

The State Peace and Development Council
Myanmar Medical Council Law
(The State Peace and Development Council Law No.1/2000)
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 Myanmar Medical Council Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Medical Science means branch of studies related to all health care activities including upgrading of health status, prevention of disease, diagnosis of disease, treatment of disease, rehabilitation and research;
 - (b) Council means the Myanmar Medical Council formed under this Law;
 - (c) Council Member means any member of the Myanmar Medical Council;
 - (d) Registration Certificate means registered medical practitioner certificate granted under this Law by the Myanmar Medical Council;
 - (e) Registered Medical Practitioner means a person whose name has been entered in the medical practitioners' registration list and has been granted medical practitioner registration certificate;
 - (f) Medical Practitioner Licence means a General Medical Practitioner Licence, Special Medical Practitioner Licence and Limited Medical Practitioner Licence granted under this Law by the Myanmar Medical Council;
 - (g) General Medical Practitioner Licence means a medical practitioner licence granted by the Myanmar Medical Council to the registered medical practitioner who has obtained a recognized basic medical science degree and has completed the prescribed interne period;
 - (h) Special Medical Practitioner Licence means a medical practitioner licence granted by the Myanmar Medical Council to a qualified registered medical practitioner who has obtained a recognized post-graduate degree or postgraduate diploma and a registered medical practitioner who is determined as being qualified and having expertise in the relevant branch of medical science;
 - (i) Limited Medical Practitioner Licence means a medical practitioner licence granted by the Myanmar Medical Council to a foreigner medical practitioner limiting the branch of medical science in which practice is allowed, the locality in which and the period during which practice is allowed.

Chapter II
Objectives

3. The objectives of this Law are as follows:-
 - (a) to enable the public to enjoy qualified and effective health care assistance;

- (b) to maintain and upgrade the qualification and standard of the health care assistance of medical practitioner;
- (c) to enable studying and learning of the medical science of a high standard abreast of the times;
- (d) to enable a continuous study of the development of the medical science by the medical practitioners;
- (e) to maintain and promote the dignity of the medical practitioners;
- (f) to supervise the abiding and observing in conformity with the moral conduct and ethics of the medical practitioners;

Chapter III

Formation of the Myanmar Medical Council

4. The Minister for the Ministry of Health shall:-

(a) with the approval of the government form the Myanmar Medical Council comprising the following persons:-

- (1) the respective Directors -General under the Ministry of Health;
- (2) Director of Medical Service, Ministry of Defence;
- (3) Rectors of the Institutes of Medicine;
- (4) Rector of Tatmadaw Institute of Medicine;
- (5) Chairman of the Myanmar Medical Association;
- (6) Heads of States and Divisions of the Department of Health;
- (7) Professors/Heads of Faculty of Forensic Medicine, Institutes of Medicine;
- (8) one Professor-cum -head of Faculty of Forensic Medicine, Tatmadaw Institute of Medicine;
- (9) one senior Professor-cum -medical practitioner from each Institute of Medicine;
- (10) one senior Professor-cum-medical practitioner from the Tamadaw Institute of Medicine;
- (11) three representatives from the Myanmar Academy of Medical Science;
- (12) three retired medical practitioners;
- (13) one non-government servant medical practitioner elected by medical practitioners holding licence from respective States and Divisions.

(b) in forming the Council under sub-section(a), a Chairman, a Secretary and a Joint Secretary shall be determined.

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

6. The Minister for the Ministry of Health shall form the Executive Committee comprising the following persons to carry out the duties and functions of the Council:-

- | | |
|--------------------------------------|-----------------|
| (a) Chairman of the Council - | Chairman |
| (b) Two Council Members - | Vice-Chairmen |
| (c) Ten Council Members - | Members |
| (d) Secretary of the Council - | Secretary |
| (e) Joint-Secretary of the Council - | Joint-Secretary |

7. (a) The tenure of the Council for one term shall be four years commencing from the date of its formation.

(b) The term of office of the Council members shall be the same as the tenure of the Council.

(c) A Council member may act as such only for three consecutive terms.

(d) When a vacancy occurs in the post of any Council member it shall be filled by substitution or election as contained in sub-section(a) of section 4. The term of office the Council member so appointed shall be till the expiry of the tenure of the existing Council.

(e) The Council shall, on the expiry of its terms of office, carry out the function till the formation of a new Council.

8. The formation of the Council, the formation of the Executive Council, holding of meetings and financial matters shall be carried out in accordance with the stipulations.

Chapter IV **Duties and Powers of the Council**

9. The duties of the Council are as follows:-

(a) recognition or refusal of recognition of medical degrees conferred by any local or foreign Institute of Medicine or Medical College or any other organization formed for the purpose of medical science;

(b) issuing notification from time to time on the medical degrees recognized by the Council;

(c) determining moral conduct and ethics to be observed by the medical practitioners and supervision thereof;

(d) compiling and keeping the list of registered medical practitioners and the list of licensed medical practitioners and publishing the said lists from time to time;

(e) studying, examining, taking appropriate action and communicating with the Government departments and organizations to enable maintaining and upgrading of the qualification and standard of the medical practitioners in the performance of health care;

(f) prescribing necessary norms and standards for maintaining and upgrading the level of health care of the State-owned and private hospitals and clinics, and submitting suggestion thereof to the Ministry of Health;

- (g) submitting suggestions, after studying and reviewing the teaching systems of medical science which are being developed and changed, to the Ministry of Health for upgrading the standard of teaching medical science and emergence of qualified medical experts;
- (h) submitting suggestions to the Ministry of Health for enabling medical practitioner to study medical education continuously in conformity with the health care requirements of the State;
- (i) submitting suggestions to the Ministry of Health for upgrading health care and standard of medical science;
- (j) investigating, examining and taking action in case of failure to abide by and observe in conformity with the moral conduct and ethics of the medical practitioner.

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

(a) forming the following committees and prescribing the functions and duties thereof:-

- (1) Committee for Scrutiny of Registration Certificate and Medical Practitioner Licence;
- (2) Committee for Observance of Moral Conduct and Ethics;
- (3) Committee for Maintenance of Discipline;
- (4) Standardization Committee;
- (5) Committee for Continuous Medical Education;
- (6) Health Committee;
- (7) Other necessary committees;

(b) issuing, refusing to issue and cancelling registration certificate;

(c) issuing refusing to issue, cancelling and revoking subject to a time limit of medical practitioner licence;

(d) determining the tenure, extending the tenure and refusing to extend the tenure of medical practitioner licence;

(e) communicating and cooperating, with the approval of the Ministry of Health, with international, regional, Local and foreign government departments, organizations and experts on matters that will prove beneficial to the State and the Council;

(f) prescribing and collecting the registration fees, licences fees, extension of tenure of medical practitioner licence fees and late fees;

(g) exercising the other powers conferred from time to time by the Ministry of Health for successful implementation of the objectives of the Council.

Chapter V

Rights of the Members of the Council and Members of the Executive Committee

11. The rights of the members of the Council and members of the Executive Committee are as follows:

(a) having the right to enjoy the benefits prescribed by the State from time to time;

- (b) having the right to receive travelling allowance actually incurred and daily subsistence allowance prescribed from time to time if travelling on duty is involved;
- (c) having the right to receive remuneration prescribed from time to time if attending meetings relating to the Council is involved.

Chapter VI

Cessation of Membership of Council

12. If any of the following events has occurred, the Council shall, with the approval of the Ministry of Health, cease the Membership of any member: -

- (a) resignation;
- (b) failure to attending the meeting for three consecutive times without applying for leave to the Council;
- (c) going abroad for six months and above without applying for leave;
- (d) cancellation from the medical practitioners' registration list;
- (e) cancellation of the medical practitioner licence or revocation of the same subject to a time limit;
- (f) action being taken and subsequently convicted for any offence relating to misconduct or affecting security of the State;
- (g) finding by the Council on examination to have failed to observe the moral ethics.

Chapter VII

Holding Meetings

13. The meetings shall be held as follows

- (a) holding regular meeting of the Council once in every three months and holding extraordinary meeting when necessary;
- (b) holding the Executive Committee meeting once a month and holding extraordinary meeting when necessary;
- (c) submitting the activities of the Executive Committee to the nearest regular meeting of the Council and obtaining the approval thereof;

14. The Council and the Executive Committee shall report their activities to the Ministry of Health once in every three months regularly. In addition, they may report as may be necessary from time to time.

Chapter VIII

Formation of Staff Office and Assigning Duties Thereto

15. In order to carry out the functions and duties of the Council and the Executive Committee, the Council shall, with the permission of the Ministry of Health form the Staff Office as follows: -

- (a) appointing a Head of Staff Office and a Deputy Head of Staff Office and assigning duties thereto;
- (b) constituting the staff as may be necessary and assigning duties there to.

Chapter IX

Finance

- 16.** The Ministry of Health shall bear the expenditures of the Council, the Executive Committee and the Staff Office.
- 17.** The Council may, with the approval of the Ministry of Health, accept donations, property and other assistance from organizations and donors locally and abroad.
- 18.** The Council shall accept, utilize and keep the accounts of income and expenditure in accordance with the existing financial rules and directives.

Chapter X

Registration Certificate of Medical Practitioner

- 19.** Any of the following persons desirous of obtaining the registration certificate may apply to the Council in accordance with the stipulations; -
- (a) a person who has obtained the degree of medical science conferred by any local Institute of Medicine;
 - (b) a person who has obtained the degree of medical science conferred by any foreign Institute of Medicine, any Medical College or any organization formed for medical education and also recognized by the Council
 - (c) a person who has obtained a degree conferred by any foreign Institute of Medicine, any Medical College or any organization formed for medical education but not yet recognized by the Council.
- 20.** The Council may, after scrutinizing the application made under section 19 in accordance with the stipulations and causing the registration fees to be paid, issue or refuse to issue the registration certificate.
- 21.** The Council shall, in respect of any registered medical practitioner, cancel from the registration list on finding out that any of the following events has occurred: -
- (a) using narcotic drugs and psychotropic substances;
 - (b) being convicted by the Court for any offence related to the moral conduct and ethics of a medical practitioner and determined by the Council as being not suitable to continue serving as a medical practitioner;
 - (c) although not convicted by a Court, perversion of moral conduct and ethics of a medical practitioner and being not suitable to continue serving as a medical practitioner;
 - (d) surrendering the citizenship, cessation or revocation of citizenship, or adopting the citizenship of other country.

Chapter XI

Medical Practitioner Licence

- 22.** The registered medical practitioner desirous of performing medical practice shall apply to the Council to obtain the General Medical Practitioner Licence in accordance with the stipulations.
- 23.** The Council may, after scrutinizing the application made under section 22 in accordance with the stipulations and causing the licence fees to be paid, issue or refuse to issue the General Medical Practitioner Licence.
- 24.** The registered medical practitioner who has already obtained the General Medical Practitioner

Licence and is fully qualified may apply to the Council to obtain the Special Medical Practitioner Licence.

25. The Council may, after scrutinizing the application made under section 24 in accordance with the stipulations, and causing the licence fees to be paid, issue or refuse the Special Medical Practitioner Licence.

26. A foreign medical practitioner desirous of performing medical practice in the Union of Myanmar shall apply to the Council to obtain the Limited Medical Practitioner Licence in accordance with the stipulations.

27. The Council may, after scrutinizing the application made under section 26 in accordance with the stipulations, and causing the licence fees to be paid issue the Limited Medical Practitioner Licence limiting the branch of medical science in which practice is allowed, the locality in which practice is allowed and the period during which practice is allowed or refuse to issue.

28. A General Medical Practitioner Licence holder or Special Medical Practitioner Licence holder desirous of continuing his medical practice after expiry of the tenure of the medical practitioner licence shall apply to the Council in accordance with the stipulations for the extension of the tenure of his licence before the expiry of the tenure of the relevant medical practitioner licence.

29. The Council may, after scrutinizing the application made under section 28 in accordance with the stipulations for the extension of the tenure of medical practitioner licence, extend the tenure or refuse to extend the tenure.

30. The Council may, in respect of any medical practitioner holding medical practitioner licence, cancel the medical practitioner licence or revoke it subject to a time limit on finding out that any of the following events has occurred;-

- (a) being cancelled from the medical practitioner registration list;
- (b) being unable to carry out the functions and duties of a medical practitioner due to mental illness, being devoid of knowledge or physical disability;
- (c) failure to carry out the duty assigned by the State;
- (d) carrying out the duties of a medical practitioner inconsiderately and negligently;
- (e) failure of compliance and observance in conformity with the moral conduct and ethics of a medical practitioner;
- (f) being unable to carry out in accordance with the qualification of a medical practitioner;
- (g) failure to extend the tenure of the medical practitioner licence without sufficient ground during the period determined by the Council.

Chapter XII

Duties and Rights of the Registered Medical Practitioner and the Medical Practitioner Licence Holder

31. The registered medical practitioner: -

- (a) shall abide by the rules, procedures, notifications, orders and directives issued under this Law;
- (b) shall observe the moral conduct and ethics of medical practitioner prescribed by the Council;
- (c) has a right to advise the Council for progress and achievement of the functions and duties of the Council;

(d) has a right to submit his grievances of the Council and may also have a right to obtain the advice of the Council.

32. The medical practitioner licence holder has a right to carry out the medical practice according to the type of licence which he holds in accordance with the stipulations.

33. In electing the member of Council contained in clause (13) of sub-section (a) of section (4) the medical practitioner licence holder: -

(a) has the right to vote;

(b) has right to be elected as a member of Council if he possesses qualification determined by the Council.

Chapter XIII

Appeal

34. A person dissatisfied with an order or decision passed under section 20 or section 23 or section 25 or section 27 or section 29 or under section 30 that the medical practitioner licence is revoked for a period under 5 years by the Executive Committee may file an appeal to the Council within 60 days from the date of passing such order or decision.

35. The decision of the Council passed in an appeal under section 34 shall be final and conclusive.

36. A person dissatisfied with an order or decision passed under section 21 or under section 30 that the medical practitioner licence is revoked for a period of 5 years and above or cancelled by the Executive Committee may file an appeal to the Minister for the Ministry of Health within 60 days from the date of passing such order or decision.

37. The decision of the Minister for the Ministry of Health passed in an appeal under section 36 shall be final and conclusive.

Chapter XIV

Prohibitions and Penalties

38. No one shall give medical treatment without a medical practitioner licence granted by the Council under this Law.

39. No medical practitioner licence holder in performing the medical treatment work, shall assign duty to any other person except one who has obtained a licence, registration certificate, permit, certificate of completion of attendance of a training course or documents granted by the relevant department, organization that he is skillful in the relevant medical treatment work.

40. No registered medical practitioner shall use the terms and expressions which are inappropriate with the degree which he has obtained, rank and technical know-how together with his name.

41. Whoever violates the prohibition contained in section 38 shall, on conviction, be punished with imprisonment for a term which may extend to 5 years and may also be liable to a fine.

42. Any medical practitioner holding the medical practitioner licence who violates the prohibition contained in section 39 shall, on conviction, be punished with imprisonment for a term which may extend to 5 years or with fine or with both.

43. Any registered medical practitioner who violates the prohibition contained in section 40 shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine or with both.

Chapter XV

Miscellaneous

- 44.** The provisions contained in this Law shall not apply to persons who have the right of medical treatment under any other existing law.
- 45.** A medical certificate which is not signed by a medical practitioner licence holder himself shall not be deemed to be a legal medical certificate.
- 46.** In prosecuting an offender under section 42 or section 43 of this Law, prior sanction of the Ministry of Health shall be obtained.
- 47.** Rules, orders and directives issued under the Myanmar Medical Act, 1957 may continue to be applicable in so far as they are not inconsistent with this Law.
- 48.** Funds owned by the Union of Myanmar Medical Council formed under the Myanmar Medical Act, 1957 movable and immovable property, works which are in the processes of being performed, works which have been completed, assets and liabilities shall devolve respectively on the Council.
- 49.** The Union of Myanmar Medical Council formed under the Myanmar Medical Act, 1957 may continue to carrying out its duties and powers until the formation of the Myanmar Medical Council under this Law.
- 50.** For the purpose of carrying 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 and the Council may issue such notifications orders and directives as may be necessary.
- 51.** The Myanmar Medical Act, 1957 is hereby repealed.

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

http://web.archive.org/web/20110902221853/http://www.blc-burma.org/html/Myanmar%20Law/lr_e_ml00_01.html