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Notification on the Scope of Hands-on Medical Practice during Clinical Training for Foreign Medical Doctors or Dentists in Korea

[Enforcement date: April 25, 2013] [Notification No. 2013-65]

The Ministry of Health and Welfare of the Republic of Korea
Division of Healthcare Resource Policy

[Enforcement date: December 23, 2016] [Notification No. 2016-251]

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Article 1 (Purpose)

The purpose of this notification is to define criteria and procedures to allow medical practice in a limited scope by foreign medical doctors and dentists participating in educational research programs offered by Korean medical institutions in accordance with Article 27 paragraph (1) of the Medical Service Act and Article 18 subparagraph 2 of the Enforcement Rule of the same act.

Article 2 (Terms)

1. The term "medical training" refers to activities offered by Korean medical institutions such as education, training, medical practice and other similar activities as part of educational research programs pursuant to Article 18 subparagraph 2 of the Enforcement Rule of the Medical Service Act.
2. The term "trainee" refers to a person with a medical or dental license from a foreign country and more than three years of clinical experience (hereinafter referred to as the "foreign physicians"), who participates in physician training programs while staying in Korea with the purpose of improving his/her medical knowledge, techniques or expertise in healthcare field.
3. The term "supervisory institution" refers to an institution or an organization under Article 8, which is responsible for carrying out tasks necessary for the training program including recruitment of trainees, referral of training hospitals,

travel arrangements, accommodations in Korea and provision of relevant information etc.

4. The term "training hospital" refers to a medical institution which provides foreign physicians with medical practice and medical training comprised of similar activities.
5. The term "training specialist" refers to a person with a medical specialist or dental specialist license pursuant to Article 18 of the Regulations on Training and Recognition of License of Medical Specialist or Article 18 of the Regulations on Training and Recognition of License of Dental Specialist respectively, who provides medical training to foreign physicians whose medical practice is approved under this Notification.
6. The term "cooperative training specialist" refers to a person with a license equivalent to that of a training specialist, who is designated by the training specialist for the conduct of part or all of training specialist role to meet the purpose of medical training.

Article 3 (Application for Medical Practice)

Foreign doctors who wish to participate in hands-on medical practice during their medical or dental training in Korea may file an application in the form found in Appendix 1 via training hospital and supervisory institution with the Minister of Health and Welfare along with the following documents for an approval.

1. A training plan describing types of intended type and scope of medical practice
2. A written agreement between a supervisory institution and a training hospital on medical practice of a trainee; an agreement may be waived if a supervisory institution and a training hospital are the same institution
3. A document proving that a training hospital meets the criteria under Article 9 including reports on the current status of a training hospital, an internal guideline approved by the head of a medical institution regarding medical practice by foreign physicians during the training period and a proof of experience of a training specialist
4. A written oath in the form found in Appendix 2, signed by the head of a training hospital
5. A license of a foreign physician or a dentist who wishes to participate in a

training program, or a document of equal validity of the original document and its translated text

6. A copy of a trainee's passport
7. A letter of recommendation issued by the trainee's government including a proof of the clinical experience of the trainee

Article 4 (Approval) (1) The Minister of Health and Welfare shall notify the supervisory institution whether the application has been approved within 20 days of the submission of an application; Provided, that the submitted document does not meet the criteria or needs further review of the document's validity, submission of additional documents may be requested.

(2) In case that the document submitted pursuant to Article 3 is deemed appropriate after review, the Minister of Health and Welfare may approve the medical practice for the term of one year or less only to those applicants who have more than three years of clinical experience, on the condition that the applicants complete longer than three months of pre-training on the necessary information regarding medical practice in Korea including lessons on medical service environment of Korea and understanding of Korean patients. Provided, that the applicant has already completed training on the same subjects, the pre-training can be waived.

(3) During the review pursuant to paragraph (2), taking into account the adequacy of an application based on the purpose of the applicant's training, the Minister of Health and Welfare may issue a change to the approval within the limit of the application. This also applies in case a trainee with approval of hands-on medical practice in Korea intends to modify any contents in the application form for approval stipulated in Article 3.

(4) Upon notifying an applicant of the approval, the Minister of Health and Welfare shall issue a written approval in the form found in Appendix 3, stipulating the names of a training hospital, training period, type and scope of medical practice, etc.

Article 5 (Extension of Period of Approval) (1) When the trainee, who has been approved pursuant to Article 4 paragraph (2), wishes to extend the period of approval, a supervisory institution may apply for an extension up to thirty days

before the expiration of the existing approval. In such case, a training hospital shall remain the same before and after the extension.

(2) Extension of the approval period shall follow the procedure in Article 4.

(3) The extension may be issued only one time and the total period of extension may not exceed one year including the period for which the approval was originally given. Provided, that the training is provided under an agreement between nations or governments, total period of approval may be extended up to the maximum of two years. The total period of approval, combining the initial approval with extension, for a dental residency training course shall not exceed the maximum of 4 years.

Article 6 (Review Committee for Approval of Clinical Training) (1) The Minister of Health and Welfare shall establish a Review Committee for Approval of Medical Training (hereinafter referred to as the "Review Committee") for a review on the matters of approval pursuant to Article 4 and Article 5.

(2) The Review Committee shall be comprised of 10 or fewer experts from the Ministry of Health and Welfare and the following persons. The term of committee members is 2 years and they may serve consecutive terms.

1. Two persons recommended by an association of healthcare professional established under the Medical Service Act

2. Two persons recommended by an association of medical institutions established under the Medical Service Act

3. One person from a public institution established under the Act on the Management of Public Institutions, responsible for the research and promotion of healthcare and medical sector

4. Persons recognized by the Minister of Health and Welfare for his/her expertise in healthcare and medical sector

(3) The Review Committee in paragraph (1) shall convene when the Minister of Health and Welfare deems it necessary. Provided, that when any of the following conditions are met, a review by the Review Committee under paragraph (1) shall be conducted.

1. When the total training period exceeds one year as a result of extension of the period of approval under the criteria in pursuant to Article 5 paragraph (3)

2. When a trainee or a training hospital whose approval has been revoked in pursuant to Article 12 applies for a re-approval

(4) The Review Committee shall convene when more than half of the registered members attend the meeting; decisions shall be made based on the majority voting.

(5) Other matters necessary for the operation of the Review Committee shall be determined by the Minister of the Health and Welfare.

Article 7 (Scope of Medical Practice by Trainees) A trainee, who is approved for medical practice in Korea under Article 4 and Article 5, shall not perform medical practice by him or herself; a trainee may perform medical practice in a limited scope within a training hospital, with an informed consent from a patient and in presence of a training specialist or a cooperative training specialist designated by the training specialist.

Article 8 (Supervisory Institutions) Supervisory Institutions pursuant to Article 2 subparagraph 3 are listed in the following subparagraphs.

1. Korea Health Industry Development Institute (KHIDI) established under the Korea Health Industry Development Institute Act
2. Korea Foundation for International Healthcare (KOFHI) established under the Korea Foundation for International Healthcare Act
3. Medical training hospitals pursuant to Article 2 subparagraph 4

Article 9 (Training hospitals) (1) Training hospitals shall meet the following requirements upon receiving approval for performing medical practice.

1. A hospital-level medical institution pursuant to Article 3 (2) 3 of the Medical Service Act
2. A medical training hospital pursuant to Article 2 subparagraph 4 of the Provision on Training and Qualification of Physicians or a dental training hospital pursuant to Article 2 subparagraph 4 of the Provision on Training and Qualification of Dentists
3. A hospital which received accreditation under Article 58-3 of the Medical Service Act and whose accreditation remains valid

(2) A training hospital shall disclose rules of a training program for foreign physicians, which includes the following subparagraphs.

1. Criteria and a procedure for assessment of a trainee's academic record, experience, language skills, etc.
2. Scope, limit and conditions of medical practice performed by foreign doctors

3. Matters pertaining to tasks of a training mentor including advising, monitoring and management of a trainee
4. Grounds to suspend a medical training or to limit or prohibit medical practice by a trainee
5. Matters pertaining to the establishment and operation of an organization to review the training program in a training hospital
6. Matters pertaining to the procedure and methods of obtaining an informed consent from a patient pursuant to Article 7, posting of implementation of training program pursuant to Article 10 and wearing of nametags by a trainee etc.
7. Matters pertaining to verification of the completion of training including issuance of a training certificate
8. Matters pertaining to handling of malpractices
9. Matters pertaining to operation and management of a training program

(3) A training hospital shall appoint a physician or a dentist from the same or similar specialty of a trainee who has worked at a medical institution for more than three years after obtaining residency as a training specialist or a cooperative training specialist pursuant to Article 7 for the mentoring and monitoring of medical practice by the trainee. Provided, that a dentist received a dental license before 2008, more than seven years of experience in his/her specialized department shall be required.

Article 10 (Posting of Training) (1) Upon receiving approval under this notification, a training hospital shall indicate the fact that training will take place and foreign physicians and dentists may perform medical practice at the hospital by posting a notice, banner, etc. in a clearly visible manner near the main entrance of the institution throughout the training period.

(2) A trainee shall wear a tag showing his/her name and a title of either a foreign physician or a dentist on the front of a uniform at all times within a training hospital.

Article 11 (Storing of Medical Record) (1) A training hospital shall prepare and keep a daily record of the types and detailed account of any medical practice performed or attended by a trainee.

(2) The Minister of Health and Welfare may require submission of the record under paragraph (1) when necessary for the supervision and monitoring of a training hospital.

Article 12 (Revocation of Approval) (1) The Minister of Health and Welfare may revoke approval where it falls under any of the following subparagraphs.

1. Where a trainee received approval by fraud or other unlawful means
2. Where a trainee performed unapproved medical practice or committed an act that is against the rules stipulated in this notification
3. Where a trainee violated duties and terms of the internal protocol of a training hospital pursuant to Article 9 paragraph (2)
4. Where a training hospital fails to observe duties stipulated in this notification including a duty to post pursuant to Article 10, a duty to submit relevant documents pursuant to Article 11 paragraph (2) etc.
5. Where a training hospital filed an application pursuant to Article 3 for reasons other than training

(2) The Minister of Health and Welfare shall listen to opinions of the trainee and the training hospital before revoking the approval.

(3) Revocation of approval pursuant to paragraph (1) shall be done by sending a proof of approval revocation to the trainee or the training hospital by mail.

ADDENDUM <No. 2016-251, December 23, 2016>

This notification shall enter into force from the date of its issuance.