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Ministerial Regulation

The requirement and implementaion related to the intention expressed letter
desires not to receive the health treatment in order to prolong life

Or in order to cease the suffering of illness

B.E.2553

By the virtue of section 4 and 12 paragraph two of National Health Act B.E. 2550, the prime minister and the minister of Public health issue the ministerial regulation as follows;

Clause1. This Ministerial Regulation shall be effective after the expiration of two hundred ten days commencing on the date of publication in the Governmental Gazette.

Clause2. In this Ministerial Regulation

“Letter of Intent Expression” defines the letter that a person expresses his/her advance intention on which desires not to receive the health treatment in order to prolong the final period of own life or to cease the suffering of illness.

“Public Health treatment is prolonged the final period of own life or to cease the suffering of the illness” defines the procedure of a medical profession person shall apply to a person who has made a Letter of Intent Expression to prolong the final period of own life and a declarant is unable to survive or cease the suffering of illness. And a declarant remains receive the treatment sustainably.

“The final period of life” defines the condition of a declarant caused by the injury or incurable disease and the in-charged medical profession person has diagnosed according to the medical standard and found that such condition leads to the inevitable death and also include the permanent loss conditions of Cerebral subcortex and caused the incapacity of communicate and respond permanently without the any reaction behavior showing the consciousness and only automated response.

“The suffering from illness” defines the suffering of physical and psychological of a declarant arising from injury or incurable illness.

“Public Health Practitioner” defines a person who performs the profession according to the law on Clinic.

“Medical Practitioner” defines a person who performs the profession according to the law on Medical Profession.

Clause3. Letter of Intent Expression shall be cleared enough to specify according to a declarant’s desires by making guideline information as follows;

(1) The items information of a declarant specifies name, surname, age, identification number and address or contact number.

(2) The date on which a letter of intent expression is made.

(3) Name, Surname, identification number of witness and the relationship with a declarant.

(4) Specify the type of public health which a person wishes not to receive.

(5) In case that a letter written by other person than a declarant, it should specify the name, surname and identification number of writer or typist.

A Letter of Intent Expression must put the signature or finger print of a declarant, witness and writer or typist.

A declarant may designate a name of person who will explain the real desires on which unclear definition. Such designated person must put the signature or finger print and identification number in the Letter of Intent Expression.

An intention expression letter may provide other details such as where a person wishes to die, the wishes on psychological treatment and comply with the customs and religious belief and the public health clinic may cooperate as appropriate.

Clause4. A Letter of Intent Expression shall be made any where as their desires.

In case a declarant wishes to make a Letter of Intent Expression at the public health clinic, a medical practitioner or a concerned person may facilitate as appropriate.

Clause5. Upon a declarant admits to the public health clinic, such a person may present a Letter of Intent Expression to a medical practitioner of that public health clinic without delay.

A declarant may cancel or change a Letter of Intent Expression. In case there are several Letters of Intent Expression presented, it shall deem that the latest version letter on which submitted to the in-charged medical practitioner is enforceable.

Clause6. The requirement and procedure on a letter of Intent Expression relating to the final period of life or cease the suffering of illness shall proceed as follows;

(1) In case a declarant is competence to communicate normally, the in-charged medical practitioner shall explain to a declarant related to the conditions and the likelihood of the disease at that time in order to ask for affirmation or refusal before performing according to a Letter of Intent Expression.

(2) In case a declarant is incompetence to communicate normally and there person as referred in clause 3 paragraph three or relatives of a declarant, the in-charged medical

practitioner may explain the conditions and the likelihood of the disease to such person and notify the details regarding to the implementation of a Letter of Intent Expression before performing according to a Letter of Intent Expression.

(3) In case of the problem relating the implementation of a Letter of Intent Expression, the in-charged medical practitioner shall consult with a person as referred in clause 3 paragraph three or relatives of declarant by considering the intention of a declarant.

(4) In case a declarant is in pregnancy, such a person may express her intention upon the termination of her pregnancy.

Clause7 The secretary with the approval of National Health Committee shall issue the announcement related to the guideline of work performance of public health clinic, public health practitioner, and public health officer according to this ministerial regulation together with the sample of a Letter of Intent Expression and published on the Governmental Gazette.

Given on 6th October 2010
Abhisit Vejjacheva
Prime Minister
Jurin Raksanawisit
The Minister of Public Health