

ENFORCEMENT DECREE OF THE FRAMEWORK ACT ON HEALTH AND MEDICAL SERVICES

Presidential Decree No. 16925, Jul. 27, 2000
Amended by Presidential Decree No. 17087, Dec. 30, 2000
Presidential Decree No. 17115, Jan. 29, 2001
Presidential Decree No. 18414, Jun. 5, 2004
Presidential Decree No. 19093, Oct. 21, 2005
Presidential Decree No. 19513, Jun. 12, 2006
Presidential Decree No. 20679, Feb. 29, 2008
Presidential Decree No. 21214, Dec. 31, 2008
Presidential Decree No. 22075, Mar. 15, 2010
Presidential Decree No. 22171, May 27, 2010
Presidential Decree No. 22269, Jul. 12, 2010
Presidential Decree No. 24454, Mar. 23, 2013
Presidential Decree No. 25751, Nov. 19, 2014
Presidential Decree No. 27129, May 10, 2016
Presidential Decree No. 27432, Aug. 2, 2016
Presidential Decree No. 28211, Jul. 26, 2017
Presidential Decree No. 28237, Aug. 9, 2017
Presidential Decree No. 30682, May 19, 2020
Presidential Decree No. 31013, Sep. 11, 2020

Article 1 (Purpose)

The purpose of this Decree is to provide for the matters delegated from the Framework Act on Health and Medical Services and those necessary for the enforcement thereof.

Article 2 (Notification of Plan for Development of Health and Medical Services)

(1) Where a plan for the development of health and medical services is finalized pursuant to Article 15 (3) of the Framework Act on Health and Medical Services (hereinafter referred to as the "Act"), the Minister of Health and Welfare shall without delay notify the heads of relevant central administrative agencies, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do

Governor, and a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") of such plan. <Amended on May 19, 2020>

(2) A Mayor/Do Governor, in receipt of a notice under paragraph (1), shall without delay notify the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) of such plan.

Article 3 (Formulation and Implementation of Measures to Promote Major Policies)

The head of a relevant central administrative agency shall submit measures to promote its major polices on health and medical services for the relevant year formulated under Article 16 of the Act and the results of implementing such policies for the preceding year to the Minister of Health and Welfare by the end of every February.

Article 4 (Formation of Healthcare Policy Deliberative Committee)

"Public officials of the relevant central administrative agencies prescribed by Presidential Decree" in Article 21 (3) 1 of the Act means the following persons. In such cases, an agency which has at least two vice ministers, such person means the vice minister designated by the head of the relevant agency:

<Amended on Jul. 12, 2010; Mar. 23, 2013; Nov. 19, 2014; Jul. 26, 2017>

1. Vice Minister of Economy and Finance;
2. Vice Minister of Education;
3. Vice Minister of Science and ICT;
4. Vice Minister of the Interior and Safety;
5. Vice Minister of Environment;
6. Vice Minister of Employment and Labor;
7. Deleted; <Aug. 9, 2017>
8. Deleted; <Aug. 9, 2017>
9. Minister of Food and Drug Safety.

Article 5 (Term of Office of Members)

The term of office of the members (excluding those falling under Article 21 (3) 1 of the Act) of the Health and Medical Services Policy Deliberation Committee (hereinafter referred to as the "Committee") established under Article 20 of the Act shall be two years, and they may be reappointed to office.

Article 5-2 (Dismissal of Members)

The Minister of Health and Welfare may dismiss a member of the Committee (excluding a person falling under Article 21 (3) 1 of the Act), where such member falls under any of the following cases:

1. Where he/she is no longer capable of performing duties due to his/her mental disorder;
2. Where he/she has committed a misconduct regarding his/her duties;

3. Where he/she is deemed unsuitable as a member due to neglect of duties, injury to dignity, or other reasons;
4. Where a member expresses his/her difficulty to perform his/her duties.

Article 6 (Duties, etc. of Chairperson of the Committee)

- (1) The chairperson of the Committee shall represent the Committee and exercise general supervision over its affairs.
- (2) Where the chairperson of the Committee is unable to perform any of his/her duties due to extenuating circumstances, a member of the Committee designated by him/her shall perform the duties on his/her behalf.

Article 7 (Meetings and Proceedings)

- (1) The chairperson of the Committee shall convene its meetings, where deemed necessary by the chairperson or upon request by at least 1/3 of its members. *<Amended on May 19, 2020>*
- (2) A majority of the members of the Committee shall constitute a quorum, any decision thereof shall require the concurring vote of a majority of those present.

Article 8 (Hearing Opinions)

Where necessary to conduct affairs, the Committee may require relevant public officials or relevant experts to attend its meetings to listen to their opinions.

Article 9 (Allowances and Travel Expenses)

The Committee may pay allowances, and reimburse travel expenses and other necessary expenses, to its members, relevant public officials or relevant experts who attend meetings of the Committee, within budgetary limits: Provided, That the foregoing shall not apply where members who are public officials or relevant public officials attend its meetings in direct relation to their duties.

Article 10 (Administrative Secretary)

- (1) The Committee shall have one administrative secretary to be in charge of conducting its affairs.
- (2) The Minister of Health and Welfare shall appoint the administrative secretary from among members of the Senior Executive Service under the jurisdiction of the Ministry of Health and Welfare.

Article 11 (Detailed Rules for Operation of Committee)

In addition to the matters prescribed by this Decree, matters necessary for the operation of the Committee shall be prescribed by the Minister of Health and Welfare upon a resolution passed by the Committee.

Article 12 (Formation, etc. of Working Committee)

(1) The working committee established under Article 21 (4) of the Act shall be composed of not more than 25 members, including one chairperson.

(2) The chairperson of the working committee shall be appointed by the Minister of Health and Welfare from among members of the Senior Executive Service under the jurisdiction of the Ministry of Health and Welfare; and members shall be commissioned by the Minister of Health and Welfare from among public officials of Grade III or IV under the jurisdiction of relevant central administrative agencies under Article 4 and the Ministry of Health and Welfare, and persons who have extensive knowledge of and experience in the field of health and medical services.

(3) The working committee shall deliberate on the following:

1. Matters which require prior review, such as consultations with relevant central administrative agencies before deliberation by the Committee;
2. Matters on which the working committee is requested by the Committee to deliberate;
3. Other matters referred for deliberation by the chairperson of the Committee.

(4) Where the chairperson of the working committee is unable to perform any of his/her duties due to extenuating circumstances, a member who is a public official under the jurisdiction of the Ministry of Health and Welfare shall perform the duties on his/her behalf.

(5) The working committee shall have one administrative secretary, appointed by the Minister of Health and Welfare from among public officials under the jurisdiction of the Ministry of Health and Welfare.

(6) Articles 5, 5-2, 6 (1), 7 through 9, and 11 shall apply mutatis mutandis to meetings, and to the term of office, dismissal, duties, etc. of the members of the working committee. *<Amended on May 10, 2016>*

Article 13 (Formation, etc. of Subcommittees)

The formation of subcommittees for each field and the appointment of the chairperson of each subcommittee under Article 21 (5) of the Act shall be as prescribed by the chairperson of the Committee, and Articles 5, 5-2, 6 (1), 7 through 9, and 11 shall apply mutatis mutandis to meetings of subcommittees, and to the term of office, dismissal, duties, etc. of the members of subcommittees. *<Amended on May, 10, 2016>*

Article 13-2 (Details, Methods, etc. of Climatic Health Impact Assessment)

(1) The details of climatic health impact assessment (hereinafter referred to as "climatic health impact assessment") under Article 37-2 (1) of the Act are as follows: *<Amended on Sep. 11, 2020>*

1. Matters concerning types, details, characteristics, etc. of climate change that has impacts on public health;
2. Matters concerning the clinical symptoms, trends in outbreaks, progress of treatments, etc. of diseases, illnesses, etc. related to climate change;

3. Matters concerning the distribution, characteristics, etc. of diseases, illnesses, etc. by gender, age group, and region related to climate change;
 4. Impacts of climate change on the health, life, etc. of vulnerable groups of people less likely to have access to health and medical services, such as senior citizens, persons with disabilities, pregnant women, and children;
 5. Other matters the Commissioner of the Korea Disease Control and Prevention Agency deems especially necessary in consideration of the impacts of climate change on public health, which correspond to the details under subparagraphs 1 through 4.
- (2) Where the Commissioner of the Korea Disease Control and Prevention Agency deems professional review on climatic health impact assessment necessary, he/she may have climatic health impact assessment deliberated by the Committee before he/she publishes the results of climatic health impact assessment pursuant to Article 37-2 (1) of the Act. *<Amended on Sep. 11, 2020>*
- (3) Where the Commissioner of the Korea Disease Control and Prevention Agency deems it necessary to protect and promote national health, he/she shall notify the heads of relevant central administrative agencies, Mayors/Do Governors, and the heads of Sis/Gun/Gus of the results of climatic health impact assessment. *<Amended on Sep. 11, 2020>*
- (4) Where the Commissioner of the Korea Disease Control and Prevention Agency publishes the results of climatic health impact assessment pursuant to Article 37-2 (1) of the Act, he/she shall publish the results thereof on the website he/she designates. *<Amended on Sep. 11, 2020>*
- (5) Except as otherwise provided for in paragraphs (1) through (4), the Commissioner of the Korea Disease Control and Prevention Agency shall prescribe detailed matters necessary for the details and methods of, and procedures for climatic health impact assessment. *<Amended on Sep. 11, 2020>*
- [Previous Article 13-2 moved to Article 13-4 *<Aug. 9, 2017>*]

Article 13-3 (Details, Methods, etc. of Fact-Finding Research)

- (1) The details of fact-finding research (hereafter in this Article referred to as "fact-finding research") under Article 37-2 (2) of the Act are as follows: *<Amended on May 19, 2020; Sep. 11, 2020>*
1. Matters concerning the progress of outbreaks and the current status of outbreaks of, and clinical information on diseases, illnesses, etc. due to climate change;
 2. Matters concerning information on the medical diagnosis and treatment, such as diagnoses, examinations, and prescriptions, of diseases, illnesses, etc. due to climate change;
 3. Matters concerning the examination of various kinds of literatures, data, etc. related to analysis and study of diseases, illnesses, etc. due to climate change;
 4. Matters concerning the progress of medical treatments of vulnerable groups of people less likely to have access to health and medical services, such as senior citizens, persons with disabilities, pregnant women, and children, in relation to diseases, illnesses, etc. due to climate change;

5. Other matters the Commissioner of the Korea Disease Control and Prevention Agency deems specially necessary for fact-finding research, which correspond to the details under subparagraphs 1 through 4.
- (2) Where the Commissioner of the Korea Disease Control and Prevention Agency deems it necessary to conduct fact-finding research, a fact-finding research team may be organized and operated, as prescribed by the Commissioner of the Korea Disease Control and Prevention Agency. *<Amended on Sep. 11, 2020>*
- (3) Where the Commissioner of the Korea Disease Control and Prevention Agency deems it necessary to efficiently conduct fact-finding research, he/she may conduct fact-finding research by entrusting fact-finding research to a health and medical care-related research institution, organization or expert. *<Amended on Sep. 11, 2020>*
- (4) Where the Commissioner of the Korea Disease Control and Prevention Agency deems it necessary to protect and manage national health due to climate change, he/she may disclose the results of fact-finding research. *<Amended on Sep. 11, 2020>*
- (5) Except as otherwise provided for in paragraphs (1) through (4), the Commissioner of the Korea Disease Control and Prevention Agency shall prescribe necessary detailed matters concerning the details and methods of, and procedures for fact-finding research. *<Amended on Sep. 11, 2020>*

Article 13-4 (Long-Term Epidemiological Investigation of Chronic Diseases)

- (1) The Commissioner of the Korea Disease Control and Prevention Agency shall conduct a long-term epidemiological investigation of chronic diseases, which is aimed at identifying causes and risk factors thereof, in order to prevent and manage chronic diseases under Article 41 of the Act. *<Amended on Sep. 11, 2020>*
- (2) When necessary for conducting an epidemiological investigation under paragraph (1), the Commissioner of the Korea Disease Control and Prevention Agency may request cooperation from the head of a relevant central administrative agency, a Mayor/Do Governor, or the head of a Si/Gun/Gu or of a public institution under the Act on the Management of Public Institutions. *<Amended on Sep. 11, 2020>*
- [Moved from Article 13-2 *<Aug. 9, 2017>*]

Article 14 (Fact-Finding Surveys on Health and Medical Services)

- (1) The details of fact-finding surveys on health and medical services conducted under Article 55 (1) of the Act shall be the following: *<Amended on May 19, 2020>*
1. Demand for health and medical services and trends in using health and medical treatment services;
 2. Human resources, facilities, materials related to health and medical services;
 3. Other matters deemed necessary by the Minister of Health and Welfare to conduct fact-finding surveys on health and medical services.
- (2) The Minister of Health and Welfare may entrust fact-finding surveys conducted under paragraph (1) to research institutes, corporations, or organizations that have research achievements in health and medical

services for the most recent three years. <Amended on May 19, 2020>

(3) The Minister of Health and Welfare disclose the results of fact-finding surveys conducted under paragraph (1) on the website of the Ministry of Health and Welfare for at least 60 days. <Amended on May 19, 2020>

Article 15 (Management of Sensitive Information and Personally Identifiable Information)

The Commissioner of the Korea Disease Control and Prevention Agency may, if unavoidable to handle affairs under Article 41 of the Act (affairs related to the long-term epidemiological investigation of chronic diseases under Article 13-4 (1)), manage data containing personal information on health under Article 23 of the Personal Information Protection Act, resident identification numbers or foreigner registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the said Act. <Amended on Aug. 9, 2017; Sep. 11, 2020>

ADDENDA <Presidential decree No. 16925, Jul. 27, 2000>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (Applicability to Plans for Development of Health and Medical Services) The first plan for development of health and medical services formulated pursuant to Article 2 shall apply from January 1, 2002 through December 31, 2006. <Amended by Presidential Decree No. 17087, Dec. 30, 2000>

ADDENDUM <Presidential Decree No. 17087, Dec. 30, 2000>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 17115, Jan. 29, 2001>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDUM <Presidential Decree No. 18414, Jun. 5, 2004>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 19093, Oct. 21, 2005>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 19513, Jun. 12, 2006>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2006.

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 20679, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 through 9 Omitted.

ADDENDA <Presidential Decree No. 21214, Dec. 31, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 22075, Mar. 15, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on March 19, 2010. (Proviso Omitted.)

Article 2 Omitted.

ADDENDUM <Presidential Decree No. 22171, May 27, 2010>

This Decree shall enter into force on June 18, 2010.

ADDENDA <Presidential Decree No. 22269, Jul. 12, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Presidential Decree No. 24454, Mar. 23, 2013>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 25751, Nov. 19, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That, among Presidential Decrees amended pursuant to Article 5 of the Addenda, amendments to Presidential Decrees, which were promulgated before this Decree enters into force but the dates on which they enter into force have not yet arrived, shall enter into force on the enforcement date of the relevant Presidential Decree, respectively.

Articles 2 through 5 Omitted.

ADDENDUM <Presidential Decree No. 27129, May 10, 2016>

This Decree shall enter into force on the date of its promulgation.

ADDENDUM <Presidential Decree No. 27432, Aug. 2, 2016>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 28211, Jul. 26, 2017>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That among Presidential Decrees amended pursuant to Article 8 of the Addenda, amendments to Presidential Decrees which were promulgated before this Decree enters into force, the enforcement dates of which have not arrived, shall enter into force on the enforcement dates of the relevant Presidential Decrees, respectively.

Articles 2 through 8 Omitted.

ADDENDUM <Presidential Decree No. 28237, Aug. 9, 2017>

This Decree shall enter into force on August 9, 2017.

ADDENDUM <Presidential Decree No. 30682, May 19, 2020>

This Decree shall enter into force on June 4, 2020.

ADDENDA <Presidential Decree No. 31013, Sep. 11, 2020>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 12, 2020.

Articles 2 and 3 Omitted.

Last updated : 2021-07-29

