

## Myanmar Traditional Medical Council Law

(Pyidaungsu Hluttaw Law No.1/2019)

5<sup>th</sup> Waning Day of Pyatho, 1380 M.E.

(25<sup>th</sup> January, 2019)

The Pyidaungsu Hluttaw hereby enacts this Law.

### Chapter I

#### Title and Definition

1. This Law shall be called the Myanmar Traditional Medical Council Law.
2. The following expressions contained in this Law shall have the meanings given hereunder –
  - (a) **Traditional Medicine** means the study in which all public health care services such as diagnosis, prevention, cure, recovering and training by using the medicines compounded by the resources of plants, animals, water, earth and mineral resources, four kinds of Nayas (namely Desana Naya, Bhesajja Naya, Vijjadhara Naya and Nakkhatta Naya) and the traditional therapies and methods of the respective Myanmar natives for longevity, healthiness and safety of human are included.
  - (b) **International Traditional Medicine** means the traditional medicine recognized by the Traditional Medical Council of any foreign country or by the organization formed to carry out the similar matters as council.
  - (c) **Council** means the Myanmar Traditional Medical Council formed under this Law.
  - (d) **Patron Body** means the Patron Body of the Council.
  - (e) **Executive Committee** means the Executive Committee of the Council.
  - (f) **Councilor** means any member of the Council.
  - (g) **Registration Certificate** means the Traditional Medical Practitioner Certificate issued by the Council under this Law.
  - (h) **Registered Traditional Medical Practitioner** means the person who is registered in the Register of Traditional Medical Practitioner and issued registration certificate.
  - (i) **Practitioner License** means general practitioner license, special practitioner license, limited practitioner license and temporary limited practitioner license issued under this Law.
  - (j) **General Practitioner License** means the practitioner license issued under this Law in accordance with the specification to the registered traditional medical practitioner recognized by the Council.
  - (k) **Special Practitioner License** means the practitioner license issued under this Law to the registered traditional medical practitioner who has obtained a post-graduate degree and post-graduate diploma conferred by the local University of Traditional Medicine or recognized by the relevant Traditional Medical Council of any foreign country or by the organization formed to carry out the similar matters as Council and specified by the Council that he is qualified and skillful.
  - (l) **Limited Practitioner License** means the practitioner license issued under this Law by limiting the permitted kinds of disease and permitted region for treatment after scrutinizing the methods of traditional treatment of the natives by the Council theoretically and practically.

- (m) **Temporary Limited Practitioner License** means the practitioner license issued under this Law after scrutinizing in accordance with specifications to the International Traditional Medical Practitioner who has obtained the Traditional Medical Degree issued by the relevant Traditional Medical Council of any foreign country or by the organization formed to carry out similar matters as Council.
- (n) **Government** means the Union government of the Republic of the Union of Myanmar.
- (o) **Ministry** means the Ministry of Health and Sports of the Union Government.
- (p) **Department** means the Department of Traditional Medicine of the Ministry of Health and Sports.

## Chapter II

### Objective

3. The objectives of this Law are as follows –
  - (a) To provide the health care service by the qualified traditional medicine which is effective and safe;
  - (b) To supervise traditional medical practitioners for causing abidance by their code of conduct and discipline;
  - (c) To cooperate with the relevant government departments, government organizations, local and international organizations regarding the sustainable high-level trainings, occupation and development of traditional medical researches for the modernization of traditional medicine;
  - (d) To maintain and upgrade the medical quality and dignity of traditional medical practitioners;
  - (e) To advise and cooperate in the matters of traditional medicine production and quality control in accordance with the Traditional Medicine Law for the emergence of qualified, effective and safe traditional medicines for the people;
  - (f) To supervise the opinion, ideology, therapies and methods relating to traditional medicine and intellectual property rights relating to medicines in accordance with the existing laws;
  - (g) To improve, distribute and protect the orthodox therapies and methods of traditional medicine and effective traditional medicines not to be disappeared;
  - (h) To coordinate in forming the technical organizations for the development of traditional medicine and for the unity of traditional medical practitioners.

## Chapter III

### Formation of Myanmar Traditional Medical Council

4. The Council is an organization exit and carry out independently in accordance with the Law.
5. The Council is an organization which has its own name, emblem, the right to consecutive heir, the right to use and to be sued.
6. The Government shall form the Patron Body by the total of seven persons including the Union Minister of the Ministry, a Director General of the Ministry delegated by such Union Minister, a retired person who had served at the Department of Traditional Medicine in the position not inferior to Deputy Director General and four seasoned traditional medical practitioners.

7. (a) the Patron Body shall form the Council by the following persons not more than 45 –
  - i. Director General of the Department of Traditional Medicine;
  - ii. Rector of the University of Traditional Medicine;
  - iii. Two persons from the Department not inferior to Director;
  - iv. Two persons from the University of Traditional Medicine not inferior to professor or dean;
  - v. Two members from the Myanmar Traditional Medical Practitioner Association (Central);
  - vi. Two representatives from the Association of Myanmar Traditional Medicine Manufactures and Medical Equipment Entrepreneurs;
  - vii. Each traditional medical practitioner of the relevant Union Territory, Region and State elected by the registered traditional medical practitioners of the respective Union Territory, Region and State;
  - viii. Traditional medical practitioners elected by the registered traditional medical practitioners based on the number of the registered traditional medical practitioners of the respective Union Territory, Region and State;
  - ix. Two persons who have at least seven-year service as traditional medical practitioners and are under 35 years of age.

(b) the Patron Body may reform the Council formed under sub-section (a) as may be necessary.
8. The Patron Body shall delegate one Chairman, two Vice-Chairmen, eight Councilors, one Secretary, one Joint-Secretary, one Treasurer and one Auditor from the councilors by electing with the votes of the councilors.
9. (a) the term of the Council is five years from the day of formation.

(b) the tenure of Councilors is the same as the tenure of the Council.

(c) a Councilor may act as such only for 2 consecutive tenures of the Council.

(d) when a vacancy occurs in the post of any Councilor, such position shall be filled by substituting the relevant person according to the position or electing within 90 days. The tenure of such substituted councilor is only till the expiry of the remaining tenure of the Council.

(e) the Council shall, when the term is expired, serve the obligations till the period that the new council has been formed.
10. The Patron Body shall assign duty as Executive Committee to the persons elected under S.8 to carry out the functions of the Council.
11. The Chairman, Secretary and member of the Executive Committee shall meet the following qualifications-
  - (a) The Chairman of the Executive Committee shall be the traditional medical practitioner who is able to serve the duty fulltime.
  - (b) Shall enabling to serve the duty and obligation of the Executive Committee fulltime.
  - (c) Shall enabling to lead, manage, supervise the activities of the Executive Committee and interested in it.
12. The tenure of the Executive Committee and the substituted member when the vacancy occurs is the same as the tenure of the Council.
13. Formation of Council, formation of Executive Committee, convening meeting and financial matter shall be carried out in accordance with the financial regulations.

## Chapter IV

### Duties and Powers of the Council

14. The duties of the Council are as follows –

- (a) Stipulating the code of conduct to be abided by the traditional medical practitioners;
- (b) Supervising the code of conduct to be abided by the traditional medical practitioners, investigating the submissions regarding the failures to abide the code of conduct and taking action as may be necessary;
- (c) Recognition and refusal to recognize any local or foreign traditional medical decrees and certificates;
- (d) Advising the Department and Ministry to maintain and upgrade the health care level of public and private traditional medical hospitals and clinics and to carry out in accordance with the standards and procedures of traditional medicine;
- (e) Negotiating, advising and cooperating with the relevant traditional medical university regarding the teaching after studying and reviewing the developing and changing international traditional medicines and the traditional medicines of the State for upgrading the standard of the teaching of traditional medicine and for the emergence of qualified traditional medical practitioners;
- (f) Studying to maintain and upgrade the health care quality and standard of the traditional medical practitioners, communicating and cooperating with the government departments, government organizations, relevant local and international organizations and advising the Department and Ministry;
- (g) Advising the other relevant Ministries, Naypyitaw Council and Region or State Governments through the Ministry regarding the stipulating and approving the standards, weights and limitations of traditional medicines, herbage and medical equipment.

15. The powers of the Council are as follows –

- (a) Formation of the following committees, in order to implement the functions of the Council, comprising the councilors and other appropriate persons and stipulating the functions thereof –
  - i. Committee for the Maintenance of Conduct and Discipline;
  - ii. Registration Certificate and Practitioner License Scrutiny Committee;
  - iii. Financial Committee;
  - iv. Legal Committee;
  - v. Other necessary committees.
- (b) Communicating and cooperating with the international, regional, local and foreign organizations and experts on matters beneficial to the State and people;
- (c) Prescribing and collecting the registration fees, license fees, renewal fees, overdue fees, exam fees and other general service fees;
- (d) Scrutinizing, apprising and deciding in respect of using international traditional medicines and advising the Department of Traditional Medicine and Ministry of Health and Sports;
- (e) Making or refusing to use the disappeared traditional medicines of the natives by revealing for the public health;

- (f) Conferring its duties and powers to the Executive Committee in order to carry out the objectives effectively contained in this Law.

## Chapter V

### Duties and Powers of the Executive Committee

- 16. The duties of the Executive Committee are as follows –
  - (a) Supervising the traditional medical practitioners to abide the code of conduct and investigating the failures to abide and taking action;
  - (b) Proclaiming the traditional medical degrees, diplomas and certificate recognized by the Council from time to time;
  - (c) Compiling the list of registered traditional medical practitioner and licensed traditional medical practitioner and proclaiming from time to time;
  - (d) Coordinating with the Ministry, University of Traditional Medicine, Traditional Medical Associations and Organizations of Experts for the sustainable teaching of traditional medical practitioners in accordance with the requirement of the health care of the State;
  - (e) Negotiating, advising and cooperating with the relevant organization regarding the distribution, selling and research of traditional medicine, traditional medical diet and medical equipment;
  - (f) Asking for advise by inviting the relevant technical experts in Council Meeting as may be necessary.
- 17. The powers of the Executive Committee are as follows –
  - (a) Issuing, refusing or cancelling the registration certificate;
  - (b) Issuing, refusing, cancelling and revoking the practitioner license or reissuing by scrutinizing;
  - (c) Determining the term, renewal of the term or refusing to renew the term of the practitioner license;
  - (d) Scrutinizing and recognizing the medical degrees.

## Chapter VI

### Entitlements of the Councilors and Members of Executive Committee

- 18. (a) The entitlements of the Councilors are as follows –
  - i. Entitle to remuneration and benefit awarded by the Council;
  - ii. Entitle to travel allowance cost actually in travelling according to obligation and daily expense stipulated from time to time;
  - iii. Entitle to remuneration stipulated from time to time in attending the meetings relating to the Council.
- (b) entitlements of the members of the Executive Committee are as follows –
  - i. Entitle to salary or remuneration stipulated by the Council;
  - ii. Entitle to travel allowance cost actually in travelling according to obligation.

## Chapter VII

### Termination from the Membership of Council

19. The Council shall, with the approval of the Patron Body, terminate any of the councilor from the membership of Council on the occurrence of any of the following matters –
- (a) Voluntarily resignation;
  - (b) Failure to attend the meeting for three consecutive times without asking for leave from the Council;
  - (c) Going abroad for six months and more without asking for leave from the Council;
  - (d) Being deregistered from the register of traditional medical practitioner;
  - (e) Being cancelled the practitioner license or revocation of the same for a limited period of time;
  - (f) Investigating and finding by the Council that it amounts to failure to observe the code of conduct of a traditional medical practitioner;
  - (g) Failure to serve the duties conferred by the Council;
  - (h) Un-accomplishment of sufficient healthiness to serve or death;
  - (i) Misusing in the financial matters of the Council.

## Chapter VIII

### Holding Meeting

20. The meeting shall convene as follows –
- (a) Holding the regular meeting of the Council once in every three months and holding extraordinary meeting as may be necessary;
  - (b) Holding the meeting of the Executive Committee once in a month and holding extraordinary meeting as may be necessary;
  - (c) Obtaining the decision by submitting the performances of the Executive Committee to the nearest regular meeting of the Council.
21. The meeting, in any meeting of the Council or Executive Committee, is valid only if more than half of the total number of the members attend.
22. The Council and Executive Committee may proclaim their performances to the Myanmar Traditional Medical Practitioner Association and related organizations. Moreover, they may submit their performances to the Department and Ministry.

## Chapter IX

### Formation of Office and Assigning Duties Thereto

23. The Council shall, in order to carry out the functions of the Council and Executive Committee, appoint the required staffs after forming the office and departments as follows –
- (a) A Head of Office;
  - (b) A Head of Department and two clerks in each Department of Administrative and Accounts, Registration and License and International and Public Relation;

- (c) A Head of the Branch of Traditional Medical Practitioner and two clerks in each Department of Quality Control and Maintenance of Conduct and Discipline.
24. The Council may reform the office and departments contained in S.23 in accordance with the requirement.

## **Chapter X**

### **Finance**

25. The Council may stipulate and collect registration fee, license fee, renewal fee, overdue fee, exam fee and other general service fee.
26. The Council shall, to enable to implement the provisions contained in this Law, establish a fund by the following receipts –
- (a) Receipts collected from registration fee, license fee, renewal fee, overdue fee, exam fee and other services;
  - (b) Endowments from local and foreign organizations and donors;
  - (c) Increases from fund;
  - (d) Other receipts.
27. The Council may accept property donated by the local and foreign organizations and donors and other assistances. Moreover, it has the right to manage lawfully in accordance with the existing laws and regulations.
28. The Council shall bear the salary and expenditures of the Executive Committee and Office of the Council and shall take the responsibility of the office building.
29. The Council shall carry out the financial performances by following the existing financial regulations and directives.
30. The Council shall carry out enabling to stand independently by its fund. The Council may, if it is insufficient in standing by its fund, submit through the Ministry, by the permission of the Union Government, to incur from the Union Fund.

## **Chapter XI**

### **Registration of Myanmar Traditional Medical Practitioner**

31. Any citizen want for registration certificate may apply to the Council in accordance with the following specifications –
- (a) The person who has obtained the traditional medical degree or diploma conferred by any local or foreign university which is recognized by the Council and the person who has obtained the traditional medical diploma conferred by the Traditional Medical Science;
  - (b) The person who has obtained one-year training of traditional medical certificate, three subjects traditional medical certificate or four subjects traditional medical certificate.
32. The Executive Committee may, after scrutinizing the application made under S.31 in accordance with the specifications, issue the registration certificate if it is consistent with the specifications.

33. The person obtaining the registration certificate shall renew the term of registration in accordance with the conditions according to the prescribed term.
34. The Executive Committee may, on finding any of the following facts regarding a registered traditional medical practitioner, deregister –
  - (a) Being convicted by any offence and such offence is prescribed from time to time by the Council not suitable to continue as a traditional medical practitioner;
  - (b) Finding the degeneration of a traditional medical practitioner by the Council;
  - (c) Being unable to carry out the functions of a traditional medical practitioner for mental illness;
  - (d) Submission of death by sufficient reason or finding in scrutinizing.

## Chapter XII

### Recognition of Post-Degree

35. The person who has obtained the Post Traditional Medical Degree conferred by any local or foreign traditional medical university may apply to the Council in accordance with the specifications for the recognition of post-degree.
36. The Executive Committee may, after scrutinizing the applicants under S.35 in accordance with the specifications, refuse if they are not qualified and shall, after causing to pay registration fee, enter their post-degree into the registration certificate if they are qualified.

## Chapter XIII

### Practitioner License

37. The registered traditional medical practitioner shall apply for the general practitioner license to the Council to carry out medical treatment.
38. The Executive Council may, after scrutinizing the application made under S.37, refuse if it is inconsistent with the specifications and shall, after causing to pay license fee and other prescribed fees, issue general practitioner license if it is consistent with the specifications.
39. The foreign traditional medical practitioner shall apply for the temporary limited practitioner license in accordance with the specifications to the Council.
40. The Executive Committee may, after examining the quality of the applicant under S.39 in accordance with the specifications, refuse if he is not qualified and shall, after causing to pay license fee and other prescribed fees, issue temporary limited practitioner license if he is qualified.
41. The registered traditional medical practitioner may apply for the special practitioner license in accordance with the specifications to the Council if he is consistent with the prescribed qualification.
42. The Executive Council may, after scrutinizing the application made under S.41, refuse if it is inconsistent with the specifications and shall, after causing to pay license fee and other prescribed fees, issue special practitioner license if it is consistent with the specifications.
43. The traditional medical practitioner wants for practitioner license as the tradition of natives shall apply for the limited practitioner license in accordance with the specifications to the Council.



44. The Executive Committee may, after examining the quality of the applicant under S.43 in accordance with the specifications, refuse if he is not qualified and shall, after causing to pay license fee and other prescribed fees, issue limited practitioner license by limiting the types of disease, region and period permitted to make treatment if he is qualified.
45. The person obtaining the practitioner license shall apply for renewal to the Council in accordance with the specifications before the expiration of the term of license if he wants to continue his career to make treatment after the expiration of the term of license. His treatments within the period of application shall presume as lawful treatments.
46. The Executive Committee may, after scrutinizing the application made under section 45 in accord with the stipulations for the extension of the term of practitioner license, extend or refuse to extend the term.
47. The Executive Committee may cancel the practitioner license or revoke for limited period of time if it is inspected and found in any traditional medical practitioner that any of the following facts has occurred –
  - (a) Being deregistered from the register of traditional medical practitioner;
  - (b) Carrying out the obligations of a traditional medical practitioner negligently;
  - (c) Making other treatment other than the type of treatment permitted in the license;
  - (d) Violating the limitations contained in the license;
  - (e) Not abiding the code of conduct that have to be observed by a traditional medical practitioner;
  - (f) Failure to extend the term of the practitioner license without sufficient ground during the prescribed period;
  - (g) Describing the medical degree, level and skill with his name which are not recognized by the Council.

#### **Duties and Rights of the Registered Traditional Medical Practitioner and Licensed Traditional Medical Practitioner**

48. The registered traditional medical practitioners and licensed traditional medical practitioners shall –
  - (a) Abide the rules, notifications, orders, directives and procedures issued under this Law.
  - (b) Abide and observe the code of conduct of traditional medical practitioner prescribed by the Council.
  - (c) Have the right to advise the Council for the development of traditional medicine.
  - (d) have the right to submit his grievances to the Council and also have the right to obtain the advice of the Council.
49. The registered traditional medical practitioner shall –
  - (a) Have the right to vote in electing councilor.
  - (b) Have the right to be elected as councilor.
  - (c) Have the right to apply for the addition of any medical qualification obtained by any registered traditional medical practitioner after the registration into the register of the Council or in his registration certificate.
50. The licensed traditional medical practitioner shall –

- (a) Have the right to make treatment in accordance with the specifications according to the type of license he has obtained.
- (b) Have the right to apply for the renewal of license he has obtained to the Council in accordance with the specifications.
- (c) Have the right to submit to the Council for sustainable learning.

## Chapter XV

### Taking Administrative Action

- 51. The Council shall, on the occurrence of the reason to investigate any registered traditional medical practitioner or any licensed traditional medical practitioner for knowing itself or for the complaint of an informer, form the Investigation Body comprising a member of Executive Committee, two Councilors and two relevant experts and assign duty.
- 52. The Investigation Body formed and assigned duty under S.51 shall, after investigating in accordance with the specifications, submit to the Executive Committee with finding, appraisal, advice and remark.
- 53. The Executive Committee may, according to the findings after scrutinizing the submission of the Investigation Body, take any of the following actions –
  - (a) Warning;
  - (b) Revoking the practitioner license by the limitation of time period or cancelling;
  - (c) Revoking the registration certificate by the limitation of time period or cancelling.

## Chapter XVI

### Appeal

- 54. The person dissatisfied with any action taken by the Executive Committee under Ss.34, 36, 38, 40, 42, 44, 46, 47 and 53 may appeal to the Council within 60 days from the date of making such decision.
- 55. The Council may revise, uphold or set aside the decision of the Executive Committee. The decision of the Council shall be final and conclusive.

## Chapter XVII

### Prohibitions and Penalties

- 56. No one shall make any treatment by the name of traditional medical practitioner without having practitioner license prescribed by the Council.
- 57. No foreigner shall make any treatment by using Myanmar Traditional Medicine or International Traditional Medicine without having practitioner license prescribed by the Council.
- 58. No one shall apply by cheating for the registration certificate under S.31.
- 59. No one shall apply by cheating for the recognition of degree under S.35.
- 60. No one shall apply by cheating for the practitioner license under Ss.37, 39, 41 and 43.

61. Whoever violates the prohibition contained in S.56 shall, on conviction, be punished with imprisonment for a term to one year or with fine from a minimum of kyats one hundred thousand to a maximum of kyats three hundred thousand or with both.
62. Any foreigner who violate the prohibition contained in S.57 shall, on conviction, be punished with imprisonment for a term to one year or with fine from a minimum of kyats five hundred thousand to a maximum of kyats one million or with both.
63. Whoever violates the prohibition contained in S.58 or S.59 shall, on conviction, be punished with imprisonment for a term from a minimum of six months to a maximum of two years or with fine from a minimum of kyats three hundred thousand to a maximum of kyats five hundred thousand or with both.
64. Whoever violates the prohibition contained in S.60 shall, on conviction, be punished with imprisonment for a term from a minimum of six months to a maximum of two years or with fine from a minimum of kyats three hundred thousand to a maximum of kyats five hundred thousand or with both.

## Chapter XVIII

### Miscellaneous

65. The person desirous of applying practitioner license shall, commencing from the date of one-year completion after forming the Council, apply in accordance with this Law.
  66. If any person obtaining the practitioner license carry out for the benefit of the patient in accordance with the conduct of traditional medical practitioner by deciding with the appropriate medical mindfulness, such action shall not be presumed as negligence.
  67. The rules, orders and directives issued under the Traditional Medical Council Law (the State Peace and Development Council Law No.2/2000) may continue to be applicable in so far as they are not inconsistent with this Law.
  68. The funds owned by the Council under the Traditional Medical Council Law (the State Peace and Development Council Law No.2/2000), moveable and immovable property, works which have been in the process of being performed, works which have been completed, assets and liabilities shall devolve on the Council respectively.
  69. The Traditional Medical Council formed under the Traditional Medical Council Law (the State Peace and Development Council Law No.2/2000) shall continue to carry out its duties and powers before the formation of the Council under this Law.
  70. In implementing the provisions contained in this Law –
    - (a) The Ministry may, with the approval of the government, issue rules, by-laws and regulations.
    - (b) The Ministry and Council may issue notifications, orders, directives and procedures.
  71. The Traditional Medical Council Law (the State Peace and Development Council Law No.2/2000) is repealed by this Law.
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I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd./Win Myint

President

The Republic of the Union of Myanmar

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