



ที่ สก ๐๗๓๓ /ว ๕๗๖

ถึง ผู้อำนวยการโรงพยาบาลส่งเสริมสุขภาพตำบลทุกแห่ง

สำนักงานสาธารณสุขอำเภอเขาฉกรรจ์ ขอส่งสำเนาหนังสือ จำนวน ๒ ฉบับ ดังนี้

๑. กระทรวงสาธารณสุข ที่ สธ ๐๒๑๗/ว๘๗๐ ลงวันที่ ๑๑ พฤศจิกายน ๒๕๖๕ เรื่อง เกณฑ์จรรยาบรรณการจัดซื้อจัดหาและการส่งเสริมการขายยาและเวชภัณฑ์ที่มีไซยาของกระทรวงสาธารณสุข พ.ศ. ๒๕๖๔ ลงวันที่ ๙ เมษายน ๒๕๖๔

๒. สำนักงานปลัดกระทรวงสาธารณสุข ที่ สธ ๐๒๑๗/ว๕๘๔๐ ลงวันที่ ๒๑ ตุลาคม ๒๕๖๕ เรื่อง ประชาสัมพันธ์หลักสูตรด้านทุจริต หรือชุดการเรียนรู้ และสื่อประกอบการเรียนรู้ด้านการป้องกันการทุจริต ของศูนย์ปฏิบัติการต่อต้านการทุจริต กระทรวงสาธารณสุข

ทั้งนี้ขอความร่วมมือให้ โรงพยาบาลส่งเสริมสุขภาพตำบลทุกแห่ง ได้แจ้งให้บุคลากรในสังกัดทราบ และดำเนินการเกณฑ์จรรยาบรรณการจัดซื้อจัดหาและการส่งเสริมการขายยาและเวชภัณฑ์ที่มีไซยาของกระทรวงสาธารณสุข พ.ศ. ๒๕๖๔ ลงวันที่ ๙ เมษายน ๒๕๖๔ และนำหลักสูตรด้านทุจริต หรือชุดการเรียนรู้ และสื่อประกอบการเรียนรู้ด้านการป้องกันการทุจริต ของศูนย์ปฏิบัติการต่อต้านการทุจริต กระทรวงสาธารณสุข มาประกอบใช้ในการปฏิบัติราชการต่อไป

จึงเรียนมาเพื่อทราบ และดำเนินการในส่วนที่เกี่ยวข้องต่อไป

สำนักงานสาธารณสุขอำเภอเขาฉกรรจ์

๑๙ ธันวาคม ๒๕๖๕



สำนักงานสาธารณสุขอำเภอเขาฉกรรจ์

งานกฎหมาย

โทร ๐๓๗-๒๔๗๙๐๖



## Notification of the Ministry of Public Health

Re: Ethical Criteria for Drug and Non-Drug Medical Supply Procurement  
and Promotion of the Ministry of Public Health,  
B.E. 2564 (2021)

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Unethical procurement and promotion of drug and medical supplies and irrational drug use leading to unnecessary consumption of drugs and non-drug medical supplies at exorbitant prices are part of the problems of patient access to essential drugs and Thailand's rising health care expenditures. Unethical promotion has drawn public health personnel into a variety of complex forms of conflict of interest, such as receiving directly and indirectly benefits from drug or non-drug medical supply companies such as pecuniary benefits, gifts, overseas trips, etc. The fact that sales promotion during procurement process and irrational use of drugs and non-drug medical supplies have become normal practices in the Thai society has also led to a misunderstanding among public health personnel that such benefits are within their right without realizing the negative impacts of such practices on government budgets, good governance of the pharmaceutical, system and the overall health system.

The Ministry of Public Health has issued the Notification of the Ministry of Public Health Re: Ethical Criteria for Drug and Non-Drug Medical Supply Procurement and Promotion of the Ministry of Public Health, B.E. 2564 (2021) as an operational guideline for the good governance practices of the government agencies, work and service units under the Ministry of Public Health as well as drug prescribers, public health professionals and personnel involved in the procurement process, use of drugs and non-drug medical supplies.

The National Anti-Corruption Commission of Thailand (NACC) had conducted a study on measures to prevent corruption in the Civil Servant Medical Benefit Scheme (CSMBS) drug reimbursement process on June 2017. The study found that almost all work and service units under the Ministry of Public Health have established guidelines that comply with the Ethical Criteria for Drug and Non-Drug Medical Supply Procurement and Promotion of the Ministry of Public Health, B.E. 2564 (2021). It also found them to strictly observe the Ministry of Finance Regulations on Acceptance of Cash or Property Donation to the State, B.E. 2526 (1983) and the Ministry of Public Health Regulations on Service Fees of the Service Units under the Ministry of Public Health, B.E. 2536 (1993) and its amendments in their handling of donation from drug companies, but there is a lack of documentation system for information on donated properties to hospitals under the Ministry of Public Health. Investigations conducted by the Office of Public Sector Anti-Corruption Commission (PACC) and the Department of Special Investigation found corruption networks among three groups of people: CSMBS users and their relatives, hospital personnel, and drug companies. Moreover, NACC had presented

2.2.2 The professional councils relating to the provision of public health services shall establish ethical criteria relating to drug promotion and dispensing that are in keeping with the relevant professional ethics.

2.2.3 Employ ethical criteria as a strategy to promote good governance in the procurement system and control the hospital's pharmaceutical expenditure.

2.3 Raise relevant personnel conscience and promote public engagement:

2.3.1 The work units' original affiliation shall publicize and disseminate knowledge on ethical criteria for personnel acknowledgement and declare mutual intention to observe the ethical criteria.

2.3.2 Hospitals shall publicize and disseminate knowledge on the ethical criteria, drug promotion and rational drug use in easy-to-understand media formats, establish a network consisting of hospital personnel and the public. Monitor and scrutinize drug promotion operations and irrational drug use. Establish channels for filing direct complaint and notification of criminal acts to responsible work units.

2.3.3 The Comptroller General Department shall publicize and disseminate knowledge on the exercising of CSMBS rights to entitled persons for correct understanding and practices and avoidance of dishonest use of their rights.

2.4 Establish proper internal audit standards for the private sector to prevent inappropriate drug promotion.

On 12 September 2017, the Cabinet passed a resolution to approve NACC's recommendations and appoint the Ministry of Public Health as the principal agency, in conjunction with other related agencies, for the driving of compliance with the Ethical Criteria for the Procurement and Sales Promotion of Drugs and Non-Drug Medical Supplies of the Ministry of Public Health, B.E. 2557 (2014). The Ministry shall be responsible for its enforcement in order to prevent the aforementioned corruption.

Whereas it is deemed expedient to revise the Ethical Criteria for the Procurement and Sales Promotion of Drugs and Non-Drug Medical Supplies of the Ministry of Public Health for compliance with the Cabinet's resolution and enforcement on the government agencies, work and service units under to the Ministry of Public Health for strict observation in order to prevent any conflict of interest in the procurement and promotion of drugs and non-drug medical supplies, dishonest performance of duties or misconduct against the official position and duties, as well as for the provision of positive role models for other work units.

By virtue of Section 20 of the State Administration Act, B.E. 2534 (1991), as amended by the State Administration Act (No. 5), B.E. 2545 (2002), in conjunction with the intention of Section 128 of the Organic Act on Anti-Corruption, B.E. 2561 (2018), the Minister of Public

“statement” means a narrative or fact presented in the form of alphabets, numbers, pictures, films, lights, sounds, marks or any other forms to communicate meanings on their own or through any other methods or media;

“gift” means a benefit in the form of an asset, object or souvenir that a drug or non-drug medical supply company presented to a person for commercial benefits;

“drug and non-drug free sample” means a drug and non-drug free sample distributed to a person, government agency, work unit or service unit to familiarize them with its appearance and characteristic in order to enhance their clinical experiences, except for those distributed for a study or research purpose (in the case where such free samples are provided for procurement consideration);

“other benefits that may be calculated as cash benefits” means a valuable object as well as the benefits of a discount, entertainment, service, training or any other benefits of the same nature or any acts that result in the person having received any benefits that may be calculated as cash benefits or an exemption from any expense, as prescribed by the Notification of the National Anti-Corruption Commission Re: Criteria for the Acceptance of Properties or Other Benefits under the Ethical Criteria of State Officials, B.E. 2563 (2020);

“normal custom” means a festival or an important day on which gifts may be exchanged, including an opportunity for people to offer congratulation, gratitude, welcoming reception, condolence or assistance which are acceptable social manners;

“prescriber” means a government officer who is a medical professional or other type of public health personnel with the rights or duties to prescribe drugs and non-drug medical supplies;

“professional” means a government officer who practices the art of healing, dentistry, pharmacy, nursing, medical technology, physical therapy, Thai traditional medicine, community public health and a professional or practitioner in other branches of the art of healing pursuant to the royal decrees issued under the law on the practice of the art of healing;

“drug company representative” or drug and non-drug medical supply sales representative means a representative of a drug company and a distributor of non-drug medical supplies whose duties are to meet professionals to present information on drugs and non-drug medical supplies;

“drug or non-drug medical supply company” means a company, an ordinary person or a juristic person or an organization relating to the production, import and sale of drugs and non-drug medical supplies both domestically and internationally (including a drug or non-drug medical supply company relating to a foundation, association, organization, etc.) as well as the Government Pharmaceutical Organization;

“administrator” means a government officer who has the power to make a decision, sign or order a selection, purchase, and procurement of drugs and non-drug medical supplies of a hospital or work unit;



(1.2) anything with academic benefit to the medical and public health services as well as patient benefits can be accepted on behalf of their hospital or work unit.

Clause 8 Prescribers must not commercially present themselves to the public in an advertisement or drug and non-drug medical supply promotion.

Clause 9 Prescribers must not accept support directly from a drug or non-drug medical supply company to attend an academic meeting, conference, training or study visit, both locally and internationally.

Clause 10 Prescribers must disclose their beneficial relationship with a drug or non-drug medical supply company when presenting their academic opinions about such drugs and non-drug medical supplies to the public either verbally or in writing or through any other means.

Clause 11 Prescribers can accept research support the work unit's or service unit's support acceptance and regulation systems.

Clause 12 In giving drug and non-drug medical supply free samples to patients or work units, prescribers must give primary consideration to patient benefits and safety and must not do so for their own personal benefits. Such practice shall be carried out through the regulatory system for the acceptance and dispensing of drug and non-drug medical supply free samples of the government agency, work unit or service unit. The system should be a verifiable system.

Clause 13 When issuing a prescription, prescribers must use the drug common names.

## CHAPTER 2

### Administrator or the authority

Clause 14 Administrators or the authority must insist that the work units under their supervision shall strictly observe the ethical criteria by establishing guidelines that are in keeping with but not lower in standard than the present ethical criteria and post them as written announcement in conspicuous places for personnel acknowledgement.

Clause 15 Administrators and the authority must formulate policies and establish a good governance system to prevent any conflict of interest for the following activities:

(1) Selection of drug and non-drug medical supply to obtain quality drugs and non-drug medical supplies shall be carried out in accordance with the prescribed standards.

(2) Procurement of drugs and non-drug medical supplies shall be carried out in accordance with the Government Procurement and Supplies Management Act, B.E. 2560 (2017) as well as the Ministerial Regulations and rules issued under the Government Procurement and Supplies Management Act, B.E. 2560 (2017). The ethical criteria for drug distributors can be taken into consideration for the selection of drug or non-drug medical supply companies, which must be purchased at net prices.

Clause 18 Do not publicize or distribute documents, brochures, signages or any other forms of media containing exaggerated advertisement or promoting drugs and non-drug medical supplies to patients and the public.

#### CHAPTER 4

##### Government agencies, work units, service units

Clause 19 Establish guidelines that are in keeping with the present ethical criteria and the contexts of each government agency, work unit and service unit but not lower in standard than the present ethical criteria and post them as written announcement in conspicuous places for personnel acknowledgement.

Clause 20 Implement the policies, establish good governance system and prevent any conflict of interest in the following activities:

(1) Selection of drugs and non-drug medical supplies that are in keeping with the prescribed quality standards.

(2) Procurement of drugs and non-drug medical supplies shall be carried out in accordance with the Government Procurement and Supplies Management Act, B.E. 2560 (2017), as well as the Ministerial Regulations and rules issued under the Government Procurement and Supplies Management Act, B.E. 2560 (2017). The ethical criteria for drug distributors can be taken into consideration for the selection of drug or non-drug medical supply companies, which must be purchased at net prices.

(3) Acceptance of financial support from a drug and non-drug medical supply company through a purchase of drugs and non-drug medical supplies must not be used as a means to earn revenues from all forms reciprocal benefits.

(4) Patient benefit and safety must be the primary consideration when accepting and prescribing drug and non-drug medical supply free samples to patients without aiming for the drug and non-drug medical supply promotion or personal benefits;

(5) Regulation of drug and non-drug medical supply promotional activities in government agencies, work units or service units shall be carried out as follows:

(5.1) drug company representatives, drug and non-drug medical supply sales representatives are permitted to conduct activities at the agreed time and place;

(5.2) acceptance of personal support from a drug or non-drug medical supply company is prohibited, except when the support is given to a work unit or a service unit and closely regulated for the benefit of the government agency, work unit or service unit;

(5.3) activities aiming to provide health knowledge to the public in association with the trade name of the drugs and non-drug medical supplies or any activities that constitutes a covert advertisement are prohibited;

(6) offer educational programs aiming to educate and foster positive attitudes about rational use of drugs and non-drug medical supplies and access to reliable drug and non-drug medical supply data sources without any business influences.

(7) offer educational programs focusing on the ethical conducts of all levels of personnel and appropriate relationship with drug and non-drug medical supply companies, their representatives or sales representatives

(8) establish a policy that requires its faculty members and personnel to disclose their relationship with a drug and non-drug medical supply company when expressing academic opinions to the public either verbally or in writing or through any other means.

#### CHAPTER 6

#### Drug and non-drug medical supply companies and their representatives or sales representatives

Clause 22 Drug and non-drug medical supply companies or their representatives or sales representatives shall observe the Notification of the National Pharmaceutical System Development Committee Re: National Ethical Criteria for Sales Promotion, B.E. 2559 (2016), dated 22 April 2016.

Notified on 9 April 2021.

Anutin Charnvirakul  
Minister of Public Health



