

National Regulatory Conference 2015
“Transformation Towards A New Regulatory Paradigm”
4th-6th August 2015
One World Hotel, MALAYSIA

Traditional and Complementary Medicine (T&CM) Act

What Should You Know?

5th August 2015
Traditional and Complementary Medicine Division
Ministry of Health Malaysia

Outline

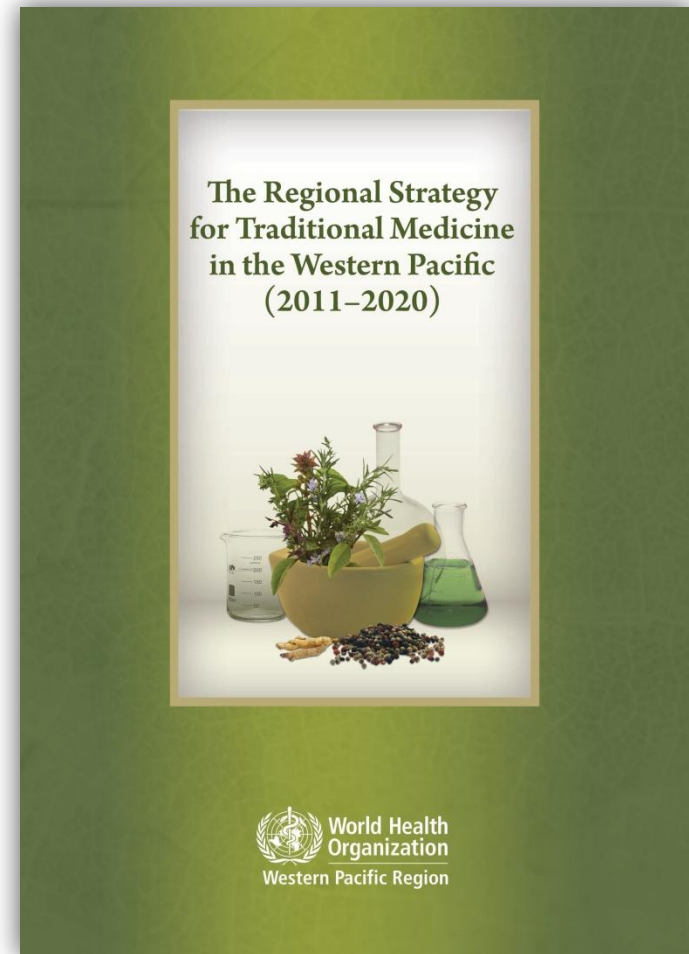
- 1) Updates from WHO perspective
- 2) Overview of T&CM regulatory framework in Malaysia
- T&CM Act 2013

- **WHO perspective**

The Regional Strategy for Traditional Medicine in the Western Pacific (2011-2020)

Strategic Objectives

1. To include traditional medicine in the **national health system**
2. To **promote safe and effective use** of traditional medicine
3. To **increase access to safe and effective** traditional medicine
4. To promote **protection and sustainable use** of traditional medicine resources
5. To strengthen **cooperation** in generating and sharing traditional knowledge and skills



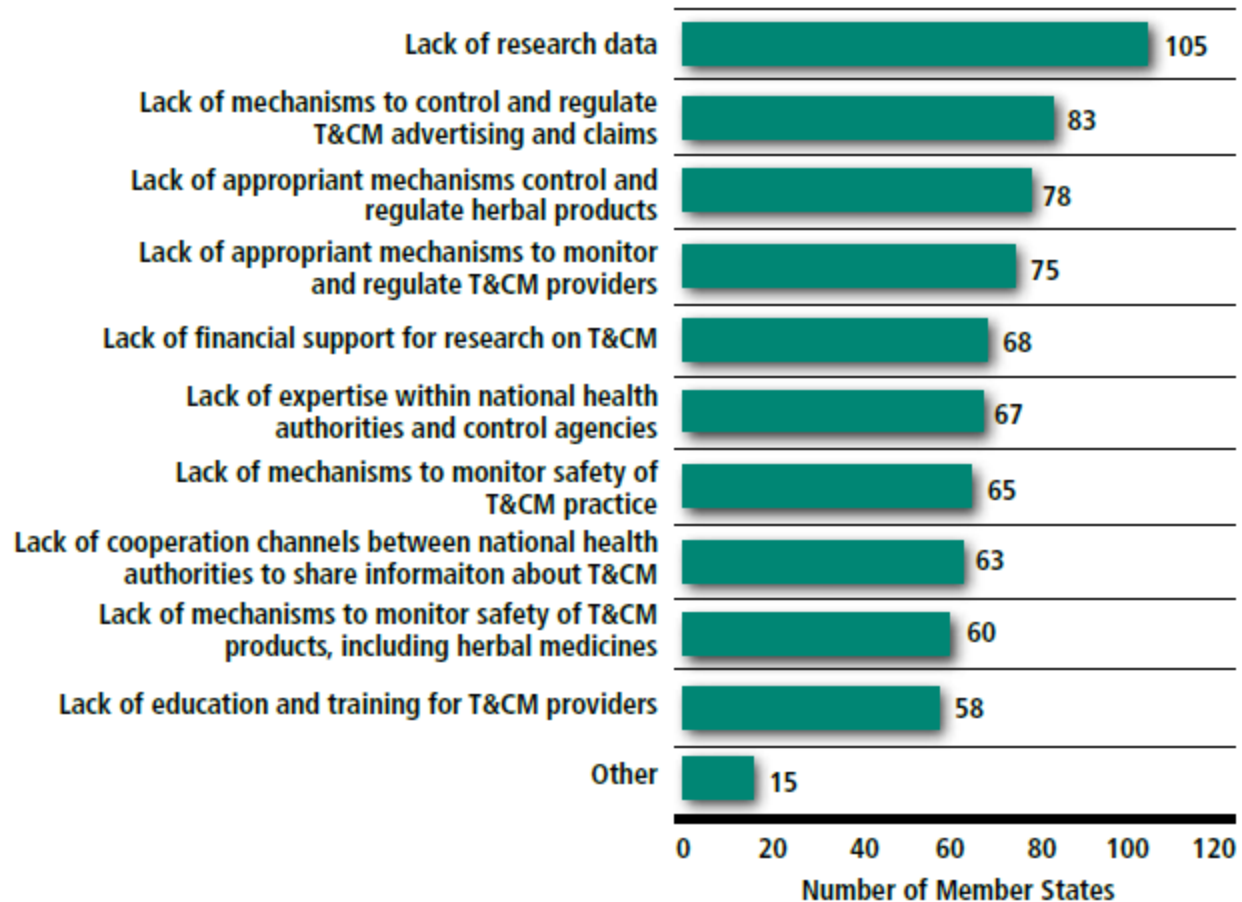
WHO Traditional Medicine Strategy 2014-2023



Strategic Objectives

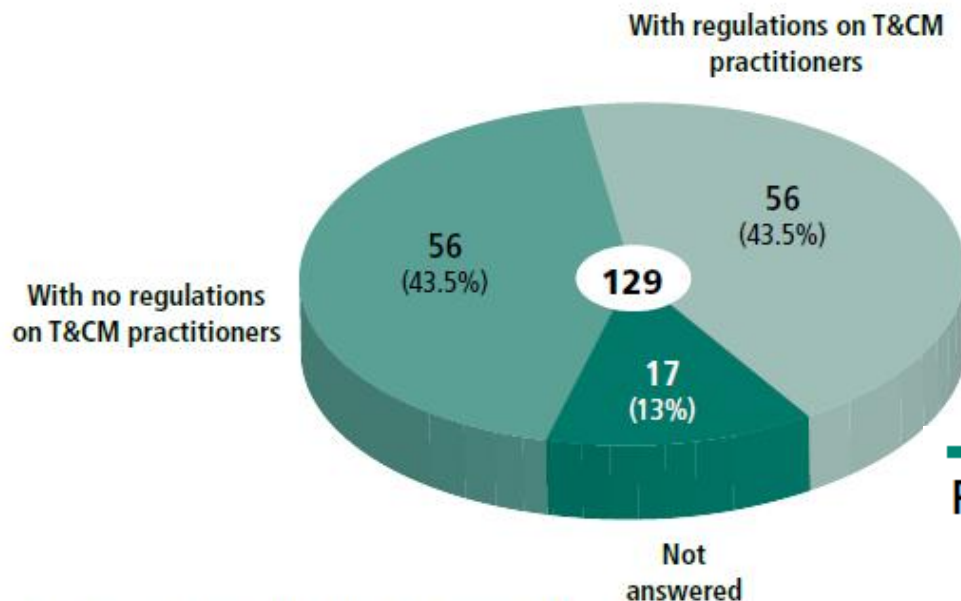
1. To build the knowledge base for **active management** of T&CM through **appropriate national policies**
2. To **strengthen quality assurance, safety, proper use and effectiveness** of T&CM by **regulating** T&CM products, **practices and practitioners**
3. To promote **universal coverage** by **integrating** T&CM services into **health care service delivery** and **self-health care**

Figure 6: Difficulties faced by Member States regarding regulatory issues related to the practices of T&CM



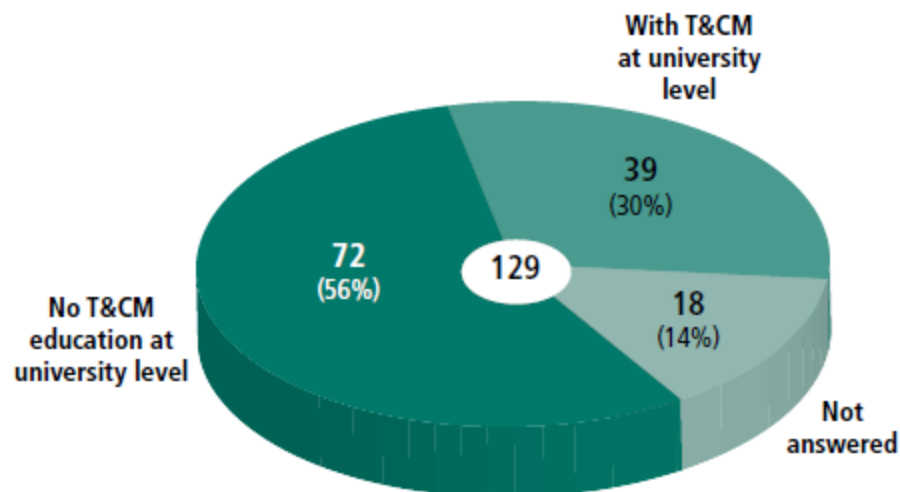
Source: Interim data from 2nd WHO TRM global survey as of 11 June 2012.

Figure 5: Regulations on T&CM practitioners



Source: Interim data from 2nd WHO TRM global survey as of 11 June 2012.

Figure 3: T&CM education at university level



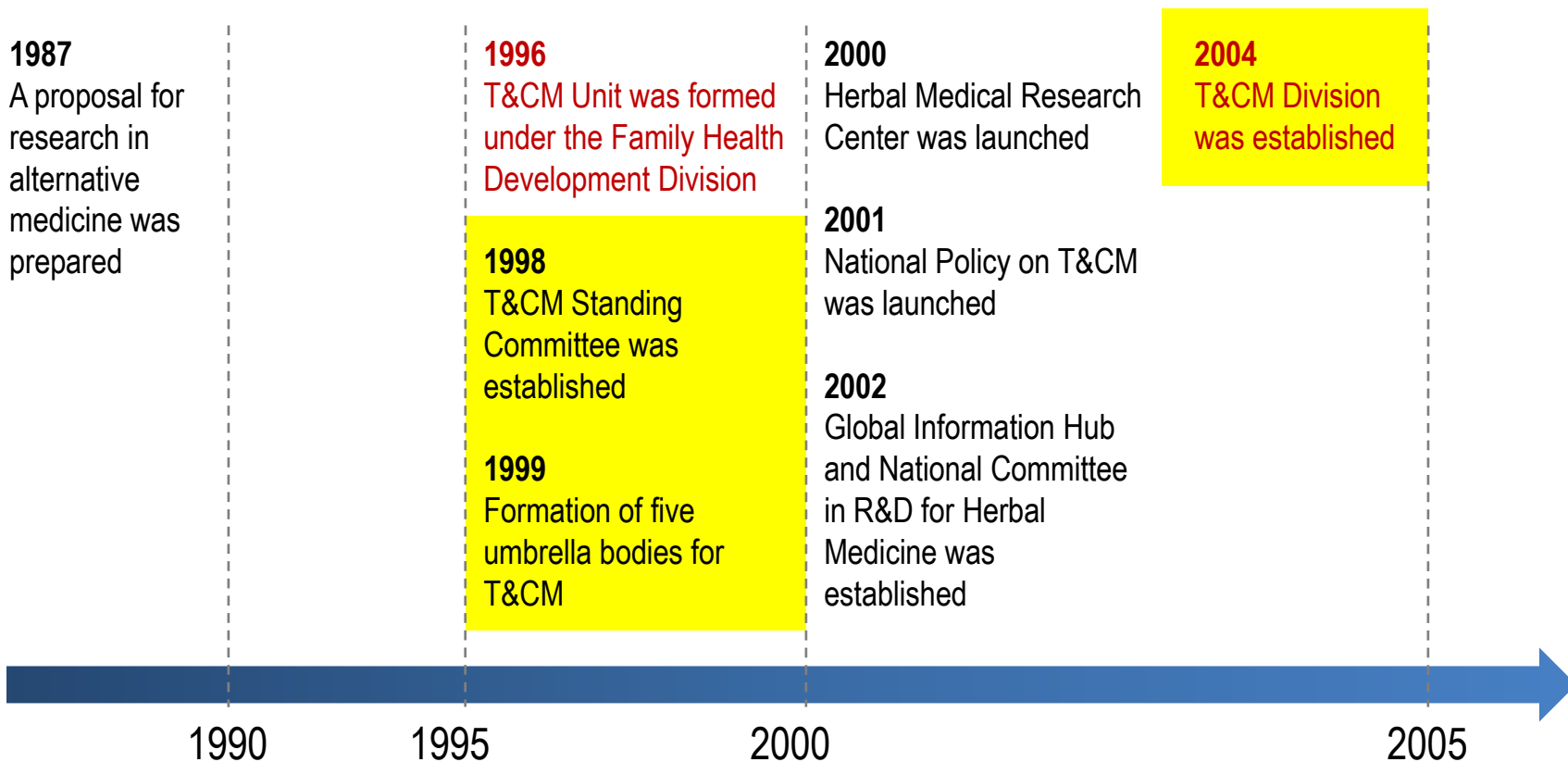
Source: Interim data from 2nd WHO TRM global survey as of 11 June 2012.

- **How about Malaysia?**

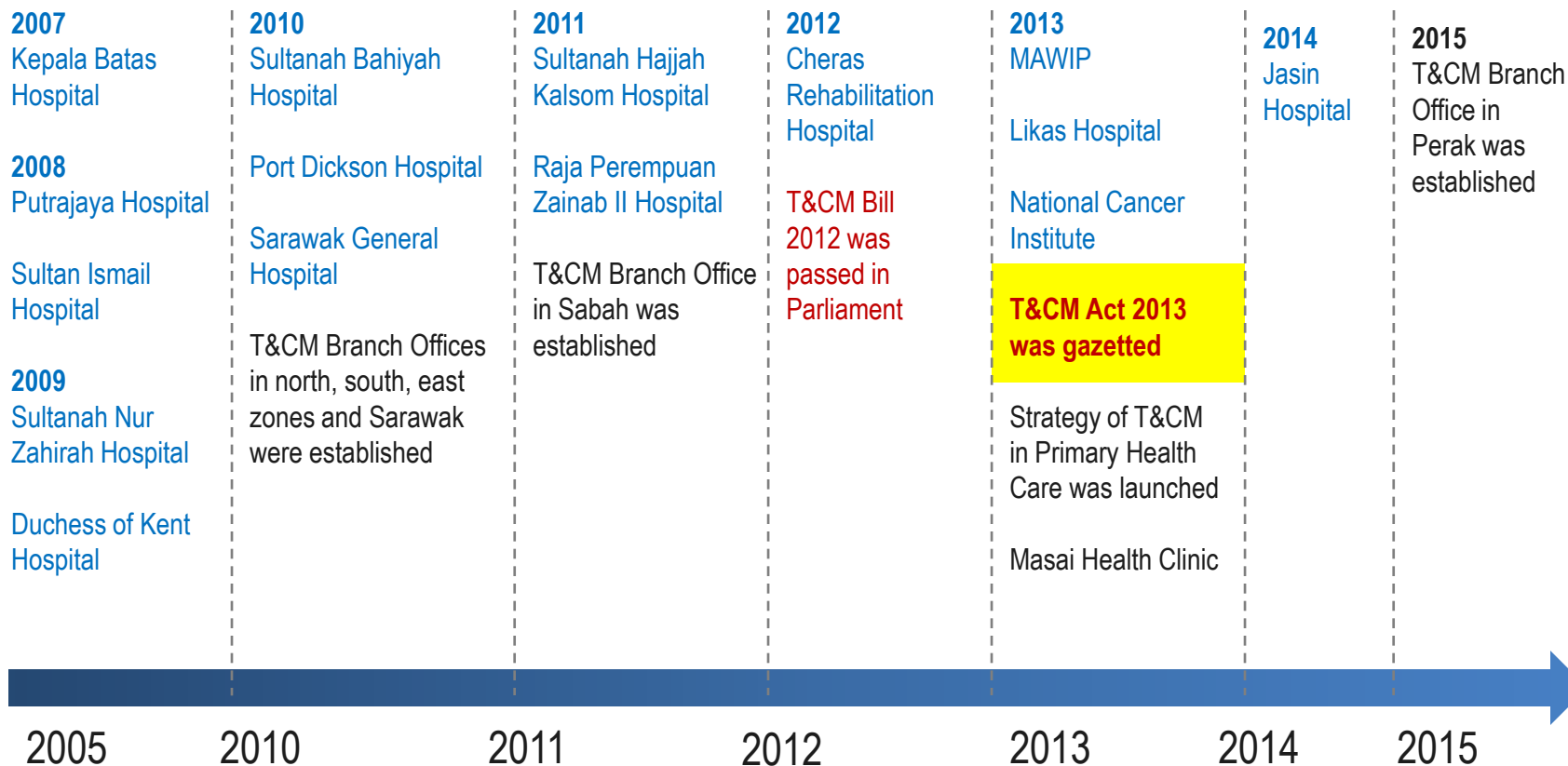
Regulatory framework of T&CM in Malaysia

T&CM Act 2013

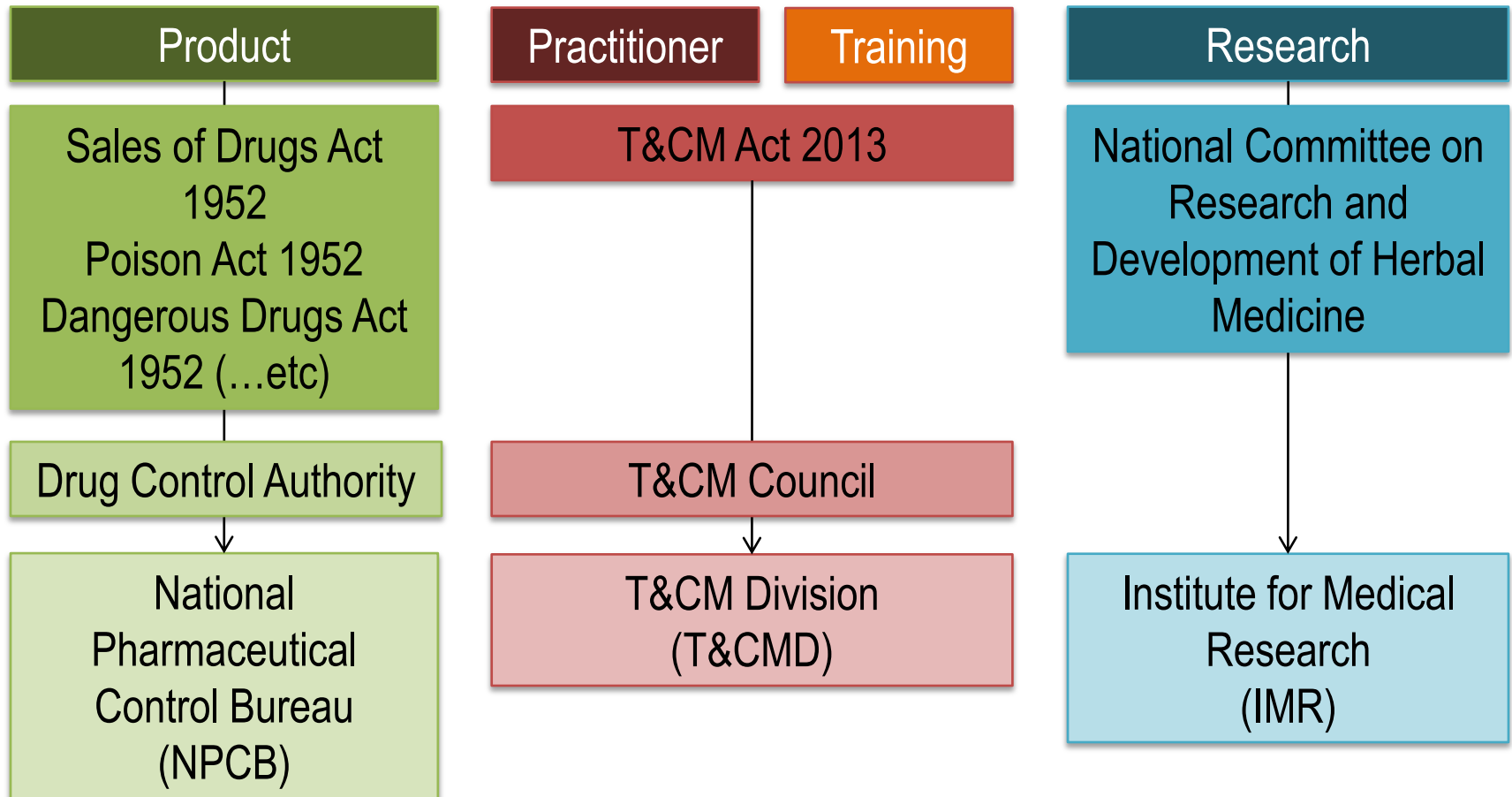
Important milestones in the development of T&CM in Malaysia



Important milestones in the development of T&CM in Malaysia



Regulatory Divisions within the Ministry of Health related to the T&CM sector in Malaysia



T&CM Division

Regulate the practice of
T&CM practitioners

Ensure all T&CM
practitioners undergo
formalised system of
education and training

Establish a registry of all
T&CM practitioners

Facilitate the development
of standards and criteria in
T&CM

Regulation and monitoring of
accredited learning
centers, setting the quality
and standards of T&CM
programmes

Facilitate and as a
collaborator for
research and scientific
evaluation of T&CM

Institutions providing T&CM courses in Malaysia

No.	Institutions	Courses Offered
1.	Southern College Skudai	a. Bachelor Degree of Traditional Chinese Medicine 3+2
2.	Tunku Abdul Rahman University Sungai Long Campus	a. Bachelor of Traditional Chinese Medicine (Hons)
3.	INTI International University College	a. Bachelor of Traditional Chinese Medicine (Hons)
4.	Cyberjaya University College of Medical Sciences (CUCMS)	a. Bachelor of Homeopathy (Hons) b. Diploma in Islamic Medical Practices
5.	Management and Science University (MSU)	a. Bachelor in Traditional Chinese Medicine (Hons) b. Diploma in Traditional Chinese Medicine
6.	International Medical University (IMU)	a. Bachelor of Science (Hons) Chinese Medicine b. Bachelor of Science (Hons) Chiropractic
7.	Malacca College of Science and Management	a. Diploma in Natural Medicine
8.	Lincoln University College (Main Campus)	a. Diploma in Traditional Chinese Medicine

Updated July 2015

T&CM Act 2013 [*Act 756*]

WHAT?

- What is T&CM Act 2013?
- What does it covers?

WHO?

- Who need to register?

HOW?

- Regulatory mechanism?

WHEN?

- Date of enforcement?

T&CM Act 2013 [Act 756]

Focus On Practice & Practitioner Only

Part I: Preliminary

11 Parts
63 Sections

Part II: The T&CM Council

Part III: General Administration

Part IV: Registration of T&CM Practitioners

Part V: Obligations & Duties of Registered Practitioners

Part VI: Disciplinary Proceedings

Part VII: Patient's Rights

Part VIII: T&CM Practitioner Body

Part IX: Enforcement

Part X: General

Part XI: Transitional Provision

An Act to provide for the establishment of the T&CM Council to regulate the T&CM services in Malaysia & to provide for matters connected therewith.

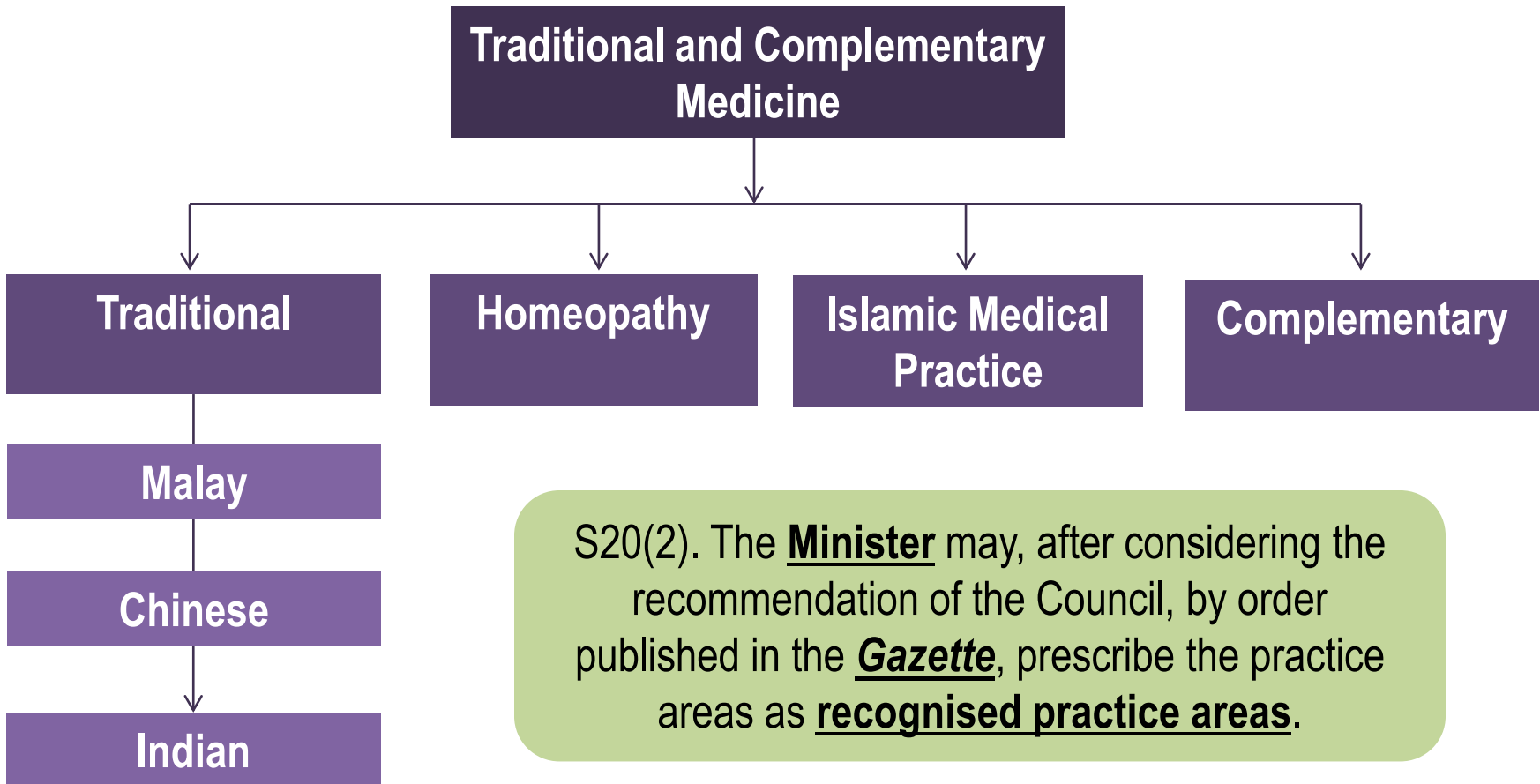
Date of Gazettement:
8th February 2013

Date of Enforcement:
To be determined by
Minister of Health
(BY PHASES)


Practice of T&CM

S3. “practice of T&CM” means a form of health-related practice designed to prevent, treat or manage ailments or illness or preserve the mental & physical well-being of an individual & includes such practices as **traditional Malay medicine, traditional Chinese medicine, traditional Indian medicine, homeopathy, & complementary therapies**, but excludes medical & dental practices used by a medical & dental practitioner respectively.

Common T&CM Practices in Malaysia



Regulatory Mechanism

- A person intending to **practice T&CM in any recognised practice area shall apply to the T&CM Council to register** and shall comply with any qualifications as specified by the T&CM Council for that recognised practice area. 
- S23(3). A practitioner may be registered in **one or more recognised practice areas** if he satisfies the eligibility requirements for those practices areas and has paid the prescribed fee.
- S25. A person who is **not a registered practitioner shall not, directly or indirectly practice T&CM services**.

Offence	Penalty
1 st offence	Fine not exceeding RM 30,000 / imprisonment not exceeding 2 years / both
Subsequent offence	Fine not exceeding RM 50,000 / imprisonment not exceeding 3 years / both

Transformation from Self-Regulation to Statutory-Regulation

- Currently, T&CM in Malaysia is under self-regulatory mode.
- T&CM Practitioner Bodies are appointed by the Ministry of Health (MOH) to self-regulate the practitioners through the compliance of codes of ethics and practice.
- To date, MOH has appointed 8 T&CM Practitioner Bodies representing different types of T&CM modalities available in Malaysia.
- T&CM practitioners are encouraged to register with the appointed Practitioner Bodies.

T&CM Practitioner Bodies

<p>Federation of Chinese Physicians and Medicine-Dealers Associations of Malaysia (FCPMDAM)</p>		<p>Federation of Complementary & Natural Medical Associations, Malaysia (FCNMAM)</p>	
<p>Federation of Chinese Physicians & Acupuncturists Association of Malaysia (FCPAAM)</p>		<p>Pertubuhan Perubatan Tradisional India Malaysia (PEPTIM)</p>	
<p>Malaysian Chinese Medical Association (MCMA)</p>		<p>Persatuan Kebajikan dan Pengubatan Islam Darussyifa'</p>	
<p>Majlis Perubatan Homeopathy Malaysia (MPHM)</p>		<p>Gabungan Pertubuhan Pengamal Perubatan Tradisional Melayu Malaysia (GAPERA)</p>	

T&CM Practitioner Bodies: National bodies that are registered with the Registrar of Societies.

T&CM Council

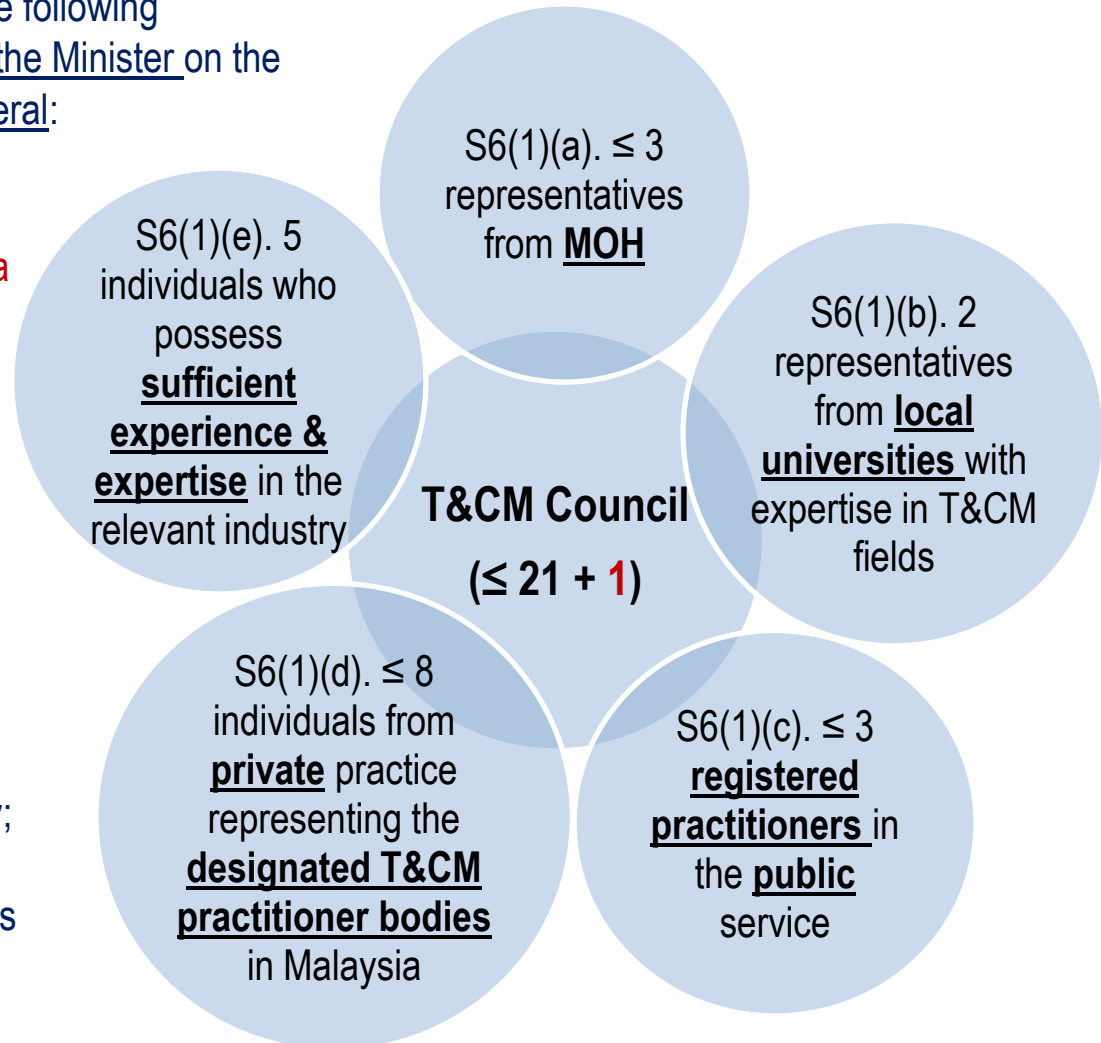
S6(1). The Council shall consist of the following members who shall be appointed by the Minister on the recommendation of the Director General:

S6(2). Chairman of the Council
= Director General of Health Malaysia

S10. Quorum = 11

S17(1). The Council may, with the approval of the Minister, in writing, subject to such conditions, limitations or restrictions, delegate any of its functions as may be appropriate to –

- (a) any designated practitioner body; or
- (b) any person as the Council deems fit.



Functions of T&CM Council

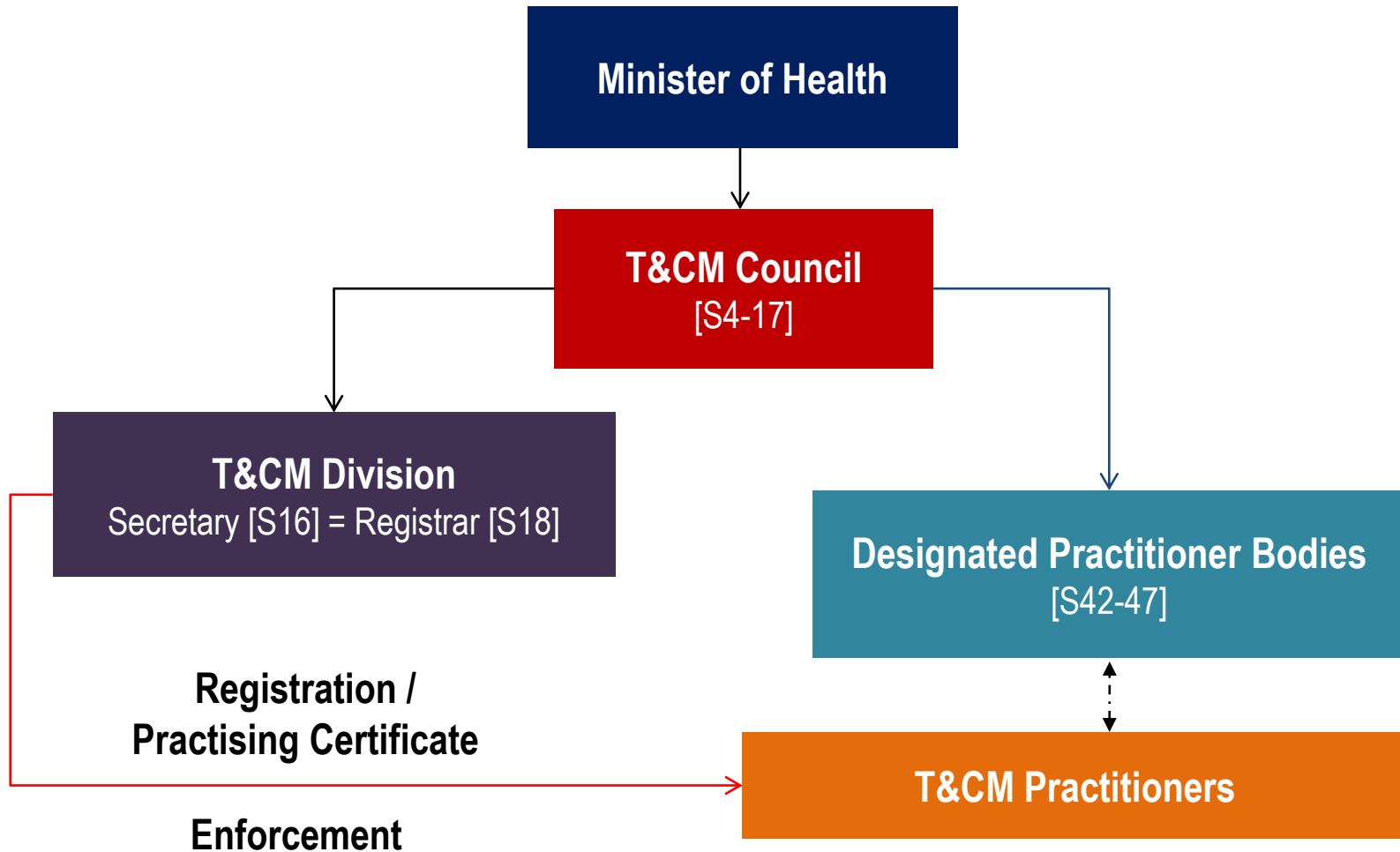
S5. The Council shall have the following functions:

- a) to advise the Minister on matters of **national policy** relating to T&CM practice;
- b) to establish the **eligibility requirements** for each practice area;
- c) to **recognise qualifications** conferred by any institutions of higher learning established under any written law in Malaysia or any institutions of higher learning recognized and authorized by any countries outside Malaysia for the purpose of registration under this Act;
- d) to specify the appropriate academic qualifications or recognized skills certificate issued pursuant to the National Skills Development Act 2006 [Act 652] which are or is necessary before a person may apply to be a registered practitioner;
- e) to specify the necessary **apprenticeship and training requirements** including rules for undergoing apprenticeship, the scope of responsibilities and permitted conduct or activities of apprenticeship, duration of apprenticeship and post-qualification apprenticeship;
- f) to **register individuals** who will provide T&CM services to the public;

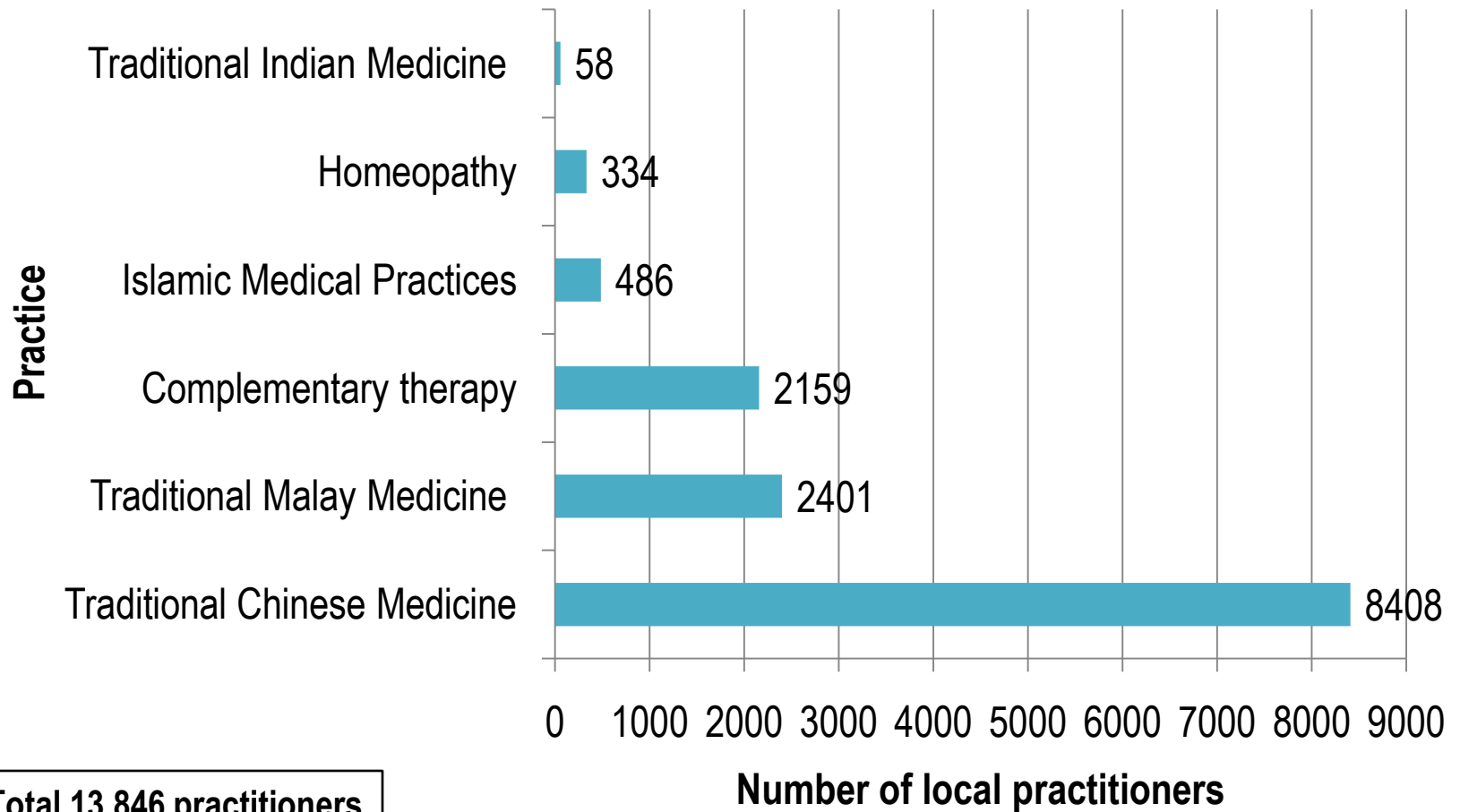
Functions of T&CM Council

- g) to issue practising certificates to registered practitioners who have satisfied the prescribed conditions and paid the prescribed fees;
- h) to develop codes of professional conduct, rules relating to the professional conduct of registered practitioners, including penalties for breach of such codes or rules;
- i) to develop, undertake, prescribe and mandate any matter relating to or connected with the practice of T&CM or the professionalism of such practice;
- j) to specify, provide for and administer a complaints procedure and process;
- k) to develop rules upon which registered practitioners are to refer their patients to medical practitioners or dental practitioners, as the case may be;
- l) to obtain such relevant information from practitioners, and to provide the same to the Minister;
- m) to carry out such functions as may be specified by this Act; and
- n) to carry out all such other activities as may be directed by the Minister and such direction shall be consistent with the purposes of this Act.

Regulatory Hierarchy



Local Practitioners

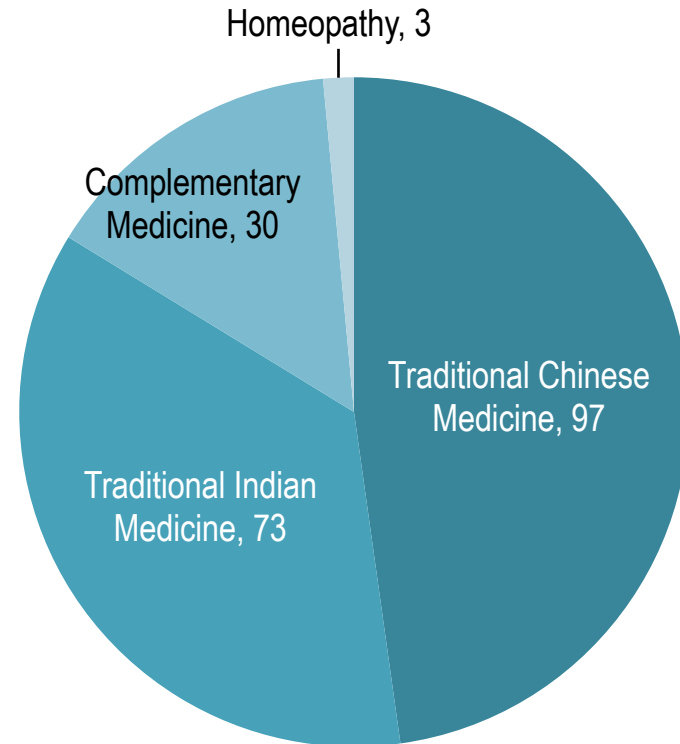


* Voluntary registration with MOH (e-Pengamal) (Nov. 2008 – May 2015)

Foreign Practitioners

Criteria to be fulfilled:

1. Must possess basic qualifications relevant to the area of practice
2. Have adequate working experience
 - ≥ 5 years for degree holders
 - ≥ 3 years for diploma and below
3. Able to perform transfer of technology
4. Age ≥ 27 years old for degree holders;
Age ≥ 23 years for diploma and below
4. Company must be registered with the Companies Commission of Malaysia and licensed by the relevant local authority
5. Advertisement to recruit locals must be conducted first prior to hiring foreign practitioners



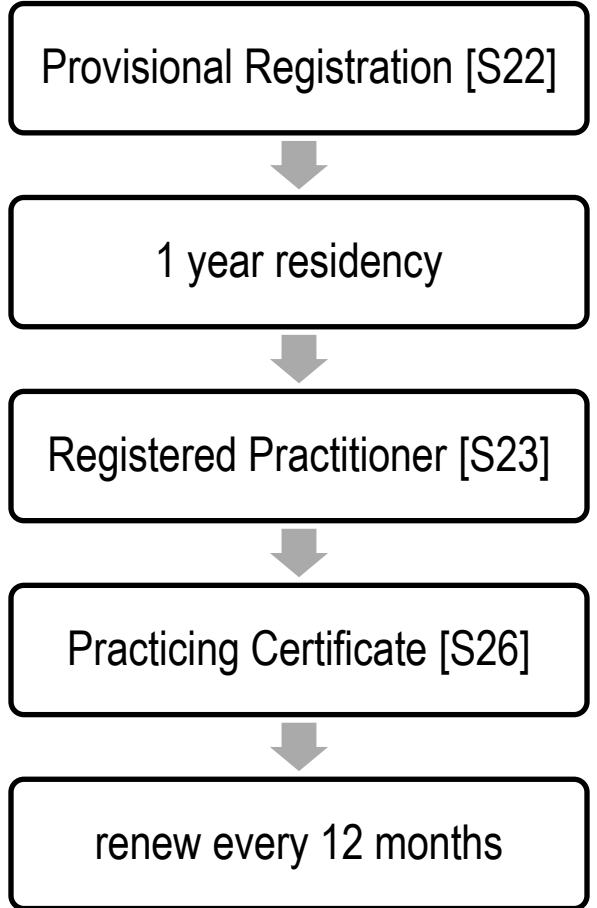
Total 203 practitioners

Based on the number of supporting letters issued by MOH
(Jan. 2013 – May 2015)

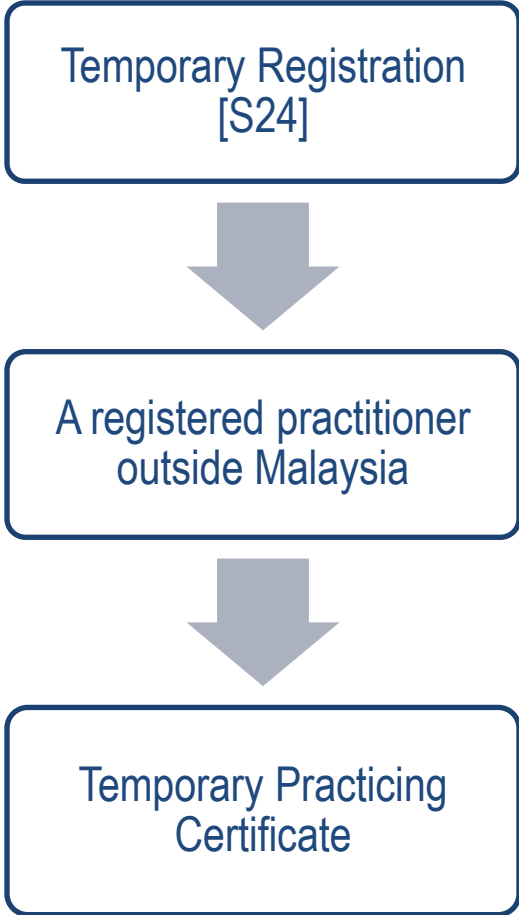
Registration flow

Practitioner

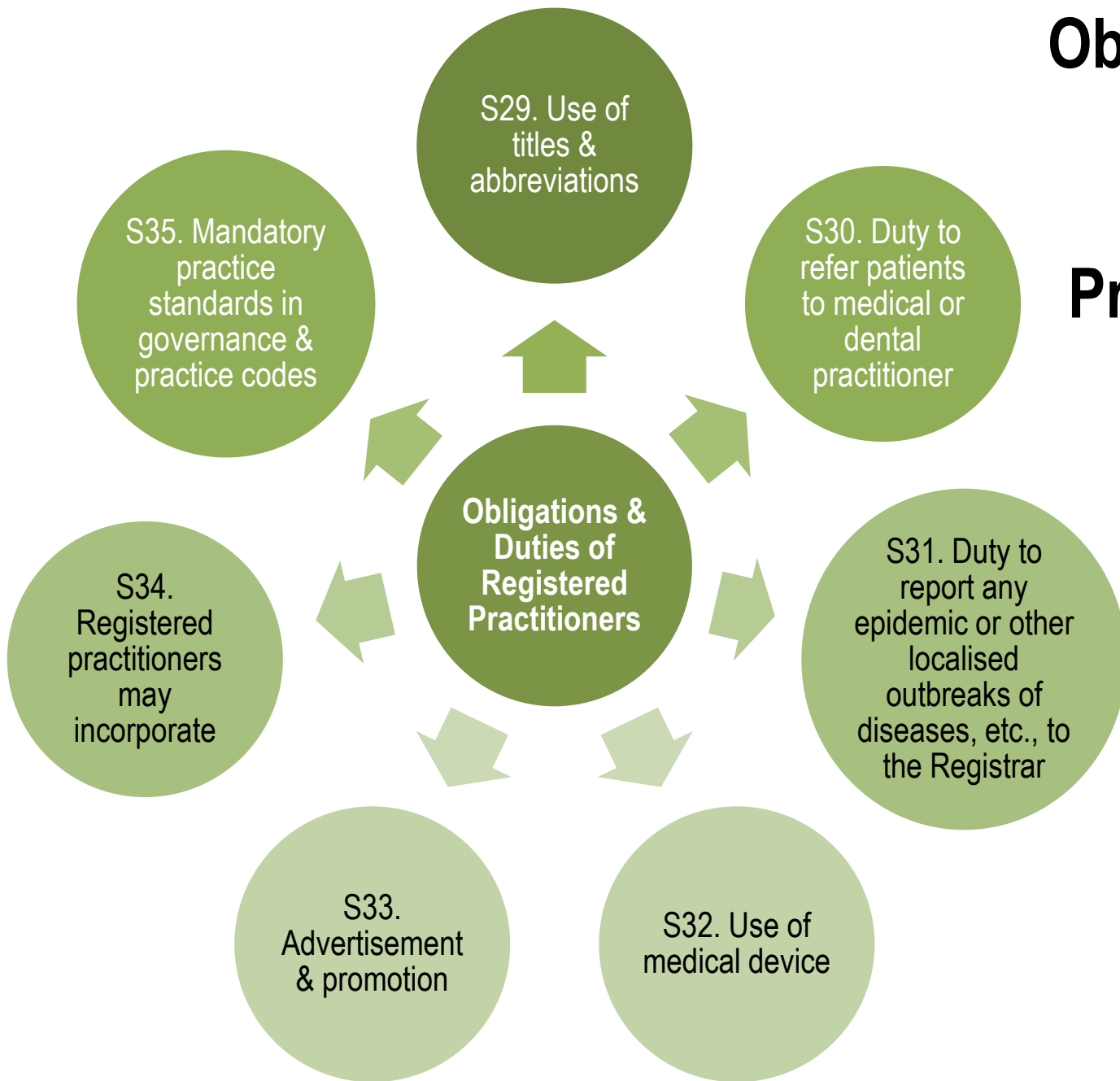
- Local



- Foreigner

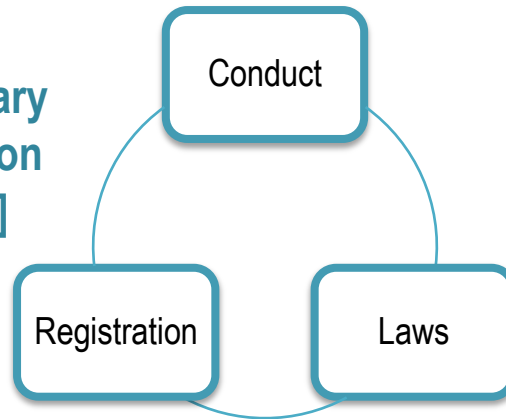


Obligations & Duties of Registered Practitioners



Disciplinary Proceedings

Disciplinary jurisdiction [S36(2)]

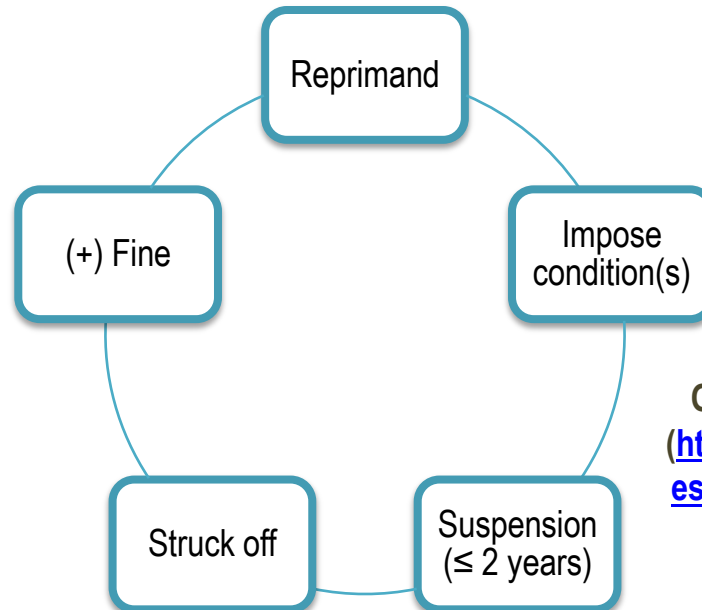


Who?
Council VS registered practitioner [S36(1)]

What?
Jurisdiction VS Punishment

How?

Disciplinary punishment [S37]



Mechanism
[S36(3), S60(2)(k)]



T&CM Regulations

Online Public Engagement (till 31/7/15)
(http://tcm.moh.gov.my/v4/bmelayu/modules/mastop_publish/?tac=Seranta_Awam_Atas_Talian)

Enforcement

S48(1). The Minister may, in writing, authorise any medical officer of health, health inspector of the MOH & any local authority, any public officer & suitably qualified person to exercise the power of enforcement under this Act.

Enforcement power of Authorised Officer

Section

50.	Power of investigation
51.	Stop order
53.	Search & seizure with warrant
54.	Power to enter premises
55.	Power to take sample
56.	Access to computerised data

Transitional

S63(1). Any practitioner body who before coming into operation of this Act undertakes or performs its functions as a governing body of a practice area

S63(2). Any register of practitioners kept & maintained by a practitioner body immediately before coming into operation of this Act

S63(3). Any practitioner who is registered with a practitioner body who before coming into operation of this Act undertakes or performs its functions as a governing body of a practice area



ENFORCEMENT OF T&CM ACT 2013

Shall cease to so undertake or perform such functions until it has been designated as a designated practitioner body under S42.

Shall be deemed to be registers kept & maintained under S19 & shall be deemed to form part of such register of practitioners.

Shall apply to be registered under this Act & shall be exempted from S22 (Provsional Registration).

Objectives to be achieved

- Ensure public safety
- Professionalism of T&CM practitioners
- Empower patients to be aware of their rights and responsibilities so that they can be alert towards fraudulent / bogus practitioners

Preparation for Enforcement of T&CM Act 2013

- T&CM Regulations
- Establishment of T&CM Council
- Development of residency programmes to satisfy the requirements of provisional registration (training modules for each practice area)
- Proposal for T&CM service scheme (expansion and recruitment)
 - T&CM Council: Secretariat
 - Enforcement team: Headquarters / Regional (nationwide)
 - T&CM units

T&CM Regulations 2015 (Draft)

In exercise of the powers conferred by **section 60** of the T&CM Act 2013, the Minister makes the following regulations.

PART	
I	Preliminary
II	Registration of practitioners
III	Traditional and Complementary Medicine Registers
IV	Disciplinary Proceedings
V	Miscellaneous

5 Parts
27 Regulations

Online Public Engagement (till 31st July 2015)

(http://tcm.moh.gov.my/v4/bmelayu/modules/mastop_publish/?tac=Seranta_Awam_Atas_Talian)

Thank You

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