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SORRAWICH CHEANPUNG : THE CONSTITUTIONAL RIGHTS OF THE POOR FOR MEDICAL CARE WITH NO COST. THESIS ADVISOR : SURACHAT NA NONGKHAI M.A. (SOCIAL DEVELOPMENT), WITHOON UNGPRAPAN DR. MED., ANAKE YOMCHINDA M.D., 139 P. ISBN 974-664-449-1.

Protection by legal rights for medical care with no cost has not been broadly provided to all the poor in Thailand although it is recognized by the constitution. The objective of this research was to propose types of protection under constitutional law of the poor for medical care with no cost. By studying those rights of foreign countries in comparison with that of Thailand, the analyses and modeling of protection types were made by the researcher, followed by interviews of 20 Thai specialists for further implementation in Thailand.

From the research, it was found that at present the Ministry of Public Health affords protection by law of the poor in medical care without cost and the care is provided upon presenting a of privileges card. The level of poverty is stipulated by his/her annual income before expenditures. In foreign countries, it was found that the non-governmental organizations (NGOs) especially deliver such services, they may be joint organizations for care at all levels ; for example, the National Health Service of the UK and the Sickness Fund of Germany. There are also specific organizations that cooperate with their communities such as Medicaid of the USA, and the Rural Medical Insurance System of South Korea. The selection of the poor for medical care without cost in those countries, however, is made, based on additional income as well. In some countries, the revenue after necessary expenses is also taken into consideration

As for the types of protection by right proposed by the researcher, it was found that 85% of the interviewed specialists agreed that legislation of poverty protection rights should be modified. Some 80% of those viewed the responsible organizations to be independent, apart from the control of the Ministry of Public Health, but under government supervision 85% of those agreed on the use of criminal penalty to those who dishonestly applied for poverty status. Agencies concerned with this task, therefore, should issue the poverty identification cards strictly in accordance with the principles stipulated.

As a result of this research, it was recommended that the responsible agencies for the said matter be restructured as public organizations under the Public Organization Act B.E. 2542 (A.D. 1998) for highest effectiveness and flexible action out of policy control of the government. The protection by legal rights of the poor should be significantly principle-based and contained in the Act in compliance with the intention of the State Constitution as well.