

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka  
EXTRAORDINARY

අංක 1884/36 - 2014 ඔක්තෝබර් මස 15 වැනි බදාදා - 2014.10.15  
No. 1884/36 - WEDNESDAY, OCTOBER 15, 2014

(Published by Authority)

**PART I : SECTION (I) — GENERAL**

**Government Notifications**

L.D.B. 4/2007.

**THE AYURVEDA ACT, No. 31 OF 1961**

RULES made by the Ayurvedic Medical Council under paragraph (f) of Section 18 of the Ayurveda Act, No. 31 of 1961 read with Section 19 and 50 of the said Act.

(Registrar),  
Ayurvedic Medical Council.

Colombo,  
15th October 2014.

**Rules**

1. These Rules may be cited as Registered Ayurvedic Medical Practitioners (Professional Conduct) Rules No. 01 of 2014 shall come into operation with effect from 15.10.2014.

**Medical Responsibility**

2. Every Ayurvedic Medical practitioner shall-

- (a) maintain highest standard of professional conduct ;
- (b) gain satisfactory knowledge on law, rules and regulations enacted by the government in relation to the Ayurvedic medical practice and shall comply with the same ;
- (c) take every precaution to prevent the spread of any contagious diseases and shall inform the relevant authorities of any patient whose illness, in his opinion, will have an adverse impact on society ;



### **Name Board and Advertising**

3. (1) An Ayurvedic Medical Practitioner may display his name-board at his place of professional practice.

(2) The name board shall -

- (a) be of maximum 6 ft in length and 4ft in width ;
- (b) contain only the name and professional qualifications registered with the council of the practitioner which shall be mentioned in smaller letters than that of the name ;
- (c) clearly display the registration number of such practitioner.

(3) An Ayurvedic Medical practitioner shall use colours, black, white yellow and green for their name boards and shall not display illuminated name-boards or name-boards with bright or retro-reflective colours.

4. An Ayurvedic Medical Practitioner -

- (a) may publish his name, qualifications and name and address of the medical clinic or professional institution in the telephone directory, register of business names, e register or in a similar record or documents ;
- (b) (i) may publish in news papers any article carrying advice to patients or grant an interview to a news paper or to the electronic media and discuss any medical issues at such interview ;
- (ii) shall not gain any financial or professional advantage or shall not resort to advertising or touting when functioning under the provisions of subparagraph (i).

### **Touting**

5. (a) An Ayurvedic Medical Practitioner shall not by himself or through another person, resort to touting.

(b) For the purposes of paragraph (a) touting includes -

- (i) advertising contrary to the provisions of these rules to attract patients for himself ;
- (ii) employ any person for a payment or on commission basis to attract or solicit patients for himself ;
- (iii) to attract patients for himself propagate in any manner the belief that, his treatment is better than those of other practitioners in general ;
- (iv) giving publicity for his form of treatments by exhibiting posters leaflets or similar form of advertisements in public places ;
- (v) making public statements regarding the quality or effectiveness of any form of Ayurvedic treatment knowing that such statement is wrong and misleading ;
- (vi) maliciously criticizing fellow practitioners in public or in the presence of patients.

### **Ayurvedic Drugs**

6. (1) Every Ayurvedic Medical Practitioner who engages in production, importation or exportation of Ayurvedic drugs shall comply with all applicable laws for the time being in force relating to the same.

(2) The marketing, importation or exportation of any substandard Ayurvedic drug by an Ayurvedic Medical practitioner shall be considered as professional misconduct.

(3) Where an Ayurvedic Medical practitioner prepares or produces an Ayurvedic drug according to a personal prescription he shall be personally responsible for the outcome of such drug.

(4) Ayurvedic Medical Practitioner shall not engage any person without appropriate experience or qualifications for the production and storage of or to carry out research into, Ayurvedic drugs.

### **Medical Certificates**

7. (1) An Ayurvedic Medical Practitioner shall -

- (a) not issue a Medical Certificate to any person which contains false, exaggerated or misleading information about the person whose name appears in that certificate or without treating a person ;
- (b) include in every medical certificate issued by him -
  - (i) his name, address, Ayurvedic Medical Council registration number, date, signature and official seal ; and
  - (ii) the true and correct medical condition of the person whose name appears in that certificates.
- (c) use a form prescribed by the Ayurvedic Medical Council or a similar format prepared by himself when issuing medical certificate for employees of Government departments, State Corporations and private establishment and shall fill such form in handwriting ;
- (d) not issue a Medical Certificate for an area, other than the specialized area for which he has obtained registration ;
- (e) strictly adhere to the instructions issued by the Council from time to time and to laws, rules, regulations and circulars in force for the time being with regard to the issuing of Medical Certificates.

(2) Ayurvedic Medical Practitioners shall maintain the confidentiality of the content of every medical certificate issued by him.

(3) Every Ayurvedic Medical Practitioners shall maintain a Register of Medical Certificate issued by him which shall contain information pertaining to the patient and illness, date of issue of such Medical Certificate, if issued in a form prescribed by the Council the corresponding counterfoil number and the date and signature of the patient in proof of the receipt of the Medical Certificate. When the Council or any other authority inquire a Ayurvedic Medical Practitioner in order to ascertain the identity or the authenticity of a Medical Certificate, such Ayurvedic Medical Practitioner shall be required to produce the Register of Medical Certificate issued by him to the Council or to such Authority.

### **Register of Patients and Confidential Information**

8. (1) Every Ayurvedic medical practitioner shall maintain a register of patients to whom he has treated.

(2) The register shall contain the name and address of the patient date treated and a brief description of the illness and the treatment given.

(3) (a) Subject to the provisions of paragraph (4), and Ayurvedic Medical Practitioner shall not disclose any information or illness of a patient he treated to a third party.

(b) The death of the patient shall not absolve or exempt the practitioner from the obligations specified under paragraph (a).

(4) An Ayurvedic Medical practitioner shall not reveal any information relating to a patient except

- (a) with the written permission of the patient ; or
- (b) in the interest of the welfare of a patient, to a close relative of the patient ; or
- (c) when he is required to reveal such information by the Council or any Court of Law or any other lawful authority.

### **Derogatory Conduct**

9. (1) An Ayurvedic Medical practitioner shall -

- (a) not behave in violent or indecent manner ;
- (b) not treat a patient under the influence of liquor or dangerous or narcotic drugs ;
- (c) not solicit or engage in a immoral relationship with a patient or an acquaintance of a patient with whom he built up an intimacy by using the doctor patient relationship ;
- (d) not commit, aid or abet the commission of any criminal offence ;
- (e) not terminate pregnancy without following the due process of law and approved medical ethics ;
- (f) not exercise discrimination on the ground of race, creed, caste, language, political opinion, class, kinship, friendship or status when treating patients. Provided however priority may be given to patients who need urgent medical care ;
- (g) not visit a patient either at his residence or any other place, unless the patient himself or a close relative of the patient has appealed for such visit

(2) An Ayurvedic Medical Practitioner shall not conduct himself in a manner that would lead the patient to feel that he engages himself in a business which generate income.

### **Renewal of Registration and the Official Address**

10. Every Ayurvedic Medical Practitioner shall renew his registration as an Ayurvedic Medical Practitioner+ once in every five years from the date of coming into operation of these rules.

11. Every Registered Ayurvedic Medical Practitioner shall in writing notify the Council of -

- (a) the address of the place of his professional practice ;
- (b) the residential address of the practitioner ; and
- (c) of any change, of addresses referred to in paragraph (a) and (b) within two weeks of such change of addresses.

### **Punishments**

12. (1) Every Ayurvedic Medical Practitioner shall adhere to the rules specified hereinbefore and violation of one or more of them shall be deemed to be professional misconduct.

(2) The Council may cancel or suspend the registration of an Ayurvedic Medical Practitioner, who shall be found guilty of committing professional misconduct after an inquiry conducted under the Ayurveda (Disciplinary) Regulations, 1973.

(3) The provision of Section 57 of the Ayurveda Act, No. 31 of 1961 shall *mutatis mutandis* apply to and in relation to cancellation or suspension of registration.

(4) (a) The Council shall not confine itself to the provisions of these rules in the determination of the commission of an act of professional misconduct by an Ayurvedic Medical Practitioner.

(b) For the avoidance of doubt it is hereby declared where the Council deems that the commission of a particular act is not included in these rules, but it is apparent to the Council that the commission of such act causes disrepute to the Ayurvedic medical profession, the council may institute proceedings under the Ayurvedic (Disciplinary) Regulations 1973.

### **Interpretation**

13. For the purposes of these rules -

“Ayurvedic Drug” means any type of medicine or a cosmetics or a medical equipment or a healthy food (health related food or a functional food or a nutraceutical or antioxidants or a substance containing terpene or phenol) referred to with any of the adjectives, “Ayurveda, indigenous, natural or traditional” or any product, substance or composition of a cosmetic, medical equipment, medicine, or healthy food (health related food or a functional food or a nutraceutical or antioxidants) produced, imported, exported, stored, sold, distributed or advertised by any institute established under any Act and such cosmetic, medical equipment, medicine, or healthy food has been produced for a medical, health or beauticulture purpose and referred to with a term or expressions, “Ayurveda, indigenous, traditional, alternative, supplementary, natural or herbal” ;

“Ayurvedic Medical Practitioner” means Ayurvedic Medical Practitioner who is for the time being registered in the General Register or in the special register maintained by the Council ;

“Council” means the Ayurvedic Medical Council established under Section 11 of the Ayurveda Act, No. 3 of 1961 ;

14. (1) The Rules of the Code of Ethics of for Registered Ayurvedic Practitioners published in Gazette No. 14965 dated 02.07.1971 and subsequent notification published in Gazette No. 14996 dated 03.02.1972 are hereby rescinded.

10-1057