

**Health Systems Research Institute Act
B.E. 2535 (A.D. 1992)**

**Bhumibol Adulyadej, REX.
Given on the 2nd Day of April B.E. 2535
Being the 47th Year of the Present Reign**

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

Whereas it is expedient that there shall be a law related to Health Systems Research Institute,

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as Parliament, as follows:

Section 1. This Act is called the "Health Systems Research Institute Act, B.E. 2535".

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. In this Act:

"Health systems development" means studies and research on health systems in a multidisciplinary manner and in relation to other sciences such as humanities, medical sciences, economics, psychology, or behavioral sciences with the purpose of developing health activities or programs systematically and resolving health problems efficiently.

"Fund" means the "Health Systems Development Fund".

"Board" means the Board of Directors of the Health Systems Research Institute.

"Board member" means a member of the Board of Directors of the Health Systems Research Institute.

"Institute" means the Health Systems Research Institute.

"Director" means the Director of the Health Systems Research Institute.

"Permanent employee" means a permanent employee of the Health Systems Research Institute.

"Contract employee" means a contract employee of the Health Systems Research Institute.

"Minister" means the Minister in charge of the enforcement of this Act.

Section 4. A Board of Directors of the Health Systems Research Institute shall be established and composed of the Minister of Public Health as chairperson; the Permanent Secretary for Public Health as vice-chairperson; the Permanent

Secretary for Agriculture and Cooperatives, the Permanent Secretary for Education, the Permanent Secretary for Science, Technology, and Environment, the Permanent Secretary for Industry, the Permanent Secretary for University Affairs, the Secretary General of the National Research Council, the Secretary General of the National Economic and Social Development Board, and no more than seven distinguished experts who shall be appointed by the Cabinet, as members; and the Director as member and secretary.

Section 5. The Board has the power and duty to engage in the general operations of the Institute and specifically has the power to:

- (1) Review both master and operational plans of the Institute;
- (2) Set policies for and oversee the operations of the Institute;
- (3) Set policies for and oversee the management of the Fund and allocate funds for major activities;
- (4) Approve annual budget and financial plans of the Institute;
- (5) Issue regulations on the organization and management of the Institute;
- (6) Establish the number and types of positions, length of employment, salaries, wages and other financial benefits for both permanent and contract employees;
- (7) Issue regulations on appointments, position establishment, salary or wage setting, salary and wage increases, separation, discipline, punishment and disciplinary action appeals, and grievances for both permanent and contract employees, including for general personnel management;
- (8) Issue regulations on qualifications and selection of the Director, performance of the Director, and designation of an acting director or other employees to act on behalf of the Director;
- (9) Issue regulations on employee welfare or benefits.

Section 6. Board members who are appointed by the Cabinet shall hold a two-year term of office.

In the case that a Cabinet-appointed Board member vacates his/her office before his/her term expires or the Cabinet appoints additional Board members while previously appointed Board members have yet to finish their term, the replacement or new Board members shall serve only for the remainder of his/her predecessor's term.

Upon expiration of term of office provided in paragraph one, and if new Board members have not been appointed yet, the Board members whose term has expired shall continue serving on the Board until the new Board members take office.

The Board member whose term has expired may be reappointed.

Section 7. In addition to vacating their office under Section 6, a Cabinet-appointed Board member shall vacate office upon:

- (1) Death;
- (2) Resignation;
- (3) Removal by the Cabinet for such a cause as misconduct, defective or dishonest performance, or lack of ability;
- (4) Becoming a bankrupt;
- (5) Being an incompetent or quasi-incompetent person;
- (6) Being sentenced to imprisonment by a final judgment, except the sentence for an offence committed through negligence or for a petty offence.

Section 8. At a meeting of the Board, the presence of not less than one-half of the total number of Board members is required to constitute a quorum.

If the chairperson is absent or unable to perform his/her duty, the vice-chairperson shall function on chairperson's behalf. If both the chairperson and the vice-chairperson are absent or unable to perform their duty, participating Board members shall elect one among themselves to preside over such a meeting.

Resolutions of the meeting shall be made by majority vote. In casting the vote, each Board member has one vote. In case of a tie vote, the presiding Board member shall have an additional vote as a casting vote.

Section 9. The Board has the power to establish ad hoc committees as necessary.

In meetings of ad hoc committees, the provision in Section 8 applies *mutatis mutandis*.

Section 10. The chairperson, vice-chairperson, Board members, and ad hoc committee members shall receive meeting honoraria and benefits in accordance with the regulations established by the Cabinet.

Section 11. There shall be an institute established as a *juristic person* called "**Health Systems Research Institute**" with the objectives to:

- (1) Conduct technical surveys, studies, and analyses for use in setting goals, policies, programs, projects, and measures in developing national health systems;
- (2) Coordinate with policy and planning agencies concerned, both public and private, in formulating policies on health systems development research and in using research results for policy and plan formulation;

(3) Support research for health systems development in both public and private sectors; promote cooperation in health systems research in the public and private sectors, as well as with other countries; and conduct health systems research as directed by policy makers in significant areas that are not undertaken by any other research institute;

(4) Support capacity strengthening in selecting, adopting, and transferring foreign state-of-the-art and technology as well as the management of investment and development projects to meet this end, in order to acquire efficient and appropriate state-of-the-art and technology;

(5) Provide information about the knowledge and results of research and about health matters to public and private agencies as well as the general public;

(6) Manage the Fund in accordance with this Act;

(7) Carry out other actions stipulated by law as Institute's responsibilities or assigned by the Board.

Section 12. The Institute shall have the power to conduct various activities, subject to the objectives provided in Section 11, including the power to:

(1) Own or take possession or hold real rights, construct, purchase, hire, be hired, procure, sell, dispose of, rent, let, hire-purchase, be hire-purchased, borrow, lend, pawn, mortgage, exchange, transfer, take a transfer, or conduct any transactions related to property, in country and abroad, and accept donated property;

(2) Enter into agreements and cooperate with local and international organizations in health systems development activities;

(3) Acquire and allocate funds to support health systems development;

(4) Take part in joint ventures with other individuals or own shares of limited or public companies for the benefit of health systems development;

(5) Take loans or borrow money from local or foreign institutions;

(6) Provide loans or lend money, when appropriate individual or property collateral is provided, for the purposes of health systems development;

(7) Contract or assign any part of activities to individual(s) to carry out for the Institute;

(8) Engage in any other operation to fulfill Institute's objectives.

Section 13. The Institute shall have one Director, who shall be appointed by the Board with Cabinet's approval. Director's qualifications shall be set by the Board.

Section 14. The Director's term of office is three years and he/she may be reappointed, but no more than two consecutive terms.

Besides completing the term of office, the Director vacates his/her office upon:

- (1) Death;
- (2) Resignation;
- (3) Removal by the Board with Cabinet's approval.

Section 15. The Director has the power and duty to:

(1) Carry out administrative functions of the Institute in accordance with Institute's objectives, authority and responsibilities, and with Board's policies, rules, regulations and resolutions;

(2) Take a command function over all Institute's personnel;

(3) Take responsibilities for hiring, appointing, promoting, increasing salaries or wages, disciplinarily punishing, including dismissing employees, according to the regulations set by the Board;

(4) Set regulations related to the operations of the Institute that are not contradict Board's rules, regulations or resolutions.

Section 16. In doing business with outside individuals, the Director shall serve as representative of the Institute. In this regard, the Director may assign other individuals to perform specific functions on his/her behalf, in accordance with the regulations established by the Board.

If, in any regulation established by the Board, there are any restrictions of power in performing any legal transactions, the Minister shall announce such restrictions in the Government Gazette.

Section 17. The Board, with Minister's approval, shall set the Director's salary.

Section 18. There shall be a **Fund** established in the institute called the "**Health Systems Development Fund**" to be used as a revolving fund and for carrying out Institute's activities. The Fund comprises:

- (1) Endowment provided by the Government;
- (2) Support funds allocated by the Government in the annual budget;
- (3) Financial assistance from other countries and international agencies;
- (4). Donations, in cash or in-kind;

(5) Interest or revenue from the Fund, including benefits from intellectual property rights and royalties from use or transfer of property rights;

(6) Other money or property transferred to the Fund.

Section 19. Revenue of the Fund and Institute shall go directly into the Fund without being sent to the Ministry of Finance.

Section 20. The Institute shall establish and have in place an appropriate accounting system by type of major activities, with credit and debit books, records of assets and liabilities, actual and accrued, by type of activities, and a statement describing each transaction. There shall be regular internal audits.

Section 21. The Institute shall prepare and submit a balance sheet, a work sheet, and a profit and loss account to an auditor within 120 days of the final day of every account year.

The Office of the Auditor-General shall serve as the auditor for the Institute in every annual cycle, then prepare and submit an annual audit report to the Board.

Section 22. Every year the Institute shall prepare and submit an annual report to the Board. The annual report shall include the auditor-certified balance sheet, work sheet, profit and loss account, auditor's report, and Institute's past year performance. The Board shall forward such a report to the Minister who shall further submit it to the Cabinet for information.

Section 23. Power, duties, programs, property, rights, liabilities, and budget from the Office of the Permanent Secretary for Public Health, specifically those related to the Research Section of the Epidemiology Division, and the Health Economics Program of the Health Planning Division, existing on the day this Act comes into force shall be transferred to the Institute.

Any government officials or employees of the Ministry of Public Health, who are willing to be transferred to work for the Institute and have expressed their intention in writing to their authorized supervisor within ninety days after this Act comes into force, shall be transferred to and appointed as employees of the Institute, subject to the agreement between the Minister and the Institute.

Government officials or employees who are transferred to the Institute shall receive salaries or wages including benefits at a rate equal to their former positions, in the near time, until their positions at the Institute are officially established and they are formally appointed. However, they shall not be appointed to positions where they shall receive salaries or wages at a rate lower than that of their previous positions.

In the transfer of government officials in this Section, such officials shall be considered to leave government service because of an abolishment of their positions in accordance with the law related to civil service retirement.

In the transfer of contract employees in this Section, such employees shall be considered to leave government service because of an abolishment of their positions or termination of service contracts without cause and shall receive a severance pay in accordance with the regulation on employees severance pay of the Ministry of Finance.

For the purpose of calculating years of service and separation benefits in accordance with Institute's regulation, officials or employees transferred under this Section wishing to accumulate their years of service prior to the transfer as the years of service at the Institute have the rights to do so by expressing their intention that they shall not take any severance pay or pension.

The intention of not requesting severance pay or pension in paragraph six must be made within thirty days of transfer. Government officials shall follow the law related to civil service retirement. Contract employees shall submit their signed written intention to their employer for forwarding to the Ministry of Finance.

Section 24. The Minister of Public Health shall have the charge and control of the execution of this Act.

Countersigned:

Anand Panyarachun
Prime Minister

Note: The reason for the promulgation of this Act is that it is deemed appropriate to establish a Health Systems Research Institute to systematically conduct studies and research on health development so that health programs shall be implemented correctly, efficiently and appropriately, in responsive to the economic and social conditions of the country. Therefore, it is necessary that this Act be enacted.

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