

## **Fringe Medical Practices in Thailand**

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Thailand has become a global hub of medical tourism which has in turn continued to bolster the standing of medical practices in the kingdom. World class facilities offering a wide range of medical treatments are now located within the country. As a result, a number of medical faculties offer what can be called fringe medical procedures.



When many people hear the words “fringe medical,” they often think of scientifically questionable practices. This does not have to be the case,

rather, fringe medical can be defined as simply taking place outside of mainstream medical practice. This could be due to the fact that the procedure may not yet be fully tested by scientific scrutiny or it may simply be that the conditions which are being treated are rare.

Thai medical institutes offer a number of fringe medical procedures and fund research. Since some fringe medical practices can raise ethical questions, the Thai government has stepped in to regulate or outright ban some practices. This article will address gender reassignment surgery, stem cell therapy and research, cloning, face transplants, and cancer treatment and research.

### **Gender Reassignment Surgery**

Thailand is famous for its *Khatoey* or ladyboys, and many private hospitals and clinics offer gender reassignment surgery. This type of surgery has truly moved from the fringe since most major private hospitals and many more clinics offer a variety of treatments for patients wishing to change their gender. Far and away the most common type of change is from male to female. There are several ways the male female sex change is accomplished. The most common of which essentially involves turning the penis inside out. Skin grafts or parts of the

scrotum are then used to create an aesthetically similar vagina.<sup>1</sup> The surgery takes little time and is often done with only localized anesthesia.<sup>2</sup> However, patients say it is quite painful for the first month after the surgery.

Other smaller procedures are also available. Some of the most popular are breast implants, facial feminization, phonosurgery to create a feminine voice, and thyroid chondroplasty to shave the adam's apple.<sup>3</sup> Many foreign clients come to Thailand for these procedures, and many Thais also opt to physically become a woman.

Standards of Care for gender identity disorders are set by the World Professional Association for Transgender Health (WPATH) which was formerly known as the Harry Benjamin International Gender Dysphoria Association (HBIGDA).<sup>4</sup> The WPATH lays out five ways professionals can be involved with patients. These are: “diagnostic assessment, psychotherapy, real-life experience, hormone therapy, and surgical therapy.” To be considered a true transsexual, the organization stipulates that a person show a true wish to live as a member of the opposite sex which usually involves wanting to physically change through hormone therapy and/or surgery. Furthermore, a person should have had a transsexual identity for at least two years and the transsexualism can not be due to another mental disorder or chromosomal abnormality. Mental health professionals are encouraged to determine the eligibility of a person for gender reassignment surgery. One way for a transsexual man to meet eligibility is to live for at least one year as a woman. The Standards of Care also stipulate one letter from a mental health professional for hormone therapy or breast surgery and two letters for genital surgery. Also to be eligible for genital surgery, a patient must be of legal age, have received hormonal therapy for one year, have lived full time as their opposite gender for one year, and have knowledge of surgical costs and complications.<sup>5</sup>

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<sup>1</sup> Daffyd Roderick, “Boys Will Be Girls,” *Time Asia*, 2001, <http://www.time.com/time/asia/features/sex/sextranssexual.html>.

<sup>2</sup> “Chettawut Plastic Surgery Center,” n.d., <http://www.chet-plasticsurgery.com/>.

<sup>3</sup> Jaime Alfredo Cabrera, “Are You Man Enough to be a Woman?,” *The Bangkok Post* (Bangkok, January 18, 2009), sec. Spectrum, <http://www.bangkokpost.com/news/investigation/9973/are-you-man-enough-to-be-a-woman>.

<sup>4</sup> “World Professional Association for Transgender Health (WPATH),” 2010, <http://www.wpath.org/>.

<sup>5</sup> “The Harry Benjamin International Gender Dysphoria Association's Standards Of Care For Gender Identity Disorders, Sixth Version,” February 2001.

The WPATH Standards of Care have no legal binding in Thailand but are guidelines for professionals, although Thai regulations of sex change operations have been heavily influenced by the WPATH standards. This is most apparent from looking at the regulations that the Medical Council of Thailand implemented in 2009. These regulations made it so doctors performing sex change operations had to be registered with the Medical Council. Additionally, doctors must check for and give treatment for any post-operative complications. Before an operation can begin, a transgendered person must live as the opposite sex for a year while under hormone therapy. To even receive the hormone therapy, one has to consult a psychiatrist. Before a doctor can operate, two psychiatrists must give letters of approval for a transgendered person to receive gender reassignment surgery.

Operations under the age of eighteen are prohibited, and from the ages of eighteen to twenty, parental consent must be sought. The Medical Council stated that it wanted to increase the quality of sex change surgeries.<sup>6</sup> Much of this was in response to castrations that doctors had performed on under age boys. This prompted the organization Transgendered Women of Thailand to call for greater regulation of sex change operations.<sup>7</sup> Despite the new rules, transgendered people still can not change their gender on national ID cards nor official documents which has been a goal of transgendered Thais since the creation of the last constitution.<sup>8</sup> On top of this, some transgendered people feel the new rules violate their right to choose.<sup>9</sup> In the foreseeable future, it might be possible to see a rise in lawsuits regarding medical malpractice in Thailand alongside the rise in activism for transgender rights in Thailand.

## Stem Cell Research and Therapy

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<sup>6</sup> “New Rules for Sex Change Operations in Thailand,” *Thailand Law Forum*, September 24, 2009, <http://www.thailawforum.com/sex-change-operations-law.html>; Pongphon Sarnsamak, “New Sex Shange Regulations from Nov 29,” *The Nation* (Bangkok, September 12, 2009), <http://www.nationmultimedia.com/home/2009/09/12/national/New-sex-change-regulations-from-Nov-29-30112040.html>; Pongphon Sarnsamak, “New Sex Change Regulations Set to Take Effect,” *The Nation* (Bangkok, October 28, 2009), <http://www.nationmultimedia.com/home/2009/10/28/national/New-sex-change-regulations-set-to-take-effect-30115353.html>; Claire Truscott, “Thailand Tightens Sex Change Laws,” *AFP*, November 24, 2009, [http://www.google.com/hostednews/afp/article/ALeqM5hFXJFvNLdTk3-kQMkXVArPIOu\\_Jg](http://www.google.com/hostednews/afp/article/ALeqM5hFXJFvNLdTk3-kQMkXVArPIOu_Jg).

<sup>7</sup> Pongphon Sarnsamak, “Cruellest Cut,” *The Nation* (Bangkok, March 28, 2008), <http://www.nationmultimedia.com/home/2008/03/28/headlines/Cruellest-cut-30069406.html>.

<sup>8</sup> “Towards Equality for the 'Third Sex',” *The Nation* (Bangkok, November 4, 2007), <http://www.nationmultimedia.com/home/2007/11/04/opinion/Towards-equality-for-the-third-sex--30054798.html>.

<sup>9</sup> Truscott, “Thailand Tightens Sex Change Laws.”

Another very promising area of fringe medical practice and research is the use of stem cells. Stem cells are non-differentiated cells that have the ability to change into any of the 220 different cells in the human body.<sup>10</sup> There are two kinds of stem cells, embryonic stem cells and non-embryonic stem cells. Stem cells also have the ability to divide without limit over long periods of time and replace other cells which helps repair damaged tissue. They can even become cells for organs but only under the right conditions. Due to these properties it is hoped that stem cells will some day be effective in treating diseases such as diabetes and heart disease, but the use of stem cells on these and many other diseases is still experimental. The effects of injecting stem cells into organs and tissues to facilitate repair is likewise still under study.<sup>11</sup>

On the global level, the International Society for Stem Cell Research (ISSCR) has made guidelines for the use of stem cells in therapy and research. The ISSCR calls for independent review and approval as well as oversight bodies to regulate how stem cells are used.<sup>12</sup> Furthermore, the ISSCR has a consumer based program to help people identify fraudulent stem cell use.<sup>13</sup>

Stem cell treatments and research is regulated in Thailand by central authorities. However, prior to 2009 no government regulations were in force. Rather, medical institutions were responsible for regulating themselves.<sup>14</sup> After international criticism of Thai hospitals and clinics offering many unproven and potentially dangerous stem cell treatments, the Thai government decided it was time to take action by regulating the use of stem cells by central authorities.<sup>15</sup> There was also a case in 2006 of a woman with a debilitating kidney disease

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<sup>10</sup> "Stem Cell Basics," *National Institute of Health (NIH)*, April 28, 2009, <http://stemcells.nih.gov/info/basics/defaultpage.asp>; B.A. Robinson, "Stem Cell Research: All Viewpoints," Ontario Consultants on Religious Tolerance, *Religious Tolerance*, September 28, 2010, [http://www.religioustolerance.org/res\\_stem.htm](http://www.religioustolerance.org/res_stem.htm).

<sup>11</sup> "Stem Cell Basics."

<sup>12</sup> *International Society for Stem Cell Research (ISSCR)*, n.d., <http://www.isscr.org/index.htm>; Pongphon Sarnsamak, "Stem-Cell Therapies 'Unproven and Giving Thailand a Bad Name'," *The Nation* (Bangkok, December 23, 2008), <http://www.nationmultimedia.com/home/2008/12/23/national/Stem-cell-therapies-unproven-and-giving-Thailand-a-30091633.html>.

<sup>13</sup> Richard Knox, "Offshore Stem Cell Clinics Sell Hope, Not Science," *National Public Radio (NPR)* (United States, July 26, 2010), <http://www.npr.org/templates/story/story.php?storyId=128696529>.

<sup>14</sup> "Stem Cell Therapy in Thailand," *Health-Tourism.com*, 2008, <http://www.health-tourism.com/stem-cell-therapy/thailand/>.

<sup>15</sup> Sirinart Sirisunthon and Pongphon Sarnsamak, "New Stem-Cell Regulation Draws Flak," *The Nation* (Bangkok, February 5, 2010), <http://www.nationmultimedia.com/home/2010/02/05/national/New-stem-cell-regulation-draws-flak-30121866.html>.

receiving stem cell treatment in a Bangkok clinic and dying afterward. A later autopsy showed that the stem cell treatment probably contributed to her death.<sup>16</sup> Another event prompted action when South Korean stem cell cloning fraud Hwang Woo Suk moved to Thailand in 2007 to take advantage of the lack of regulations.<sup>17</sup> The Medical Council of Thailand is the governing body of doctors regulating the conduct and practice of medicine in the kingdom. It registers and issues licenses and can revoke licenses as well.<sup>18</sup> The Medical Council is the main regulatory body overseeing stem cell research. Doctors giving stem cell therapy have to be certified by the Medical Council. Moreover, any institution, public or private, wanting to do stem cell research must first get the approval of the Medical Council's ethical committee in addition to their home institution's ethical committee. The Medical Council also regulates stem cell treatments and only allows scientifically scrutinized treatments.<sup>19</sup>

The Ministry of Public Health which oversees the Food and Drug Administration (FDA) also has a hand in the regulation of stem cell therapy. In 2009, the FDA said stem cells and their products would be regulated as drugs.<sup>20</sup> The FDA, using its enforcement capabilities, banned the advertising and sale of cosmetic products containing stem cells, and warned against facial treatments involving stem cells.<sup>21</sup> Also having a hand in regulation through enforcement is the Public Health Ministry's Department of Health Services Support which oversees private

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<sup>16</sup> Pongphon Sarnsamak, "Stem-Cell Patient Dies in Bangkok," *The Nation* (Bangkok, August 2, 2010), <http://www.nationmultimedia.com/home/2010/08/02/national/Stem-cell-patient-dies-in-Bangkok-30135005.html>.

<sup>17</sup> "Disgraced Cloning Scientist Flees to Thailand," *AFP*, September 18, 2007, <http://afp.google.com/article/ALeqM5hKjgz8OpBf9ch90oJIWxjFigM9pw>.

<sup>18</sup> Somsak Lolekha, "Role of Thai Medical Council in Regulating Ethics of Private Practitioners," n.d., [http://www.pdfdownload.org/pdf2html/view\\_online.php?url=http%3A%2F%2Fwww.hum.au.dk%2Fhsre%2FDocs%2FPresentations%2F2\\_Professional%2520Org%2520%26%2520other%2520NGOs%2520cont%2F1\\_Role%2520of%2520MC%2520in%2520regulating%2520ethics.pdf](http://www.pdfdownload.org/pdf2html/view_online.php?url=http%3A%2F%2Fwww.hum.au.dk%2Fhsre%2FDocs%2FPresentations%2F2_Professional%2520Org%2520%26%2520other%2520NGOs%2520cont%2F1_Role%2520of%2520MC%2520in%2520regulating%2520ethics.pdf).

<sup>19</sup> "Medical Council Issues New Rules on Stem-Cell Research," *The Nation* (Bangkok, February 4, 2010), <http://www.nationmultimedia.com/home/Medical-Council-issues-new-rules-on-stem-cell-rese-30121855.html>; Pongphon Sarnsamak, "Medical Council Tightens Rules on Stemcell Research," *The Nation* (Bangkok, February 13, 2010), <http://www.nationmultimedia.com/home/2010/02/13/national/Medical-Council-tightens-rules-on-stemcell-researc-30122470.html>; Sirisunthon and Sarnsamak, "New Stem-Cell Regulation Draws Flak"; "Stem Cell Therapy in Thailand."

<sup>20</sup> "Stem Cell Therapy in Thailand."

<sup>21</sup> Pongphon Sarnsamak, "Medical Council to Punish Doctors Who Do Stemcell Therapy," *The Nation* (Bangkok, July 30, 2008), <http://www.nationmultimedia.com/home/2008/07/30/national/Medical-council-to-punish-doctors-who-do-stemcell--30079306.html>; Pongphon Sarnsamak, "FDA Warns About Facial Treatments," *The Nation* (Bangkok, March 2, 2008), <http://www.nationmultimedia.com/home/2008/03/02/headlines/FDA-warns-about-facial-treatments-30066981.html>.

medical providers.<sup>22</sup> The Public Health Ministry also warned families paying large amounts of money to save umbilical cord stem cells that this practice may not work and will be costly over time.<sup>23</sup>

## Cloning

Cloning has been a much talked about fringe medical practice for decades now. Most of us might remember the cloning of Dolly the sheep in 1997, which even helped spur the creation of a Thai movie known simply as *Cloning*. In 2005, a Thai scientist also began cloning super cows after the importation of U.S. Cattle was banned.<sup>24</sup> The cloning of Dolly and other animals is known as reproductive cloning, the benefit of which has come to be questionable due to complications found in cloned animals. The most promising form of cloning is therapeutic cloning of human stem cells which has a great deal of medical uses.<sup>25</sup> Currently, it is used in skin grafts and the treatment of spinal cord injuries, but its use in curing other diseases by creating whole organs or repairing existing ones is still under study.<sup>26</sup>

The United Nations General Assembly adopted the Declaration on Human Cloning in 2005 which prohibited the use of human cloning if it violated human dignity. However, the resolution was non-binding and much of its language open to interpretation.<sup>27</sup> In Thailand, therapeutic cloning is allowed, but reproductive cloning is banned.<sup>28</sup>

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<sup>22</sup> Pennapa Hongthong, "Central Ethics Panel to be Formed," *The Nation* (Bangkok, September 22, 2007), <http://www.nationmultimedia.com/home/2007/09/22/national/Central-ethics-panel-to-be-formed-30049870.html>; Sarnsamak, "FDA Warns About Facial Treatments."

<sup>23</sup> Pennapa Hongthong, "Ministry Warns of High Cost," *The Nation* (Bangkok, August 31, 2007), <http://www.nationmultimedia.com/home/2007/08/31/national/Ministry-warns-of-high-cost-30047183.html>.

<sup>24</sup> AFP, "Thailand Cloning Supercows," *News 24*, February 22, 2005, <http://www.news24.com/SciTech/News/Thailand-cloning-supercows-20050220>.

<sup>25</sup> "Cloning & Stem Cells," *Genetics and Public Policy Center*, May 2006, <http://www.dnapolicy.org/science.clone.php>; "Cloning," *The University of Utah*, 2010, <http://learn.genetics.utah.edu/content/tech/cloning/>; Bruce A. Robinson, "Reproductive and Therapeutic Cloning," Ontario Consultants on Religious Tolerance, *Religious Tolerance*, January 9, 2007, <http://www.religioustolerance.org/cloning.htm>; U.S. Department of Energy, "Cloning Fact Sheet," Government Agency, *Human Genome Project Information*, May 11, 2009, [http://www.ornl.gov/sci/techresources/Human\\_Genome/elsi/cloning.shtml](http://www.ornl.gov/sci/techresources/Human_Genome/elsi/cloning.shtml).

<sup>26</sup> "Therapeutic Cloning vs Reproductive Cloning," *Women's Health*, 2010, [http://www.womens-health.co.uk/stem\\_cell\\_ethics.html](http://www.womens-health.co.uk/stem_cell_ethics.html).

<sup>27</sup> Kristin Matthews, "World Cloning Policies," *Connexion*, August 3, 2007, <http://cnx.org/content/m14836/latest/>.

<sup>28</sup> "United Nations Declaration on Human Cloning A/RES/59/280," *Genomics Gateway*, March 29, 2009, <http://www.brad.ac.uk/acad/sbtwc/gateway/HEALTH/Cloning.htm>; "GENERAL ASSEMBLY ADOPTS

## Face Transplants

If you had bothered to see the 1997 action thriller *Face/Off*, you just might get the wrong idea about how face transplants work. For starters, the recipient of the new face little resembles the face donor.<sup>29</sup> This is due to the fact that the underlying bone structure affects the facial appearance. Patients also have to take immunosuppressant drugs to prevent their bodies from rejecting the tissue, but these drugs can cause a number of long term serious problems.<sup>30</sup> Moreover, the first partial face transplant was not achieved until 2005 in France and was performed on a woman who had been mauled by her dog. To date, eleven successful partial and full face transplants have been completed in the world. The most complicated one was a full face transplant done in Spain of this year.<sup>31</sup> Closer to Thailand, China is the only Asian country to have successfully completed a face transplant.<sup>32</sup>

There have been no reports of attempted or successful face transplants in Thailand. This is probably due to the fact that it is an incredibly complex, complicated, and expensive procedure, the effects of which are still being studied. For example, the full face transplant conducted in Spain of this year involved 30 doctors and 22 hours of operation.<sup>33</sup> There are no laws banning or specifically regulating face transplants in Thailand. However, doctors performing experimental surgeries must receive the approval of their institute's ethical board and physicians are subject to the scrutiny of the Medical Council.

Face transplants may not yet be happening in Thailand, but face procedures are common. These are for cosmetic reasons and a Google search will bring up a plethora of clinics and hospitals which perform cosmetic facial procedures often called facial rejuvenation. Individual parts of the face can be improved through surgery, and this is popular for women and men over 40 years old to minimize the effects of aging. Some examples of face procedures are: facelift, eyelid surgery, cheek implants, jaw surgery, lip enhancement, and

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UNITED NATIONS DECLARATION ON HUMAN CLONING BY VOTE OF 84-34-37," n.d., <http://www.un.org/News/Press/docs/2005/ga10333.doc.htm>.

<sup>29</sup> Donors must be living, but brain dead patients with no chance of recovery whose blood a tissue closely match the receiver.

<sup>30</sup> Stephanie Watson, "How Face Transplants Work," *Discovery Health*, 2010, <http://health.howstuffworks.com/medicine/modern/face-transplant.htm>.

<sup>31</sup> "Full Face Transplant 'A Success'," *BBC*, April 23, 2010, sec. Health, <http://news.bbc.co.uk/2/hi/health/8639437.stm>.

<sup>32</sup> "First Face Transplant' for China," *BBC*, April 14, 2006, sec. Asia-Pacific, <http://news.bbc.co.uk/2/hi/asia-pacific/4910372.stm>.

<sup>33</sup> "BBC News - Full face transplant 'a success'," n.d., <http://news.bbc.co.uk/2/hi/health/8639437.stm>.

rhinoplasty (nose surgery). Cosmetic surgeons caution that it takes time to heal and patients will feel uncomfortable for some time after the surgery. It is also important to note that patients have a difficult time receiving compensation from botched cosmetic surgeries.

## **Cancer**

In the past, cancer was a far more rare disease, but today it has become one of the most common serious mainstream illnesses. Also in the past, Thailand was still in the developmental stage where the focus on public health was on essential areas such as access to clean drinking water. As Thailand has become more and more modern, the focus on public health has changed to more rare but equally serious diseases. The kingdom has been experiencing higher rates of cancer in recent years, therefore, the country has made moves to better treat the illness among its general population. This has involved more of a focus on cheaper drugs and treatments and more emphasis on cancer research. Private international hospitals have also opened wards to treat international cancer patients. All this has brought cancer treatment from the fringes of medical practice into the mainstream.

Cancer is a disease where cells begin to divide uncontrollably. Cancer cells can also infect tissues and be transported to other parts of the body through the bloodstream. The National Cancer Institute says cancer kills 60,000 people a year in Thailand and another 100,000 new cases are reported yearly. Breast cancer is the number one killer in Thailand taking the lives of 12 Thai women a day.

In response to the increasing rates of cancer, member of the Thai royal family have patronized cancer treatment and research facilities. The Queen Sirikit Centre for Breast Cancer was opened at Chulalongkorn Hospital under the Thai Red Cross Red Cross Society. Queen Sirikit donated two million baht to the center. Another facility is the Chulabhorn Research Institute founded by Princess Chulabhorn Mahidol who is the youngest daughter of the current king and queen. She is president of the institute and has a PhD in organic chemistry. Cancer research is one of the center's three main focus areas, and it is especially interested in the use of natural Thai products to treat and prevent diseases such as cancer. Also, Princess Sirivannavari Nariratana sold one of her fashion collections for the National Cancer Institute.



One issue is access to cost effective cancer treatment drugs. In 2008, there was a disagreement between the Ministry of Commerce and the Ministry of Public Health concerning patent rights.<sup>34</sup> The intellectual Property Rights Act allows the Public Health Ministry to use compulsory licensing to lower the cost of important drugs by allowing the marketing of generic versions.<sup>35</sup> From 2007 to 2008, the FDA imposed compulsory licensing on Aids, heart disease, and cancer drugs.<sup>36</sup> This was supported by organizations such as the World Health Organization (WHO) and Doctors Without Borders, but opposed by pharmaceutical companies. The World Trade Organization (WTO) allows compulsory licensing, but the United States and Europe oppose it.<sup>37</sup>

### **Medical Tourism and Medical Practices in Thailand**

It is clear that Thailand offers a plethora of medical services to locals and international visitors alike. The medical facilities of the country have been upgraded largely through international investment, but Thailand is still not on the cutting edge of the latest medical advances. However, after other countries have blazed a trail, Thailand has been adept at adopting the latest medical practices in a timely fashion, whether they be fringe or otherwise. Although Thai authorities are concerned about the quality of medical practices in Thailand, and have a pattern of waiting for controversy to arise before taking action, the newly introduced Thailand Medical Malpractice Victim Protection Bill will also assist in pushing Thailand higher in the ranking of quality medical tourism destinations.

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<sup>34</sup> Pongphon Sarnsamak, "Health Groups Defend Compulsory Licensing Against Commerce, US push," *The Nation* (Bangkok, March 4, 2009), <http://www.nationmultimedia.com/home/2009/03/04/national/Health-groups-defend-compulsory-licensingagainst-C-30097099.html>.

<sup>35</sup> Pongphon Sarnsamak, "Review of Licensing Procedure," *The Nation* (Bangkok, February 8, 2008), <http://www.nationmultimedia.com/home/2008/02/08/politics/Review-of-licensing-procedure-30064755.html>.

<sup>36</sup> arnsamak, "Health Groups Defend Compulsory Licensing Against Commerce, US push.

<sup>37</sup> "Generic Drug Debate Intensifies," *The Nation* (Bangkok, March 6, 2008), <http://www.nationmultimedia.com/home/2008/03/06/national/Generic-drug-debate-intensifies-30067304.html>; Petchanet Pratrangkrai, Danielle Kirk, and Pongphon Sarnsamak, "Exporters Fear Drug Licensing Will Hurt Trade," *The Nation* (Bangkok, February 15, 2008), <http://www.nationmultimedia.com/home/2008/02/15/headlines/Exporters-fear-drug-licensing-will-hurt-trade-30065470.html>.