

**Royal Decree on the establishment of The Healthcare Accreditation Institute  
(Public Organization)**

**B.E. 2552 (2009)**

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**BHUMIBOL ADULYADEJ, REX;**

**Given on the 10<sup>th</sup> Day of June B.E. 2552;**

**Being the 64<sup>th</sup> Year of the Present Reign**

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to establish the Healthcare Accreditation Institute as a public organization in accordance with the law of the public organization.

By virtue of section 187 of the Constitution of the Kingdom of Thailand and section 5 of the Public Organization Act B.E. 2542, His Majesty the King has graciously endorsed the enactment of the Royal Decree of follows:

**Section 1** This Royal Decree is called “Royal Decree on the establishment of The Healthcare Accreditation Institute (Public Organization) B.E. 2552”.

**Section 2** This Royal Decree shall come into force as from the day following the date of its publication in the Government Gazette.<sup>1</sup>

**Section 3** In this Royal Decree:

“healthcare organization” means healthcare organizations, in accordance with the law on healthcare organization, which provide in-patient services. It shall also include healthcare organizations established by state agencies.

“accreditation” means to certify that a healthcare organization has requisite operation and quality improvement processes which support good-quality health services and meet the standards stipulated by the Board. Such accreditation is an accreditation of work systems of a healthcare organization, not the assurance of clinical outcomes of individual patients.

“Institute” means The Healthcare Accreditation Institute (Public Organization).

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<sup>1</sup> Published in Government Gazette, Volume 126, Part 41 a, dated 22nd June B.E. 2552 (2009).

“Board<sup>2</sup>” means the Executive Board of The Healthcare Accreditation Institute.

“Board member<sup>3</sup>” means a member of the Executive Board of The Healthcare Accreditation Institute.

“Director” means the Director of the Institute.

“Officer” means an officer of the Institute.

“Employee” means an employee of the Institute.

“Minister” means Minister who has charge and control of the execution of this Royal Decree.

**Section 4** The Minister of Public Health shall have charge and control of the execution of this Royal Decree

## Chapter 1

### Establishment, Objectives and Functions

**Section 5** There shall be an establishment of a public organization called “The Healthcare Accreditation Institute (Public Organization)” whose abbreviation shall be “HAI”.

**Section 6** The Institute shall have its head office located in Bangkok or in nearby provinces.

**Section 7** The objectives of the Institute are as follows:

(1) to operate on the assessment of work systems and the accreditation of healthcare organizations, including setting out standards of healthcare organizations that can be used as a guideline for assessing quality improvement and accrediting healthcare organizations;

(2)<sup>4</sup> to collect data, study, analyze and make recommendations to promote, support and improve quality of healthcare organizations;

(3) to promote and support the establishment of mechanisms which systematically improves the quality of services and safety standards of healthcare organizations;

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<sup>2</sup> Section 3, the definition of "Committee"<sup>1</sup>, was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562

<sup>3</sup> Section 3, the definition of "committee member"<sup>2</sup>, was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562

<sup>4</sup> Section 7 (2) was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562

(4) to promote, support and disseminate knowledge and also to provide services, access and utilization of knowledge on quality assessment, quality improvement and accreditation of healthcare organizations;

(5) to coordinate with state agencies, domestic or foreign organizations, and private sector that involves in quality assessment, quality improvement and accreditation of healthcare organizations;

(6) to formulate curricula and train healthcare personnel in order to create understanding on processes of quality assessment, quality improvement and accreditation of healthcare organizations.

**Section 8** To attain the objectives stipulated in section 7, the Institute shall have the following power and duties:

(1) to hold titles, possessory rights and property rights;

(2) to create any rights or execute all kinds of juristic acts which binding its properties, including other juristic acts for the benefits of the undertaking of the Institute;

(3) to borrow money for the benefits of the undertaking according to the objectives of the Institute;

(4) to enter into a joint venture with other juristic persons in matters relating to the objectives of the Institute;

(5) to enter into agreements and cooperate with public or private sectors, both domestic and foreign organizations, in matters relating to the objectives of the Institute;

(6) to levy fees, contributions, remunerations or service charges for the undertaking of the Institute in accordance with rules and rates specified by the Board;

(7) to authorize any person to carry out any act within the power and duties of the Institute;

(8) to confer certificates and certified letters for activities in accordance with objectives and power and duties of the Institute;

(9) to give an accreditation hallmark for healthcare organizations which have been accredited;

(10) to take any other necessary or subsequent actions to attain the objectives of the Institute.

The borrowing of money under (3) and the entering into a joint venture under (4) shall be in accordance with the rules stipulated by the Council of Ministers.

## **Chapter 2**

### **Capital, Income and Properties**

**Section 9** Capital and properties of the Institute consist of:

- (1) funds and properties transferred in accordance with section 39;
- (2) money allocated by the government as start-up fund;
- (3) subsidies for general purposes, allocated as appropriate, by the government;
- (4) subsidies from private sector and local administration agencies or other organizations including subsidies from foreign or international organizations and any donated money or assets;
- (5) fees, contributions, remuneration, service charges or income incurred from the undertaking of the Institution;
- (6) any profit or interest which generated from the properties of the Institute.

The acceptance of money or properties under (4) shall not be made in the manner that it may deteriorate the independence or impartiality of the Institute.

**Section 10** All incomes of the Institute shall not be remitted to the Ministry of Finance under the law on treasury balance and the law on budgetary procedure.

In necessary or appropriate cases, the Institute may, with the approval of the Board, remit incomes of the Institute in an appropriate amount to the Ministry of Finance as State's revenue.

**Section 11** The ownership of all immovable properties which are donated to, or purchased by income of, the Institute shall devolve on the Institute.

The Institute shall have the powers to control, manage, maintain, utilize, dispose of and earn benefit from the properties of the Institute.

**Section 12** The expenditure of the Institute shall be made specifically for the undertaking of the Institute.

The keeping and disbursement of money of the Institute shall be in accordance with the rules and regulations as laid down by the Board.

## **Chapter 3**

### **Management and Undertaking**

**Section 13**<sup>5</sup> There shall be a board called “the Executive Board of the Healthcare Accreditation Institute”, consisting of:

(1) a chairperson as appointed by the Council of Ministers from selected qualified persons with highly apparent knowledge, skill and experience in medical and public health management, in quality improvement and accreditation of healthcare organizations, or in any other fields which are relevant and useful for the undertaking of the Institute;

(2) two ex officio Board members, namely the Permanent Secretary of the Ministry of Public Health and Secretary-General of the National Health Security Office;

(3) not more than seven qualified Board members as appointed by the Council of Ministers from selected qualified persons with highly apparent knowledge, skill and experience in quality improvement and quality assurance, medical and public health, administration, social science, law and public communication or in any other fields related to or useful for the undertaking of the Institute. These qualified Board members shall include a person or persons who are not government officials or working in state agencies having permanent position or salary.

The Director shall be ex officio Board member and the secretary. The Director may appoint assistant secretaries as necessary.

Criteria and procedure for selecting qualified persons to be submitted to the Council of Ministers for consideration and appointment as the Chairperson and qualified Board members, including the selection of the Chairperson and qualified Board members for the replacement of persons who vacate from office before the term under section 17, shall be in accordance with the regulations as laid down by the Ministry upon the Board’s recommendation.

**Section 14** The Chairperson and qualified Board members shall have qualifications and shall not have prohibited characteristics as follows:

(1) being of Thai nationality;

(2) being not less than thirty-five years of age, but not more than seventy years of age;

(3) not being a bankrupt or incompetent or quasi-incompetent person;

(4) not having been imprisoned by a final judgment to imprisonment,

except for an offence committed through negligence or a petty offence;

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<sup>5</sup> Section 13 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562

(5) not being a person holding a political position, a member of local assembly or local administrator, a director or person in charge of administration of a political party, a consultant of a political party or an official of a political party;

(6) not having any involvement with business done with the Institute or in any business which compete, directly or indirectly, against the undertaking of the Institute or conflict with or contradict to the objectives of the Institute unless that person has been authorized by the Board to be the Chairperson, a Board member or a representative of the Institute in entering into a joint venture with any other juristic persons under section 8(4);

(7) not being an officer or employee of the Institute or a consultant or expert having a contract with the Institute.

The provisions under (1) shall not apply to a qualified Board member who is a foreigner and is necessary to be appointed by the Institute under any agreement, or for specific undertaking of the Institute, or having distinguished qualifications which is appropriate for the undertaking of the Institute.

**Section 15** The Chairperson and qualified Board members hold the position for a term of four years.

Upon the expiration of the term of office under paragraph one, if the new Chairperson or qualified Board members still have not been appointed, the Chairperson or qualified Board members who vacate from office shall remain in the position to continue their duties until the newly appointed Chairperson or qualified Board members have assumed duties.

The Chairperson or qualified Board members who vacate from office at the end of the term may be re-appointed but not more than two consecutive terms.

**Section 16** In addition to the vacating from office at the end of the term, the Chairperson and a qualified Board member shall vacate from office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the resolution of the Council of Ministers due to negligence in the discharge of duty, disgrace behavior or incapability;
- (4) being disqualified or being under any of the prohibitions under section 14.

**Section 17** In the case where the Chairperson or qualified Board members vacate from office before term, or in the case where the Council of Ministers appoint new qualified Board members in addition to existing Board members, the new Chairperson or qualified Board members shall remain in office for the remaining term of the former Chairperson or qualified Board members except in the case where the remaining term of office is less than ninety days, the appointment of another person to replace the Chairperson or a qualified Board member may not be made.

In the case where the Chairperson or qualified Board members vacate from office before term, the Board shall consist of the existing Board members until the new Chairperson or qualified Board members have been appointed to fill the vacancy under paragraph one. In the case where the Chairperson vacates from office before term, the existing Board members shall select one among themselves to be an interim Chairperson.

**Section 18<sup>6</sup>** The Board shall have powers and duties to oversee general affairs of the Institute to be in accordance with the Institute's objectives and shall have particular powers and duties as follows:

- (1) to set the direction, goal and policy for administering the Institute;
- (2) to approve work plans, investment plans, financial plans, projects and annual budget plans of the Institute;
- (3) to oversee financial status and stability, to approve financial reports, to consider reports from the financial auditor and to lay down regulations, rules or prohibitions of financial matters;
- (4) to give advices or recommendations so as to solve problems or obstacles in management as well as to propose recommendations to the Council of Ministers or the Minister to make orders to solve problems or obstacles incurred in coordination for any undertaking in accordance with the objectives and power and duties of the Institute;
- (5) to set levy, maintenance fee, remuneration fee and service charge incurred from the undertaking of the Institute;
- (6) to select, to appoint, to assess the performance of work, and to remove the Director;
- (7) to lay down rules or regulations relating to criteria and procedures for assessing quality improvement and accrediting healthcare organizations;

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<sup>6</sup> Section 18 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562

(8) to lay down rules, regulations, requirements or announcements related to general management of the Institute, organization structure and responsibility of each unit, human resource management, monthly salaries and wages of all staffs of the Institute, finance, procurement and properties, budget, accounting, disposal of properties from account, internal audit, selecting the Director, evaluating performance of the Director, delegation of power to any person who acting as or acting for the Director and welfare and other benefits for officers and employees of the Institute;

(9) to conduct any necessary undertaking for the accomplishment of the objectives and power and duties of the Institute or as entrusted by the Council of Ministers.

The rules related to the disposal of properties from account under (8) shall be in accordance with the rules as laid down by the Council of Ministers.

**Section 18/1**<sup>7</sup> In overseeing the operations of the Institute, the Committee shall establish operational guidelines for the Institute to be in accordance with the principles of good public governance. Such governance must be for the public interest, and result in mission effectiveness, efficiency, cost-effectiveness, integrity and honesty, the reduction of operational procedures, the decentralization of decision-making, facilitation, and responsiveness to the needs of the people.

**Section 19** At a meeting of the Board, the presence of not less than one half of the total number of its members shall constitute a quorum.

At a meeting of the Board, if the Chairperson is unable to attend the meeting, or is unable to perform his or her duties, the Board members shall select one among themselves to preside over the meeting.

In the performance of duties, the Chairperson or a Board member who has direct or indirect interest in the matter under consideration shall inform such involvement at the meeting. In this case, the Board shall consider whether such Chairperson or Board member shall be allowed to attend the meeting or vote for such matter. This shall be in accordance with the rules laid down by the Board.

A decision shall be made by a majority of votes. In casting votes, each Board member shall have one vote. In case of an equality of votes, the person who presides over a meeting shall cast an additional vote as a casting vote.

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<sup>7</sup> Section 18/1 was added by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

**Section 20<sup>8</sup>** The Board shall have the power to appoint experts to be its consultants and shall have the power to appoint sub-committees in order to consider or carry out any act as entrusted by the Board.

The consultant of the Board and sub-committee shall not have any involvement in the undertaking of the Institute or in any undertaking which compete, directly or indirectly, against the undertaking of the Institute unless that person has been authorized by the Board to be the Chairperson, a Board member or a representative of the Institute in entering into a joint venture with any other juristic persons under section 8(4).

The meeting of the sub-committee shall be, *mutatis mutandis*, in accordance with section 19.

**Section 21<sup>9</sup>** The Chairperson, Board members, consultants to the Board, chairperson of the sub-committee and members of the sub-committee shall receive meeting remuneration or other interests in accordance with the rules stipulated by the Council of Ministers.

**Section 22<sup>10</sup>** There shall be a Director of the Institute.

The Board shall have the power to recruit, appoint and remove the Director.

In the case where there is no Director or the Director is unable to perform his or her duties, the highest senior deputy Director at that time shall act on behalf of the Director. If there is no deputy Director, the Board shall appoint one of its Board members to act on behalf of the Director.

**Section 22/1<sup>11</sup>** The appointment of the Director shall be completed within ninety (90) days from the date on which the vacancy occurs. The Committee may, where there are necessary grounds, extend such period for a further period not exceeding sixty (60) days. If the appointment is not completed within the aforementioned period, the Committee shall report the matter to the Public

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<sup>8</sup> Section 20 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562

<sup>9</sup> Section 21 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

<sup>10</sup> Section 22 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

<sup>11</sup> Section 22/1 was added by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

Organization Development and Promotion Committee, which shall, in turn, report to the Council of Ministers for consideration.

**Section 23**<sup>12</sup> The Director shall perform full time work for the Institute.

The Director shall have qualifications and shall have no prohibited characteristics as follows:

- (1) being of Thai nationality;
- (2) being not less than thirty-five years of age but not more than sixty five years of age on the appointment date;
- (3) being a qualified person whose knowledge, skill and experience are suitable for the undertaking of the Institute according to the principal objectives and powers and duties under section 7 and section 8;
- (4) having no any prohibited characteristics under section 14 (3), (4), (5), (6) or (7).

**Section 24** The Director holds the office for a term of four years and may be re-appointed, but not more than two consecutive terms.

**Section 25** In addition to vacating from office at the end of the term, the Director vacates from office upon:

- (1) death;
- (2) resignation;
- (3) the occurrence of any circumstance as specified in the agreement between the Board and the Director;
- (4) the Board asks the Director to leave office due to his or her deficiency in performing duties, disgrace behavior or incapability;
- (5) lacking of qualifications or acquiring any prohibited characteristics under section 23.

The resolution of the Board to vacate the Director under (4) shall consist of votes of not less than two third of Board members at the meeting, not counting the Director.

Disqualification on the grounds of being over sixty-five years of age shall be deemed to be a vacation of office upon the expiration of the term of the employment contract.<sup>13</sup>

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<sup>12</sup> Section 23 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

<sup>13</sup> Section 25, paragraph three, was added by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

**Section 26**<sup>14</sup> The Director shall have the duty to manage the undertaking of the Institute to be in accordance with the law, rules, regulations, policies, resolutions and announcements of the Board and shall be the chief of all Officers and Employees, except for an internal auditor under section 34 paragraph two. The Director shall also have the duties as follows:

(1) to propose goals, work plans and projects, for the accomplishment of the objectives of the Institute, to the Board;

(2) to submit an annual report related to outcomes of the undertaking of the Institute in all aspects, including financial and accounting reports, and to submit a financial plan and an expenditure plan for the coming-up year to the Board for consideration;

(3) to give recommendation on improvement of the undertaking of the Institute to the Board with a view to enhance efficiency and accomplishment of the Institute's objectives.

The Director shall be accountable to the Board in respect of the management of the Institute.

**Section 27** The Director shall have the powers as follows:

(1) to appoint deputy Directors or assistant Directors, with the approval of the Board, to assist the Director in performing tasks as entrusted by the Director;

(2) to recruit, appoint, promote, demote or cut monthly salary or wage, impose disciplinary actions on Officers and Employees, including to remove an Officer or Employee from office in accordance with rules and regulations as laid down by the Board;

(3) to lay down regulations related to the undertaking of the Institute which is not contrary to, or inconsistent with, laws, resolutions of the Council of Ministers, and rules, regulations, requirements, announcements, policies or resolutions of the Board.

**Section 27/1**<sup>15</sup> Where the office of the Director is vacant or the Director is unable to perform his duties, the Deputy Director in order of seniority shall act as Director. If there is no Deputy Director, or if such Deputy Director is unable to perform his duties, the Committee shall appoint a member of the Committee or an employee of the Institute to act as Director.

The person acting as Director under the first paragraph shall have the same powers and duties as the Director.

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<sup>14</sup> Section 26 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

<sup>15</sup> Section 27/1 was added by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

Where any law, regulation, rule, or other order appoints the Director as a committee member or confers upon him any power or duty, the person acting as Director shall also serve as such committee member or have such power and duty, as the case may be.

**Section 28** In relation with third party, the Director shall be the representative of the Institute. For this purpose, the Director may delegate authority to any person to carry out a specific undertaking on his or her behalf in accordance with the rules and regulations as laid down by the Board.

Any juristic act engaged by the Director or a person authorized to act on behalf of the Director which violate rules or regulations as laid down by the Board shall not bind the Institute, unless where ratification is made by the Board.

**Section 29** The Board shall determine the rate of salary, other remuneration and other benefits of the Director in accordance with the rules as laid down by the Council of Ministers.

## Chapter 4

### Staff of the Institute

**Section 30** There are three categories of staffs of the Institute, namely

(1) Officer or Employee: any person who works for and receives monthly salary or wage from budget of the Institute;

(2) consultant or expert: any person whom is hired, under a contract of employment, by the Institute as a consultant or expert

(3) state official who has been transferred to work temporarily at the Institute under section 33.

**Section 31**<sup>16</sup> An Officer shall have qualifications and shall not have the prohibited characteristics as follows:

(1) being of Thai nationality;

(2) being not less than eighteen years of age, but not more than sixty years of age;

(3) being capable of performing full time work for the Institute;

(4) having qualifications or experience appropriate to the objectives and powers and duties of the Institute;

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<sup>16</sup> Section 31 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

(5) not being a government official, official or employee of the government agency, official or employee of state enterprise or other State agencies or official or employee of local administration agencies;

(6) not being a consultant or expert who has a contract with the Institute;

(7) not being under any of the prohibitions under section 14 (3), (4), (5) or (6).

The provisions of (1) shall not apply to a foreign Officer hired or appointed by the Institute to fulfill any engagement or to be in compliance with the nature of the undertaking of the Institute.

**Section 32**<sup>17</sup> The Officer vacates from office upon:

(1) death;

(2) resignation;

(3) being disqualified or being under any prohibition under section 31;

(4) being dismissed as he or she fails the performance assessment in accordance with rules and procedure as laid down in the regulations by the Board;

(5) being expelled or dismissed on account of a breach of discipline in accordance with rules and procedure as laid down in the regulations by the Board.

**Section 32/1**<sup>18</sup> The Institute may enter into employment contracts with consultants, experts, or employees for a period as specified in the employment contract.

**Section 33** For the purpose of management of the Institute, the Minister may request a government official, state official, officer or other staffs of any Ministry, Sub-Ministry, Department, local administration agency, state enterprise, other public organizations or other state agencies to temporarily perform duties as an officer or employee of the Institute. In this case, an approval from the superior or employer of such person shall be given and the agreement on such approval shall be made.

In case a state official has been approved to perform duties as an officer or employee of the Institute temporarily under paragraph one, it is deemed to be permitted to vacate or leave his/her government service or his/her employment to perform other work, and the period which

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<sup>17</sup> Section 32, paragraph three, was added by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

<sup>18</sup> Section 32/1 was added by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

such person has worked for the Institute shall be counted as the period for calculation of retirement benefits, pension or other similar remuneration as if such person still be in the government service or has done full time work, as the case may be.

A state official under paragraph one, at the expiration of the approved period, shall be entitled to be recruited and appointed to the position with monthly salary in the former government agency or state agency. Such position and monthly salary shall not be less than those as specified in the agreement on approval.

## **Chapter 5**

### **Accounting, Audit and Performance evaluation of the Institute**

**Section 34**<sup>19</sup> Accounting of the Institute shall accord with international standard and shall comply with the forms and rules as laid down by the Board. An internal audit on finance, accounting and procurement of the Institute shall be organized and the report of such audit shall be submitted to the Board at least once a year.

An internal audit shall be conducted by a particular staff of the Institute who is acting as an internal auditor. An internal auditor shall be accountable directly to the Board in accordance with the rules and regulations as laid down by the Board.

**Section 35** The Institute shall prepare and submit the balance sheet, financial statement and operating account to the financial auditor within one hundred and twenty days after the expiration of each accounting year.

Each year, Office of the Auditor General of Thailand or a third party as appointed by the Board, with the approval of the Office of the Auditor General of Thailand, shall audit an account and assess the effectiveness of utilization of money and properties of the Institute. In this regards, the auditor shall analyze whether such spending complies with the objectives, is economical and achieves targeted results, then submit an audit report to the Board.

For this purpose, the auditor shall have the power to examine all books of account, other documents and evidences of the Institute, to inquire the Director, internal auditor, Officer and

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<sup>19</sup> Section 34 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

Employee, and to summon any additional book of account, document and evidence from the Institute as necessary.

**Section 36** The Institute shall submit an annual report to the Minister at the end of each budget year. Such report shall mention the performance of the Institute through the lapse year, operating account together with the report from the auditor, policy statement of the Board, and projects and programs planned to be implemented in the future.

**Section 37<sup>20</sup>** For the benefit of developing and improving the work systems of the Institute so as to enhance efficiency and effectiveness, to produce expected outcomes and to create responsibility and accountability of the undertaking of the Institute to the public, as well as to monitor progress and inspect any undertaking of the Institute to be in accordance with the objectives and designed projects and work plans, the Institute shall organize an evaluation of its performance within the period as determined by the Board which shall not exceed three years.

The performance evaluation under paragraph one shall be conducted by an impartial institution, agency, organization or a group of persons having expertise in the field of performance evaluation which is selected or appointed in accordance with the procedure as laid down by the Board.

The performance evaluation of the Institute shall illustrate evidences on the aspects of effectiveness, efficiency and organization development, together with other details as may be determined by the Board.

If there is reasonable necessity, the Board may organize the performance evaluation under this section from time to time.

## **Chapter 6**

### **Supervision**

**Section 38** The Minister shall have power and duties to supervise the undertaking of the Institute to be in accordance with laws and objectives for the establishment of the Institute, government policy and resolution of the Council of Ministers related to the Institute. For this purpose, the Minister shall have the power to order the Institute to deliver statement, opinion or report, to

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<sup>20</sup> Section 37 was amended by the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562.

suspend any act of the Institute which is contrary to the objectives for the establishment of the Institute, government policy and resolution of the Council of Ministers related to the Institute, and to have an order to investigate incidences related to the undertaking of the Institute.

### **Transitory Provisions**

**Section 39** When this Royal Decree comes into force, the Minister shall propose to the Council of Ministers, in accordance with section 9 of the Public Organization Act B.E. 2542, to approve for the transfer of all undertaking, properties, rights, liabilities and budget of the Health Systems Research Institute, Minister of Public Health only in the part which is related to the operation on hospital quality improvement and accreditation existing on the date that this Royal Decree comes into force, except the budget on monthly salaries and regular wages which has existing holders, to the Institute under this Royal Decree.

**Section 40** At the initial stage, the Minister shall propose the Council of Ministers to allocate the start-up fund in the amount as the Minister deems appropriate to the Institute for carrying out the undertaking of the Institute in accordance with its objectives.

**Section 41** At the outset, the board of the Institute of Hospital Quality Improvement and Accreditation, Health Systems Research Institute, Ministry of Public Health who hold the positions on the date this Royal Decree comes into force shall perform the duties of the Board temporarily until the Board is appointed pursuant to this Royal Decree, but the duration of their office period shall not exceed one hundred and eighty days from the date this Royal Decree comes into force.

During the period where there is no Director under this Royal Decree, the director of the Institute of Hospital Quality Improvement and Accreditation, Health Systems Research Institute, Ministry of Public Health, who is in office on the date this Royal Decree comes into force, shall perform the duties of the Director temporarily until the Director is appointed under this Royal Decree, but the duration of his or her office period shall not exceed one hundred and eighty days from the date this Royal Decree comes into force.

**Section 42** Officers or employees of Health Systems Research Institute, Ministry of Public Health, in the field related to the undertaking of hospital quality improvement and accreditation are entitled to request to transfer to be officers or employees of the Institute.

Any officer or employee under paragraph one who is willing to transfer shall submit his/her request in writing to the superior in accordance with the regulations as laid down by the Board under section 41 within a period of thirty days from the date this Royal Decree comes into force. Transferring to be an officer or employee of the Institute shall not be deemed as being dismissed because the former agency terminates the employment.

Instatement or appointment of an officer or employee, under paragraph one, into any position shall be in accordance with the manpower, qualifications and the salary or wage rate as stipulated by the Board under section 41. This shall be considered in accordance with to-be-established organization structure and manpower of the Institute. They shall receive salary, wage, remuneration or welfare and other benefits not less than the amount that officer or employee previously received. In this case, that person shall pass the selection and evaluation process following rules and procedure stipulated by the Board under section 41. Such rules and procedures shall not violate or contradict with rules laid down by the Council of Ministers under section 10 of the Public Organization Act B.E. 2542.

Instatement and appointment of an officer or employee who has passed the selection and evaluation process to be an officer or employee of the Institute shall come into effect on the date the Council of Ministers pass the resolution to approve the undertaking under section 39.

**Section 43** In order to count working period for calculating the benefits in accordance with the rules of the Institute, the period which an officer or employee had worked under the Health Systems Research Institute, Minister of Public Health shall also be counted in a continuous manner with the period that Officer or Employee works under the Institute. Such calculation shall be in accordance with the rules, procedures, and conditions stipulated by the Board under section 41.

**Section 44** Prior to the issuance of the rules, regulations, announcements or requirements of the Institute under this Royal Decree, the rules, regulations, announcements or requirements of the Health Systems Research Institute, Minister of Public Health in the field related to hospital quality improvement and accreditation, only in the part related to the undertaking following the objectives and duties of the Institute under this Royal Decree, which was enforced before the date this Royal Decree comes into force, shall apply *mutatis mutandis*.

**Countersigned by:**

**Abhisit Vejjajiva**

**Prime Minister**

**Remarks:** The reason for promulgating this Royal Decree is that:- it is expedient to specify quality standards and accreditation of service providing in healthcare organizations in order to assure the public that such received services are not lower than the standards. This is via laying down criteria for quality assessment of service providing as well as promoting the development of public health services. To raise the standard and quality of services in healthcare organizations and to assure that the public receive good-quality healthcare services, it is necessary to establish an independent organization in the form of public organization to perform such duties. The organization will have expertise, agility and better cooperation between all involving stakeholders. It is thus appropriate to establish the Healthcare Accreditation Institute to be a public organization following the law on public organization. It shall hereby necessary to promulgate this Royal Decree.

**Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization) (No. 2), B.E. 2562<sup>21</sup>**

**Section 2** This Royal Decree shall come into force on the day following the date of its publication in the Government Gazette.

**Section 20** The Board of Directors of the Healthcare Accreditation Institute, which is in office on the day preceding the date on which this Royal Decree comes into force, shall become the Committee of the Healthcare Accreditation Institute under the Royal Decree on the Establishment

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<sup>21</sup> Government Gazette, Volume 136, Part 106 A, Page 21, dated 11 October 2562.

of the Healthcare Accreditation Institute (Public Organization), B.E. 2552, as amended by this Royal Decree. The Chairman, ex officio members, and expert members shall continue to hold office until the expiration of their term.

The term of office for the Chairman and the expert members under the first paragraph shall be deemed a continuation of their term under the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization), B.E. 2552, as amended by this Royal Decree.

**Section 21** All regulations, rules, requirements, notifications, or orders which refer to the Board of Directors of the Healthcare Accreditation Institute under the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization), B.E. 2552, shall be deemed to refer to the Committee of the Healthcare Accreditation Institute under the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization), B.E. 2552, as amended by this Royal Decree.

**Section 22** All regulations, rules, requirements, notifications, or orders issued under the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization), B.E. 2552, and in force... (The text is incomplete in the source image. A standard clause would continue: "...shall remain in force insofar as they are not inconsistent with or contrary to this Royal Decree, until new regulations... are issued.")

**Section 23** The Minister of Public Health shall have charge and control of the execution of this Royal Decree.

**Rationale** :- Whereas it is expedient to revise the objectives of the Healthcare Accreditation Institute (Public Organization) to accommodate its existing missions concerning the provision of research, and to amend various provisions of the Royal Decree on the Establishment of the Healthcare Accreditation Institute (Public Organization), B.E. 2552, to be in line with the provisions of the Public Organization Act, B.E. 2542, as amended by the Public Organization Act (No. 2), B.E. 2559, in order that the administration and performance of the missions of the Healthcare Accreditation Institute (Public Organization) may achieve its objectives with greater efficiency and effectiveness, it is, therefore, necessary to enact this Royal Decree.