

**FREQUENTLY ASKED QUESTIONS (FAQs) ON THE
ENFORCEMENT OF PHASE 3
TRADITIONAL AND COMPLEMENTARY MEDICINE
ACT 2016 [ACT 775]**

1. What is the Traditional and Complementary Medicine Act 2016 [Act 775]?

The Traditional and Complementary Medicine Act 2016 [Act 775] is an Act to provide for the establishment of the Traditional and Complementary Medicine Council (T&CM Council) to regulate traditional and complementary medicine (T&CM) services in Malaysia and to provide for matters connected therewith. This Act can be accessed and downloaded by clicking the link [Traditional And Complementary Medicine Act 2016 \[Act 775\]](#).

2. How is Act 775 enforced?

The enforcement of Act 775 is carried out in phases through notifications in the Gazette with different appointments of coming into operation by the Minister of Health as follows:

(i) Phase 1

Through the Appointment of Date of Coming into Operation [*P.U. (B) 325/2016*], **Phase 1** came into operation on 1 August 2016, focusing on the establishment of the T&CM Council, identifying recognized practice areas as well as matters relating to the designation of T&CM practitioner bodies.

Through the Traditional and Complementary Medicine (Recognised Practice Areas) Order 2017 [*P.U. (A) 223/2017*], which came into operation on 1 August 2017, there are seven (7) recognized practice areas, namely—

- (a) Traditional Malay medicine;
- (b) Traditional Chinese medicine;
- (c) Traditional Indian medicine;
- (d) Homeopathy;
- (e) Chiropractic;
- (f) Osteopathy; and
- (g) Islamic Medical Practice.

(ii) Phase 2

Through the Appointment of Date of Coming into Operation [*P.U. (B) 118/2021*], **Phase 2** came into operation on 1 March 2021, focusing on the general administration of the T&CM Council, matters of T&CM practitioners, the duties and responsibilities of registered practitioners, disciplinary proceedings, patient's rights and enforcement of offences by body corporate. During this phase, the Traditional and Complementary Medicine Regulations 2021 [*P.U. (A) 69/2021*] also came into operation.

Enforcement in Phase 2 focuses on the registration of T&CM practitioners in the recognised practice areas with the T&CM Council, matters related to register maintenance and disciplinary proceedings.

This phase is also a transitional period for registration of T&CM practitioners which refers to the period set to allow practitioners who are categorised as '*grandfathering*' i.e., practitioners who do not have a recognised basic qualification but are skilled and experienced in the recognized practice areas, to

register with the T&CM Council according to the stated requirements.

The Traditional and Complementary Medicine Regulations 2021 [*P.U. (A) 69/2021*] and the Traditional and Complementary Medicine (Amendment) Regulations 2024 [*P.U. (A) 68/2024*] stipulates the qualification to apply as a registered practitioner under Act 775. Through these Regulations, applicants must obtain the recognised qualification specified in the Third Schedule [*P.U. (A) 69/2021*] or fulfil any requirement of experience in the recognized practice areas and undergo a capacity-building course in the recognized practice area deemed fit by the T&CM Council (if required by the T&CM Council).

(iii) Phase 3

Through the Appointment of Date of Coming into Operation [*P.U. (B) 246/2024*], **Phase 3** came into operation on 1 August 2024. The enforcement of Phase 3 focuses on activities related to the enforcement and legal actions that can be taken and implemented based on the provisions under Act 775. Enforcement activities include routine inspections of T&CM practitioners in the

recognized practice areas, verification and investigation of complaints, and monitoring of compliance towards Act 775. T&CM enforcement officers will conduct periodic visits to the premises, review records, and ensure compliance with established T&CM standards and practices.

3. When is the date of coming into operation of Phase 3, Act 775?

The appointment date of coming into operation of Phase 3, Act 775 is on **1 August 2024**.

4. What are the sections that came into operation in the enforcement of Phase 3, Act 775??

In the enforcement of Phase 3, Act 775, the sections that came into operation are as in Part IX, Enforcement under Act 775 which are sections 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 59.

5. What happens during the enforcement of Phase 3, Act 775?

In the enforcement of Phase 3, Act 775, enforcement activities and legal action will begin. The implementation will be divided into two (2) stages, namely:

(i) During the Transitional Period (Until 28 February 2025)

During this period, enforcement activities and legal action may be taken, however, limited through an **educational enforcement approach towards T&CM practitioners in the recognized practice areas.**

The educational enforcement approach under Act 775 is a form of awareness and monitoring activities for T&CM practitioners in the recognized practice areas to ensure that T&CM practitioners comply with the requirements prescribed under Act 775 as well as their obligations as a registered T&CM practitioner in providing and delivering quality and safe T&CM services.

Among the educational enforcement approaches are inspections of T&CM practitioners in the recognized practice areas, screening of advertisements related to T&CM skills and services and continuous explanation and awareness to T&CM practitioners in the recognized practice areas regarding registration and compliance with Act 775.

(ii) After the Transitional Period Ends (Starting 1 March 2025)

After the transitional period ends, which will begin on 1 March 2025, enforcement activities will be strengthened and legal action will be initiated against T&CM practitioners in the recognized practice areas who are found to have violated and committed offences under Act 775.

6. I am a T&CM practitioner in the recognized practice areas and am not yet registered with the T&CM Council. Can I still practise after the enforcement of Phase 3, Act 775?

You can still continue to practice. However, you must register with the T&CM Council before the transitional

period ends, which is **before 1 March 2025**. Starting from that date, if you are still not registered and continue to practise in the recognized practice areas, you have committed an offence and may be subject to legal action under Act 775.

Therefore, any T&CM practitioner practising in the recognized practice areas must immediately register with the T&CM Council before the transitional period ends.

7. As a T&CM practitioner in the recognized practice areas, what should I do during the enforcement period of Phase 3, Act 775?

As a T&CM practitioner in the recognized practice areas, you are required to register with the T&CM Council and ensure that your registered practitioner's practising certificate is renewed during that period. As a registered T&CM practitioner, you are responsible for providing and delivering quality and safe T&CM services, based on the [Code of Professional Conduct for T&CM Practitioners](#).

You must also be prepared to accept the presence of the T&CM enforcement officer and give your full cooperation

throughout the inspection activities carried out by the T&CM enforcement officer.

8. Does my premises need to be registered/ licensed by the Ministry of Health (MOH)?

Currently, T&CM premises are not regulated by the MOH. Therefore, there is no requirement for T&CM premises to be registered or have a license from the MOH.

However, T&CM practitioners are advised to obtain a business license from the Local Authority or/ and register the company/ business with the Companies Commission of Malaysia (SSM).

For further information, you may refer to the [Guidelines for Traditional and Complementary Medicine Healthcare Facilities and Services in Malaysia](#).

9. What will happen if a registered T&CM practitioner does not renew the Registered Practitioner's Practicing Certificate?

Subsection 26(1) of Act 775 provides that a registered practitioner shall not practise a recognized practice area

unless he or she holds a valid and subsisting practising certificate. Therefore, a registered T&CM practitioner who wishes to practise a recognized practice area must at all times have a valid Registered Practitioner's Practicing Certificate that is still in force and not expired. If a registered T&CM practitioner continues to practise with an expired Registered Practitioner's Practicing Certificate and does not renew the certificate, then the registered T&CM practitioner has committed an offence under Act 775 and disciplinary action may be taken against the practitioner by the T&CM Council.

10. I am a practitioner who practises a non-recognized practice area. Will I still be able to continue practising this practice after the enforcement of Phase 3, Act 775?

Yes, you can continue to practise and be advised to ensure that the services provided are safe and ethical.

11. How can I get further information on the enforcement of Phase 3, Act 775?

For further information, you can do the following:

- (i) Please visit the Traditional and Complementary Medicine Division website at www.moh.gov.my/tcm;
- (ii) Email your inquiry to tcm@moh.gov.my;
- (iii) Call 03 – 2279 8100; or
- (iv) Channel your enquiries via *Sistem Pengurusan Aduan Awam* (SISPAA), MOH at <http://moh.spab.gov.my>.

Traditional and Complementary Medicine Division
Ministry of Health Malaysia
1 August 2024