

Royal Decree

on The Establishment of The Healthcare Accreditation Institute (Public Organization) (2nd Edition)
BE 2562 (2019)

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua

Given on 9th October BE 2562 (2019)

Being the 4th Year of the Present Reign

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to amend The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization);

By virtue of Section 175 of the Constitution of The Kingdom of Thailand and Section 5 of Public Organization Act BE 2542 (1999) as amended by Public Organization Act (2nd Edition) BE 2559 (2016), It His Majesty the King has graciously endorsed the enactment of the Royal Decree as follows.

Section 1: This Royal Decree is called as “The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) (2nd Edition) BE 2562 (2019).”

Section 2: This Royal Decree shall come into force as from the following day after the day of its publication in the Royal Government Gazette.

Section 3: The clauses regarding the definitions of the “Board” and “Board Member” in Section 3 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clause shall be used instead.

“Board ” means the Board of The Healthcare Accreditation Institute;

“Board member” means the Board Member of The Healthcare Accreditation Institute.”

Section 4: The clause in (2) of Section 7 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clause shall be used instead.

“(2) To collect data, study and analyze them; foster and facilitate the undertaking of researches; and provide recommendations on the promotion, support and improvement of quality of healthcare organizations .”

Section 5: The clauses in Section 13 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clauses shall be used instead.

“Section 13: There shall be a committee called “The Committee of Healthcare Accreditation Institute” consisting of

(1) The Chairperson, who shall be appointed by the Council of Ministers from persons with knowledge, expertise and extensive experience in the field of medical and public health, quality

improvement and accreditation for healthcare organizations administration or any other related fields that would yield benefits to the affairs of the Institute.

(2) *Ex Officio* committee members shall include Permanent Secretary of the Ministry of Public health and Secretary-General of National Health Security Office.

(3) Qualified committee members, not exceeding seven persons in total, who shall be appointed by the Council of Ministers from persons with knowledge, expertise and outstanding experiences in the field of medical and public health, quality improvement and accreditation for healthcare organizations administration, social issues, law, mass communication or any other related fields that would yield benefits to the affairs of the Institute.

The Director shall serve as a committee member and as the secretary *ex officio*; and the Director can appoint an officer to serve as the assistant secretary as needed.

Not more than half of total members of the committee shall also be a government officer who has a position and receives monthly salary, an officer or an employee of a government agency, a state enterprise, or a local administrative organization; except for those teaching in an institute of higher education of public sector.

The criteria and method for recruiting the persons to propose to the Council of Ministers for an appointment as the chairperson and the qualified committee members, as well as the criteria and method for recruiting the chairperson and qualified committee members to replace the ones who leave their positions before term, shall comply with the rules defined by the Minister based on the recommendation from the Committee, and be consistent with the core criteria defined by the Council of Ministers.”

Section 6: The clause in Section 18 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clause shall be used instead.

“Section 18: The Committee has powers and duties to generally control and oversee the affairs and work performance of the institute to ensure the compliance with its set objectives. Such powers and duties shall also include the followings:

- (1) Prescribe administrative policies and approve the action plan of the institute;
- (2) approve annual budget, endorse financial statements, and approve investment plan of the institute;
- (3) oversee, inspect, and give advice and recommendations for the solution of problems or barriers concerning the management and administration; and propose to the Council of Ministers or the Minister for a consideration to issue a command calling for an action when it comes to a case of problems or barriers concerning the coordination for an operation in accordance with the objectives of the institute;
- (4) issue the rules, regulations, stipulations, or notifications related to the institute in the following matters.:
 - (a) general administration, division of work units, and scope of duties of such work units;

- (b) recruitment, appointment and deposition of the director; work performance and performance appraisal of the director; acting on behalf of the director and the designation of someone to act on behalf of the director;
- (c) defining a position, the specific qualifications for each post, as well as the rate of salary, wages, and any monetary remuneration for the persons working for the institute in accordance with Section 30 (1) and (3);
- (d) compile the code of ethics for work performance of committee members, director and the persons working for the institutes.
- (e) selection, placement, appointment, development, performance appraisal, disciplinary removal and punishment, deposition, complaints and appeals for the punishment of the persons working for the Institute in accordance with Section 30 (1) and (3), as well as the criteria, method and term of reference for hiring advisors, experts or employees of the institute;
- (f) administration and management of financial matters, procurement and assets of the institute, as well as accounting and writing off assets;
- (g) set general fees, subscription fees, remuneration and service fees for the undertaking of the institute's activities;
- (h) provision of welfare and other benefits for personnel of the institute;
- (i) appointment and setting authority of Audit Committee;
- (j) defining the scope of duties of Audit Committee and internal auditor;
- (k) determine uniforms of the director, officials and employees of the Institute; and the institute's logo.
- (l) setting up the standards of healthcare organization; and the criteria and method of healthcare accreditation;

(5) any other actions as necessary or on a continual basis in order to achieve the objectives of the Institute;

(6) perform any other duties as provided by law or by this Royal Decree, or as assigned by the Council of Ministers.

The rules for writing off assets, as mentioned in (4) (f) above, shall be carried out in compliance with law and criteria set by the Council of Ministers.”

Section 7: The following clause shall be added to serve as Section 18/1 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009).

“Section 18/1: In overseeing the performance of the Institute, the Committee shall define the work guidelines of the institute in accordance with the criteria and method set in the principle of good governance, which shall be focused on benefit and happiness of people, achievement of performance results, efficiency and cost-effectiveness of the mission, honesty and integrity, reduction in steps of work process, decentralization of power, decision making, facilitation, and responsiveness to the needs of people.”

Section 8: The clause in Section 20, Section 21 and Section 22 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clauses shall be used instead.

“Section 20: The Committee has power to appoint qualified persons to serve as consultants of the Committee, and has power to appoint Audit Committee by virtue of Section 18 (4) (i) as well as subcommittees for considering or taking action on any matter as assigned by the Committee.

Consultants of the Committee, members of Audit Committee and subcommittee shall not be a stakeholder in any entities that are dealing business with the Institute, or doing any other business competitive to that of the institute, either directly or indirectly; except for the consultants of the Committee, the chairperson of subcommittee and subcommittee members who are designated to be the chairperson or members of the committee or representatives of the Institute in entering into a joint investment in accordance with Section 8 (4).

For the organizing meetings of Audit Committee and subcommittee, the provision of Section 19 shall be applied *mutatis mutandis*.

Section 21: The chairperson, members and the consultants of the Committee, the chairperson and members of Audit Committee, and the chairperson and members of subcommittees shall receive meeting allowance and any remunerative benefits in accordance with the criteria set by the Council of Ministers.

Section 22: There shall be a director of the Institute to administrate affairs of the Institute under the supervision of the Committee. The committee has authority to recruit, appoint and depose the director. Recruitment of the director shall be carried out following the rules set by the Committee, which shall be consistent with the core-criteria set by the Council of Ministers.”

Section 9: The following clause shall be added to serve as Section 22/1 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009).

“Section 22/1: The appointment of the director shall be committed within ninety days as from the date of the case of the appointment, and if it is necessary the Committee shall extend the additional period of the appointment but not exceeding sixty days. If the appointment has not been committed within the aforementioned period, the Committee shall report this to Public Organization Development and Promotion Commission for reporting further to the Council of Ministers for consideration.”

Section 10: The clause in Section 23 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clause shall be used instead.

“Section 23: The director shall possess knowledge, ability and experience appropriate to the business of the Institute as defined in its objectives, powers and duties; shall be able to work on a full-time basis for the Institute; and shall possess the required qualifications without any prohibited characteristics as provided by Public Organization Act.”

Section 11: The following texts shall be added to serve as Paragraph 3of Section 25 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009).

“Being disqualified due to an age over sixty-five years shall be regarded as vacating office at the expiration of term as prescribed in employment contract.”

Section 12: The clauses in Section 26 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clauses shall be used instead.

“Section 26: As provided in the second and third paragraphs of Section 34, the director shall take duties to administrate the affairs of the Institute in accordance with the laws, the objectives of the Institute, the resolutions of the Council of Ministers, rules, regulations, stipulations, notifications, policies, and resolutions of the Committee; and shall be the chief of every official and employee in all positions of the Institute; and shall also take the following duties;

(1) propose targets, action plan, project and annual budget to the Committee in a way that the operation of the Institute will achieve the objectives;

(2) submit annual report on performance results of various tasks of the institute, as well as the financial report, to the Committee for consideration;

(3) propose notion to the Committee regarding the area of improvement for the business and the operation of the Institute in a way that they would be efficient and in line with the objectives.

The director shall be responsible to the Committee for the administration of the affairs of the Institute.”

Section 13: The following clauses shall be added to serve as Section 27/1 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009).

“Section 27/1: In the case that no one has yet taken the position of the director, or when the director is unable to perform his/her duties; a deputy director in the next hierarchical order of seniority shall be the acting director. In case that there are no deputy director , or there is one but he/she cannot perform the duties; the Committee shall appoint a Committee member or any person working for the Institute to serve as the acting director.

The acting director mentioned in the first paragraph shall have the same powers and duties as those of the director.

In the case where there are law, rules, regulations or any other orders appointing the director to be a committee member, or to have any other powers and duties; the acting director shall serve as such a committee member as well, or shall have the same powers and duties the same as the director, as the case may be.”

Section 14: The clause in Section 31of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clause shall be used instead.

“Section 31: Officials must possess educational background or experience appropriate to the objectives, powers and duties of the Institute, be able to work full-time for the Institute, and possess required qualifications without any prohibited characteristics as provided by Public Organization Act.”

Section 15: The following clause shall be added to serve as Paragraph 2 of Section 32 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009).

“Being disqualified due to an age over sixty years shall be regarded as vacating office at the expiration of term as prescribed in employment contract.”

Section 16: The following clause shall be added to serve as Section 32/1 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009).

“Section 32/1: The Institute may enter into an employment contract with a consultant, an expert, or an employee for a specific term prescribed in the employment contract.”

Section 17: The clause in Section 34 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clause shall be used instead.

“Section 34: The accounting of the Institute shall be administered in accordance with the criteria set by the Committee, which shall be in line with accounting standards. And there should be an internal audit of finance, account, and procurement activities of the Institute; and a submission of audit report to the Committee at least once a year.

For the internal audit, there shall be an official of the Institute that takes function specifically for the internal audit; and he/she shall be directly responsible to the Audit Committee and the Committee of the Institute in accordance with the regulations prescribed by the Committee.

The appointment, transfer, salary raise, promotion, and disciplinary action of the internal auditor shall be co-considered by the director and the Audit Committee first, and then be forwarded to the Committee for consideration before execution.”

Section 18: The clause in Section 37 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clause shall be used instead.

“Section 37: The evaluation of the performance results of the Institute shall be carried out in accordance with the provisions provided in Public Organization Act.”

Section 19: The clause in Section 38 of The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) shall be canceled, and the following clause shall be used instead.

“Section 38: The Minister shall have powers and duties to supervise the undertaking of the Institute to be comply with law, the objectives of the establishment of the Institute, national strategies, government policies, resolutions of the Council of Ministers, and any action plans relevant to the Institute. To be able to do this, The Minister shall have the power to order the Institute to explain, give opinions, report, or

suspend any action of the Institute prohibited by law, the objectives of the establishment of the Institute, national strategies, government policies, resolutions of the Council of Ministers, and any action plans relevant to the Institute; and to investigate the truth concerning such action of the institute.”

Section 20: The Executive Committee of The Healthcare Accreditation Institute, existed before the enforcement date of this Royal Decree, shall change its status into The Committee of The Healthcare Accreditation Institute under The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009), as amended by this Royal Decree. The chairperson, the ex officio members, and qualified members shall hold their positions further until the end of their respective terms under The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009).

The terms in office for the chairperson and qualified members of the committee mentioned in the first paragraph shall be counted continuously from the previous term under The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009), as amended by this Royal Decree.

Section 21: For any rules, regulations, stipulations, notifications or orders that are furnished with a reference to The Executive Committee of The Healthcare Accreditation Institute under The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009), it shall be regarded that such rules, regulations, stipulations, notifications or orders are furnished with the reference to The Committee of The Healthcare Accreditation Institute under The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009), as amended by this Royal Decree.

Section 22: All the rules, regulations, stipulations, notifications or orders issued under The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) that had been in force before the enforcement date of this Royal Decree shall continue to be in force onward as long as they do not conflict with or violate The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) as amended by this Royal Decree, until there are rules, regulations, stipulations, notifications or orders issued under The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) as amended by this Royal Decree that become in force. However, this shall not last longer than one year from the enforcement date of this Royal Decree.

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

Countersigned by
General Prayut Chan-o-cha
Prime Minister

Remark: This Royal Decree is enacted based on the reason that it is appropriate to modify the objective of The Healthcare Accreditation Institute (Public Organization) to cover its mission currently implemented regarding the promotion of researches, and to modify the provisions in The Royal Decree on The Establishment of The Healthcare Accreditation Institute (Public Organization) BE 2552 (2009) making them to correspond with the provisions of Public Organization Act BE 2542 (1999) as amended by Public Organization Act (2nd Edition) BE 2559 (2016). In order that the administration and work performance of Healthcare Accreditation Institute (Public Organization) can achieve its objectives more efficiently and more effectively, it is therefore necessary to enact this Royal Decree.