers of the Institute under Section 44 shall be deemed to have resigned from government services because the government has cancelled their positions and they have already received the pension according to the law as the case may be.

Employees working as officers of the Institute under Section 44 shall be deemed to have left governmental services because the government has cancelled their positions or employment without fault and they have received the pension according to the Ministry of Finance Regulations.

For the benefit of counting the working period for the purpose of computing the rights and benefits according to regulations of the governmental institutes or governmental employees who have changed their standing under Section 44 wishing to calculate their official working period or the time during which they were civil servants or employees consecutively with the working hours of the officers or employees of the Institute, as the case may be, shall have the right to do so by showing their intention not to receive the pension.

The request not to receive the pension according to the third paragraph must be made within sixty days from the date of change of standing in the case of the civil servants according to the Law on Civil Servants pension or the Law on Civil Servants Pension Fund, as the case may. For the case of the employees to make a letter and sign the name as evidence and submit to the Secretary-General for further forwarding to the Ministry of Finance.







## **National Institute for Emergency Medicine (NIEM)**

88/40 Mu 4, In Commemoration of H.M. the King's 84<sup>th</sup> Birthday Bld.  
Tiwanon Rd. Talat Khwan, Mueang Nonthaburi, Nonthaburi, 11000  
Tel: +662 872 1669 Fax: +662 872 1601-6 <http://www.niems.go.th>