

Content

Title : Plant Doctor Act **Ch**

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Content : **Chapter 1 General Provisions**

Article 1

This Act is enacted to enhance the level of plant protection, strengthen plant health inspection and quarantine as well as management of high-risk agro-pesticide utilization, and to establish the system of professional plant doctor services.

Article 2

The term "competent authority" in this Act shall refer to the Ministry of Agriculture at the central government level; the municipal government at the municipality level; and the county (city) government at the county (city) level.

Article 3

A citizen of the Republic of China who passed the pertinent examination to obtain a plant doctor certificate in accordance with this Act may serve as a plant doctor.

Article 4

When applying for a plant doctor certificate, applicant shall file an application with a proof of qualification and submitted to the central competent authority for approval and issuance.

Article 5

Should any of the followings occur, such an involved person shall not qualify to serve as a plant doctor; if such a person already has served as a plant doctor, his/her plant doctor certificate shall be immediately revoked or terminated:

- 1.Under the provisions of the Professionals and Technologists Examinations Act, it has not been three years since the revocation of the passed examination eligibility.
- 2.A final judgment to imprisonment for one year or more without probation due to a criminal offense in relation to the performance of a plant doctor' s occupation, unless the sentence was fully served or pardoned before two years or more.
- 3.A revoked or terminated plant doctor certificate and the term of such termination has not yet been more than two years.

Article 6

Without holding a plant doctor certificate, one may neither be designated the title of plant doctor, nor use a name which may mislead the public into believing that is a plant doctor.

Chapter 2 Practice

Article 7

Without holding a plant doctor certificate, one may not perform certificate issuance of plant pest identification reports, diagnosis certificates of plant diseases and pests, plant pest management suggestions and relevant plant health certification documents. However, this does not apply to government agencies issuing the aforementioned documents as per regulations.

Other than performing certificate issuance noted in the preceding paragraph, a plant doctor may conduct the following matters:

1. Diagnosis and identification of plant pests.
2. Monitoring and surveillance of specific plant pests.
3. Teaching and promoting the integrated pest management techniques, chemical agent and plant protecting materials utilization for plant pests.
4. Diagnosis and treatments of plant physiological disorders.
5. Other duties that should be carried out by a plant doctor as set forth in other regulations.

The term "certificate issuance" in the first paragraph refers to a plant doctor, pursuant to the regulations of subject matter competent authorities, performing diagnosis and identification of plant pests or recommend control and management measures, making into signed and sealed reports, diagnosis certificates, plant pest management suggestions or certification documents.

Article 8

Practice facilities for a plant doctor are as follows:

1. Plant hospitals.
2. Universities and colleges with agriculture related departments, graduate institutes, degrees or education programs.
3. Farmers' associations or agricultural production and marketing cooperatives.
4. Agricultural research institutes.
5. Agro-pesticide manufacturers or dealers.
6. Other facilities approved by the central competent authority.

Article 9

A plant doctor shall choose one facility in which he/she proposes to practice, apply for registration of practice at the competent local municipal, county (city) authority of which the facility is located, and may practice only after obtaining a practice license. After obtaining a license, a plant doctor may perform duties countrywide.

Practicing plant doctors shall complete continuing education and obtain credits at specific intervals to apply for renewal of practice license.

Regulations governing the practice registration (qualifications, conditions, procedures, documents to be submitted and items to register), the practice license (its issuance, replacement, reissuance and renewal) in paragraph 1, and continuing education (the specified intervals, curriculum, units of credit, administration, recognition of such education completed, obtaining of certification documents) in the previous paragraph as well as other relevant matters, are to be prescribed by the central competent authority.

Article 10

In any of the following situations, the practice license of a plant doctor shall not be issued; in case a practice license has been issued, it shall be revoked or terminated,

1. Not qualified to serve as a plant doctor as per provisions of Article 5.
 2. A revoked or terminated practice license and the term of such termination has not yet been more than one year. This does not apply to terminating a plant doctor practice licenses in pursuant to Article 11.
 3. It has been declared that the applicant is under guardianship or assistantship that has yet to be revoked.
 4. The plant doctor who has been determined to be unable to practice based on objective facts as determined by a team of pertinent phytosanitary specialists, plant doctors and scholars/experts invited by the municipal or county (city) competent authority.
- After the cause listed in subparagraph 3 or subparagraph 4 of the preceding paragraph is eliminated, the plant doctor may still apply for practice license in accordance with paragraph 1 of the preceding article.

Article 11

The following provisions shall be followed for plant doctors discontinuing or suspending practice or modification of contents within the original applied practice license (within 30 days of such facts happening), or those who resuming practice (before 30 days of resumption):

1. For suspension, apply for practice license termination at the original issuing competent authority.
2. For discontinuation or resumption, submit a report to the authority issuing the practice license for its reference.
3. To modify registered contents within a practice license, apply for approval from the authority issuing the practice license for its reference. Whereas the registered practicing facility moved to another municipal or county (city), shall follow the provisions in Article 9, paragraph 1.

A plant doctor suspending practice for more than one year shall be considered termination of practice, and the original practice license issuing authority shall terminate the practice license. The procedure, documents to submit for the application of termination, submit for reference, application for modification of registered contents within practice license; remarks, replacement, cancellation of the practice license, as well as recognition of the suspending durations and other relevant matters, are to be prescribed by the central competent authority.

Article 12

Practicing plant doctors shall join the local plant doctors' association of the registered practicing sites. Plant doctors' associations may not refuse anyone with sufficient qualifications to join the association.

Article 13

A plant doctor shall make entries for diagnosis and treatment records when performing duties, and the contents of records shall match the facts of diagnosis and treatment. The pest identification reports, diagnosis certification of plant diseases and plant pest management suggestions, or relevant plant health certification documents shall align with the diagnosis and treatment records. The diagnosis and treatment records noted in the previous paragraph shall be written in Chinese, and maintained by the practicing facility.

The contents that shall be recorded in the diagnosis and treatment record in paragraph 1, as well as the preparation, storage method, and retention period of the diagnosis and treatment record in the

preceding paragraph, shall be announced by the central competent authority.

Article 14

While performing duties, when pests that have never been recorded in the Republic of China were identified, in addition to instructing eradication and quarantine methods, a plant doctor shall notify the competent authority within 24 hours of the plant species involved, the name of the pest, and the name and address of the owner or manager of such plants.

Article 15

A plant doctor shall not make any false statement or report when responding to government inquiries or entrusted with legal examination.

Article 16

A plant doctor is obliged to follow the directions of the competent authorities for the plant disease and pest management measures.

Article 17

A plant doctor may not rent or lend the plant doctor certificate or practice license to another person.

Article 18

To investigate and prosecute actions against this Act, competent authorities may enter plant doctor practicing facilities, places where plant doctor duties are currently conducted or have been conducted within the past five years for inspection, no one may evade, obstruct, or refuse.

Personnel carrying out the aforementioned tasks noted in the previous paragraph shall present a certificate of performing duties to stakeholders or symbols sufficient to be recognized.

Chapter 3 Management of Plant Hospitals

Article 19

Plant hospitals shall apply to the local competent municipal, county (city) authority for registration and obtain an operation permit before commencing operation.

The eligibility, conditions, documents to be submitted, items to register for the registration of commencing operation in the previous paragraph, issuance, replacement, reissuance of operation permits, regulations governing other relevant matters, as well as standards for the establishment of plant hospitals, are to be prescribed by the central competent authority.

Article 20

To be accountable for the services delivered, a plant hospital shall designate one plant doctor-in-charge. A natural person who applied to establish the plant hospital is regarded as the plant doctor-in charge.

Article 21

An entity that is not a plant hospital may not use the name of a

plant hospital or other names which may mislead the public into believing that it is a plant hospital.

Guidelines for using and changing the names of plant hospitals are to be announced by the central competent authority.

Article 22

In any of the following situations when applying for registration of commencing operation in accordance with Article 19, an operation permit shall not be issued, if an operation permit is already obtained, it shall be revoked or terminated:

1. The applicant or plant doctor-in-charge is prohibited from obtaining a practice license per Article 10 paragraph 1 provisions, or the practice license is revoked or terminated. Whereas in situations described in Article 10 paragraph 2, this does not apply.
2. The operation permit of a plant hospital has been revoked or terminated and the term of such termination has not yet been more than a year, and the applicant submits application with the same or similar names within the same municipal or county (city), or the same plant doctor-in-charge applies for establishing a plant hospital at the original address or other locations. Whereas the operation permit is terminated according to provisions in Article 23, this does not apply.

Article 23

The following provisions shall be followed for plant hospitals discontinuing or suspending operation or modification of contents within the original registration (within 30 days of such facts happening), or those resume operation (before 30 days of resumption):

1. For suspension, apply for operation permit termination at the original issuing competent authority.
2. For discontinuation or resumption, submit a report to the authority issuing the operation permit for its reference.
3. For modification of registered contents within registration of commencing operation, apply for approval at the authority issuing the operation permit for its reference. Whereas moving to another municipal or county (city), shall follow the provisions in Article 19 paragraph 1.

A plant hospital suspending operation for more than one year shall be considered a termination of operation; the original permit issuing authority shall terminate the operation permit.

While processing the matters per provisions of paragraph 1, the discontinuation, suspension, resumption, and modification of practice licenses of the affiliated plant doctors shall be conducted simultaneously.

The procedure, documents to submit for the application of termination, submit for reference, application for modification of registered contents within operation permit; remarks, replacement, cancellation of the operation permit, as well as recognition of the suspending durations and other relevant matters, are to be prescribed by the central competent authority.

Article 24

A plant hospital shall display prominently its operation permit, hours of operations, general treatment rules, and the practice licenses and certificates of in-house plant doctors.

In case the operation permit of a plant hospital or the certificate, the practice license of a plant doctor is defaced, lost, or missing, the relevant party shall apply to the competent authority for its replacement and re-issuance.

Article 25

A non-plant hospital or non-plant doctor shall not write or post plant health service advertisements.
A plant hospital and plant doctor shall not publish or distribute misleading or false advertisements about its practice.

Article 26

A plant hospital shall provide a list of itemized costs and receipts.

Article 27

The competent authority shall collect fees for issuing plant doctor certificates, practice licenses, and operation permits (of entities). The amount of fees shall be prescribed by the central competent authority.

Chapter 4 Penalties

Article 28

A plant hospital hires or retains a person who does not hold a plant doctor certificate to perform unauthorized certificate issuance duties of a plant doctor shall be subject to a fine ranging from NT\$30,000 to NT\$150,000; in addition, its operation permit may be terminated.

For the following situations, a fine ranging from NT\$30,000 to NT\$150,000 shall be imposed on a plant hospital; if the violation is repeated within five years, a penalty of suspending operation for one month to one year may be applied in addition:

1. Hiring or retaining a plant doctor suspended from practice for a period or whose practice license terminated in accordance with the provisions of Article 29, Article 30, and paragraph 1 of Article 35 to perform certificate issuance duties of a plant doctor.
2. Apparent negligence of management, resulting in unauthorized use of practicing plant doctor's signature or altering the signed diagnosis and treatment records, plant pest identification reports, diagnosis certificate of plant pest management suggestions or relevant plant health certification documents.

Article 29

For the following situations, a fine ranging from NT\$30,000 to NT\$150,000 shall be imposed on a plant doctor; if the violation repeated within five years, a penalty of suspending practice for one month to 1 year or termination of practice license may be applied in addition:

1. In violation of provisions in paragraph 1 of Article 13, making entries inconsistent with facts on diagnosis and treatment records, or issuing plant pest identification reports, diagnosis certificate of plant diseases and pests, plant pest management suggestions, or relevant plant health certification documents that are inconsistent with diagnosis and treatment records.
2. In violation of Article 15, making a false statement or report when responding to government inquiries or entrusted with legal examination.
3. In violation of Article 16, failure to follow the instruction of competent authority on plant diseases and pests management matters.

Article 30

In violation of provisions in Article 17, a plant doctor who rents

out or loans his or her certificate or practice license to a third party shall be subject to a fine ranging from NT\$30,000 to NT\$150,000 and shall take corrective action by a deadline; those who fail to improve beyond the time limit will be successively punished; for the severe circumstances, the plant doctor certificate or practice license may be terminated.

Article 31

In violation of paragraph 1 of Article 7, any person performing unauthorized certificate issuance duties of a plant doctor without having a plant doctor certificate shall be subject to a fine ranging from NT\$30,000 to NT\$150,000.

Article 32

For the following situations, a fine ranging from NT\$5,000 to NT\$25,000 shall be imposed on a plant doctor, and shall take corrective action by a deadline; those who fail to improve beyond the time limit will be successively punished:

1. In violation of paragraph 1 of Article 9, practicing without application for registration of practice at the competent local municipal, county (city) authority of which the practicing facility is located.
2. In violation of paragraph 3 of Article 9, failure to complete continuing education, obtain credits or apply for practice license renewal within a specified deadline.
3. Failure to complete discontinuation, suspension, resumption of practice or modification of contents within the original applied practice license as per the provisions in paragraph 1 of Article 11.
4. In violation of paragraph 2 of Article 13, failure to make entries of diagnosis and treatment records in Chinese when performing duties, failure to submit the diagnosis and treatment records to the practicing facility for archiving; or in violation of the provisions about announced contents that shall be recorded, and making of diagnosis and treatment records set forth in paragraph 3 of Article 13.

Article 33

For the following situations, a person shall be subject to a fine ranging from NT\$3,000 to NT\$15,000 and shall take corrective action by a deadline; those who fail to improve beyond the time limit will be successively punished:

1. In violation of Article 6, being designated the title of plant doctor, nor use a name which may mislead the public into believing that is a plant doctor without holding a plant doctor certificate.
2. A plant doctor violating the provisions in paragraph 1 of Article 12, practicing without joining the local plant doctors' association of the registered practicing sites.
3. A plant doctors' association violating the provisions in paragraph 2 of Article 12, refusing anyone with sufficient qualifications to join the association.
4. A practicing facility violating the provisions about the announced storage method and retention period of diagnosis and treatment records set forth in paragraph 3 of Article 13.
5. In violation of the provisions in paragraph 1 of Article 18, evade, obstruct, or refuse the inspection by a competent authority.
6. In violation of the provisions in paragraph 1 of Article 19, commencing operation without holding an operation permit, or a plant hospital continues its operation after the operation permit is revoked or terminated.
7. A plant hospital not established in accordance with the standards

- set forth in paragraph 2 of Article 19.
8. In violation of the provisions in paragraph 1 of Article 21, an entity that is not a plant hospital using the name of a plant hospital or other names that may mislead the public into believing that it is a plant hospital, or a plant hospital violating the provisions about announced guidelines for using and changing the names set forth in paragraph 2 of Article 21.
 9. A plant hospital failed to complete discontinuation, suspension, resumption of operation or modification of contents within the original registration of commencing operation as per the provisions in paragraph 1 of Article 23.
 10. In violation of the provisions in paragraph 1 of Article 24, a plant hospital failed to prominently display its operation permit, hours of operations, general treatment rules, and the practice licenses and certificates of in-house plant doctors.
 11. In violation of the provisions in paragraph 1 of Article 25, a non-plant hospital or non-plant doctor writes or posts plant health service advertisements.
 12. In violation of the provisions in paragraph 2 of Article 25, a plant hospital or plant doctor publishes or distributes misleading or false advertisements about its practice.
 13. In violation of the provisions in paragraph 2 of Article 26, a plant hospital failed to provide a list of itemized costs and receipts.

In addition to the punishments pursuant to the provisions in item (6) of the previous paragraph, for a plant hospital continuing its operation after the operation permit is revoked or terminated, the certification of its plant doctor-in-charge may also be terminated.

Article 34

In violation of the provisions in Article 14, a plant doctor failed to instruct on methods of control and isolation, or failed to notify the competent authority within 24 hours of the plant species involved, name of the pest, name and address of the owner or manager of such plants, shall be subject to a fine ranging from NT\$3,000 to NT\$15,000.

Article 35

The practice license of a plant doctor shall be terminated if he or she continues to practice after receiving a punitive suspension. The certificate of a plant doctor shall be terminated if he or she continues to practice despite the termination of his or her practice license.

The operation permit of a plant hospital may be terminated if remaining in operation after receiving a punitive suspension order.

Article 36

Of the administrative actions described in this Act, the punitive fine, suspension, revocation, and termination of a practice license or operation permit shall be imposed by the local competent authority. The revocation or termination of the certificate of a plant doctor shall be imposed by the central competent authority.

Chapter 5 Associations

Article 37

There are two tiers of plant doctors professional groups:

1. Plant doctors' associations at the local level (of the municipality, city, or county).

2.National federation of plant doctors' associations.

Article 38

A plant doctors' association is to be organized based on the administrative jurisdiction, and each jurisdiction is to have only one association for the specific tier.

Article 39

Municipal, county (city) plant doctors' associations are to be initiated by more than 9 nine plant doctors for practice registration in such jurisdictions; if fewer than 9 nine were in a jurisdiction, they may join the association in a neighboring jurisdiction, or form a joint association.

Setting up a national federation of plant doctors' associations shall require the initiation of more than one-third of all plant doctors' associations at local tiers before initiation.

Municipal and, county (city) plant doctors' associations shall join the National federation of plant doctors' associations as members.

Article 40

The competent authority of plant doctors' associations at any tier shall be the social administration competent authorities of its jurisdiction. However, the program activities and business affairs of a plant doctors' association shall be under the direction and supervision of the competent authorities.

Article 41

Each plant doctors' association, regardless of its tier, shall have a board of directors and a board of supervisors elected at the general/delegate meeting by individual members or their delegates. The sizes of the boards shall be:

- 1.No more than 15 directors at a municipality or county (city) plant doctors' association.
- 2.No more than 35 directors at the national federation of plant doctors' associations.
- 3.The number of supervisors shall not exceed one third of the number of directors of each association.
- 4.Each plant doctors' association shall have alternate directors and supervisors; this number shall not exceed one third of the number of directors and supervisors.

When there are more than three directors and supervisors on the board, executive directors and supervisors shall be elected from within; their number shall not exceed one third of the total number of directors and supervisors. A chairman of the board of directors shall be elected according to the by-law.

The term for a director or supervisor is three years. No more than half of the board members can be re-elected to serve the next term. The chairman can be re-elected only once.

Article 42

A plant doctors' association shall prepare a by-law, a membership list and staff resumes to apply for approval and registration with its jurisdiction's social administration competent authorities and file for record at the competent authority.

Article 43

The by-law of a plant doctors' association at all tiers shall

contain the following items:

- 1.The name;
- 2.Mission;
- 3.Jurisdiction/territory;
- 4.Address;
- 5.Functions;
- 6.Organization;
- 7.Induction, withdrawal and expulsion of members;
- 8.Rights and obligations of members;
- 9.The numbers of directors and supervisors, the scope of their responsibilities, terms of offices, elections and conditions for dismissal;
- 10.Meetings;
- 11.General rules for members to abide by;
- 12.Membership fees and accounting;
- 13.Amendment of by-laws;
- 14.Other items required by relevant regulations.

Article 44

Plant doctors' associations at all tiers shall report the following items to the social administration competent authorities as well as the competent authority:

- 1.List of membership and induction/withdrawal of members.
- 2.The election directors/supervisors and names of electees.
- 3.Minutes of general meetings, board of directors and board of supervisors meetings.
- 4.Changes in by-laws.

Article 45

If a plant doctors' association's general/delegate meeting or board of directors meeting makes a resolution that is in violation of the law, it shall be revoked by the social administration competent authority.

The sanction of the previous paragraph may also be prescribed by the competent authority if necessary.

Article 46

Acting on the resolutions of a board meeting or general/delegate meeting, a plant doctors' association may penalize members who violate the law or by-law. To expel a law-breaking member, it will require a resolution passed at a general/delegate meeting and the approval – upon review of fact and evidence sent by the association – by the social administration competent authorities, which will seek consent in consultation with the competent authority.

Chapter 6 Supplementary Provisions

Article 47

The competent authority shall recognize and reward the achievements of plant doctors who have made significant contributions to phytosanitary or other plant protection tasks.

Article 48

A foreigner may take the examination for plant doctors in accordance with the laws of the Republic of China.

Provisions in this Act and relevant laws about plant doctors are applicable to a foreigner possessing a plant doctor certificate after passing the examination set forth in the previous paragraph.

Article 49

The provisions in this Act are not applicable to agronomy, horticulture and forestry technicians performing their duties pursuant to the Professional Engineers Act and other relevant regulations.

Article 50

The enforcement rules of this Act shall be stipulated by the central competent authority.

Article 51

This Act shall take effect starting from the date of promulgation.

Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System