CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to prescribe the matters necessary for national medical treatment, and thereby to ensure the proper management of medical treatment and to protect and improve national health.

Article 2 (Medical Person) (1) The term "medical person" in this Act means a doctor, dentist, herb doctor, midwife and nurse who has been licensed by the Minister of Health and Welfare. <Amended by Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987; Act No. 5454, Dec. 13, 1997>

(2) The duties of a medical person shall be to seek the improvement of national health and to make a contribution toward securing the healthy life of citizens by performing his respective duties as prescribed by the following subparagraphs: <Amended by Act No. 3504, Dec. 31, 1981; Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987>

1. Duties of a doctor shall be to engage in medical treatment and health guidance;
2. Duties of a dentist shall be to engage in dental treatment and guidance of oral health;
3. Duties of a herb doctor shall be to engage in herb medical treatment and herbal guidance;
4. Duties of a midwife shall be to engage in assistance in child delivery and in guidance of health and nursing of pregnant women, women in childbirth, lying-in women and newborn babies; and
5. Duties of a nurse shall be to engage in the recuperative nursing of, or in the assistance of medical examination and treatment to injured and sick persons, or women in childbirth, and in public health activity prescribed by the Presidential Decree.

Article 3 (Medical Institution) (1) The term "medical institution" in this Act means the place where medical persons perform the business of medical treatment or assist in child delivery (hereinafter referred to as "business of medical treatment") for the public or specified majority.
doctors and dentists render the medical services, which meets requirements falling under each of the following subparagraphs and is established for the purpose of rendering medical services primarily to the inpatients: 

1. Facilities capable of receiving not less than 100 inpatients;
2. Not less than 9 specialized medical care areas including internal medicine, general surgery, pediatrics, obstetrics and gynecology, diagnostic radiology, anesthesia, clinical or anatomical pathology, psychiatry (limited to the case where the medical institution has sickbeds, whose number exceeds what is prescribed by the Presidential Decree) and dentistry; and
3. Medical specialists in every specialized medical care areas referred to in paragraph (2).

(4) The terms "hospital," "dental hospital" or "herb hospital" in this Act mean a medical institution, respectively where doctors, dentists or herb doctors render their medical services, which is complete with facilities capable of receiving not less than 30 inpatients and is established for the purpose of rendering medical services primarily to the inpatients: Provided, That any dental hospital shall be exempted from the application of the limits on the facilities for inpatients. 

(5) The term "sanatorium" in this Act means a medical institution where doctors or herb doctors render their medical services, which is complete with facilities capable of receiving not less than 30 persons required to receive medical care and established for the purpose of offering medical care primarily to inpatients who are in need of long-term medical care.

(6) The terms "medical clinic," "dental clinic," or "herb clinic" in this Act mean a medical institution, respectively where a doctor, dentist or herb doctor renders medical services, which is complete with facilities fully meeting medical treatment requirements and established for the purpose of rendering medical services primarily to the outpatients.

(7) The term "midwifery clinic" in this Act means a medical institution where a midwife assists in child delivery, and conducts guidance on health and nursing of pregnant women, women in childbirth, lying-in women or newborn babies, and which is equipped with the facilities not obstructive to giving medical examination and treatment.

(8) The Minister of Health and Welfare may, where it is deemed necessary to implement the health and medical policy, set standard medical services by category of the medical institution referred to in paragraphs (3) through (7) and publish such standard medical services.

CHAPTER II MEDICAL PERSONS

SECTION 1 Qualification and License

Article 5 (Qualification of Doctors, Dentists, and Herb Doctors) 

Article 4 Deleted.
Article 4 (License of Doctor, Dentist and Herb Doctor) Any person who has acquired citizenship while retaining Korean nationality and received the license of a doctor or a dentist, the license may be granted when he has passed the examination as prescribed by the Presidential Decree: <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3825, May 10, 1986; Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997>

1. A person who has graduated from a college majoring in the medical science or dental surgery, and who has received the degree of a bachelor of medical science or a bachelor of dentistry;

2. A person who has graduated from a college majoring in the herb medical science, and who has been awarded the degree of a bachelor of herb medical science; and

3. A person who has graduated from a foreign school falling under subparagraph 1 or 2, recognized by the Minister of Health and Welfare, and obtained a license for doctor, dentist or herb doctor in the foreign country.


Article 5 (License of Doctor, Dentist and Herb Doctor) Any person who intends to become a doctor, dentist or herb doctor shall have qualifications falling under each of the following subparagraphs and get a license from the Minister of Health and Welfare after passing the State-administered examination: <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3825, May 10, 1986; Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000> <<Enforcement Date: the date on which two years pass after the promulgation of this Act>>

1. He is required to graduate from a university specializing in the medical science or dentistry with the bachelor's degree in medical science or the bachelor's degree in dentistry;

2. He is required to graduate from a university specializing in the herb medical science with the bachelor's degree in the herb medical science; and

3. He is required to graduate from a university of a foreign nation, which falls under subparagraph 1 or 2 and is recognized by the Minister of Health and Welfare and to obtain a license for a doctor, a dentist or a herb doctor from such foreign nation.


Article 6 (License of Midwife) A person desiring to become a midwife shall possess the qualifications falling under any of the following subparagraphs, and shall, after passing the national examination for midwife under Article 9, obtain a license of the Minister of Health and Welfare: <Amended by Act No. 3948, Nov. 28, 1987; Act No. 5454, Dec. 13, 1997>

1. A person having a license for nurse, who has completed one year midwifery training course at a medical institution recognized by the Minister of Health and Welfare; and

2. A person who has obtained the license for a midwife of a foreign country which is recognized by the Minister of Health and Welfare.

Article 7 (License of Nurse) A person desiring to become a nurse shall fall under any of the following subparagraphs, and obtain the license of the Minister of Health and Welfare after having passed the national examination under Article 9: <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3825, May 10, 1986; Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997>
Article 8 (Causes for Disqualifications)

(1) No person falling under any of the following subparagraphs shall become a medical person: <Amended by Act No. 3948, Nov. 28, 1987; Act No. 4732, Jan. 7, 1994>

1. A person who suffers from any mental disease;
2. Deleted; <by Act No. 3948, Nov. 28, 1987>
3. An addict of narcotics, hemp or psychotrophic drugs;
4. An interdict, a quasi-interdict, or a person who has not been reinstated after being declared bankrupt; and
5. A person who has not served the full term, or who has not been confirmed the stay of execution of sentence after being sentenced to imprisonment without prison labor or heavier.

(2) Deleted. <by Act No. 4732, Jan. 7, 1994>

Article 9 (National Examination)

(1) The national examination for doctors, dentists, herb doctors, midwives or nurses shall be held each year by the Minister of Health and Welfare. <Amended by Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987; Act No. 5454, Dec. 13, 1997>

(2) The Minister of Health and Welfare may entrust the management of the national examination as referred to in paragraph (1) with such a specialized organization as deemed to have the management capacity for the national examination under the conditions as prescribed by the Presidential Decree. <Newly Inserted by Act No. 3948, Nov. 28, 1987; Act No. 5454, Dec. 13, 1997>

(3) If the Minister of Health and Welfare entrusts a management of the national examination under paragraph (2), he may subsidize the budget required for such management. <Newly Inserted by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997>

(4) The matters necessary for the national examination under paragraph (1) shall be determined by the Presidential Decree.

Article 10 (Restrictions on Qualifications Required for Taking Examination)

(1) Any person who falls under any of the subparagraphs of Article 8 (1), shall not be eligible to take the national examination under Article 9. <Amended by Act No. 3504, Dec. 31, 1981>

(2) Any person who has either taken the national examination under Article 9 by dishonest methods or committed a dishonest act in the examination, shall be suspended from taking the examination, or his success in the examination shall be made null and void.

(3) Any person who has been suspended from taking the examination or whose success in the examination has been nullified under paragraph (2), shall not take the national examination as prescribed in Article 9 with a limit of two times thereafter.

Article 11 (Conditions of License and Registration)

(1) When it is deemed necessary for the policies on public health and medical treatment, the Minister of Health and Welfare may attach the conditions to serve at a specially designated area or to engage in specially designated duties on a fixed period for over three years when he has thought it necessary. 
(3) The registry as referred to in paragraph (2) shall be prepared and kept by types of medical persons.
(4) The matters necessary for the registration and certificate of licenses shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997>

SECTION 2 Rights and Obligations

Article 12 (Protection of Medical Treatment Techniques, etc.)
(1) Except as otherwise provided by this Act or other Acts and subordinate statutes, no one shall interfere in the performance of medical treatment techniques such as medical treatment, assistance in child delivery, and nursing, etc. (hereinafter referred to as "medical treatment act"). <Amended by Act No. 3504, Dec. 31, 1981>
(2) No person shall destroy or damage any facilities, instruments, materials, medicines or other vessels for medical treatment in the medical institution or interfere with the medical diagnosis and treatment by occupying the medical institution, and instigate or abet it. <Newly Inserted by Act No. 4732, Jan. 7, 1994>

Article 13 (Prohibition of Attachment of Medical Equipment and Apparatus)
Equipment, apparatus, medicines and other materials necessary for the business of medical treatment by a medical person shall not be subject to attachment.

Article 14 (Preferential Supply of Medical Equipment and Apparatus)
(1) Any medical person shall be entitled to the preferential supply of medical equipment and apparatus, medicines, facilities and materials which are necessary for the acts of medical treatment.
(2) With regard to goods, labor and transportation means associated to the right as referred to in paragraph (1), the medical person shall have the same right as prescribed in paragraph (1).

Article 15 Deleted. <by Act No. 3504, Dec. 31, 1981>

Article 16 (Prohibition of Refusal, etc. to Give Medical Examination and Treatment)
(1) Every medical person shall not refuse without due reasons any request for medical treatment or for assistance in child delivery, when they have received a request therefor.
(2) Every medical person shall take the best measures for any emergency patient under the conditions as prescribed by the Emergency Medical Service Act. <Amended by Act No. 4732, Jan. 7, 1994>

Article 17 (Handling of Washing)
(1) Any person other than those who have filed a report with medical persons, medical institutions or the Special Metropolitan Mayor, Metropolitan Mayor and Do governor (hereinafter referred to as the "Mayor/Do governor") shall be prohibited from handling the washing discharged by the medical institutions. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 5865, Feb. 8, 1999; Act No. 6157, Jan. 12, 2000>
(2) Any person who handles the washing under paragraph (1), shall keep, transport and dispose of them sanitarily under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8428, Mar. 10, 2004>
Article 18 (Medical Certificate, etc.)

(1) A doctor, dentist, or herb doctor other than those who are themselves engaged in the service of medical treatment, and who have personally conducted an examination or autopsy, shall not issue a medical certificate, written result of autopsy or a certificate: Provided, That a patient under a medical treatment dies within forty-eight hours from the final medical examination and treatment, the medical certificate or other certificate may be issued even though a reexamination is not conducted, and if the doctor, dentist or herb doctor who has directly conducted the medical examination or treatment, is unable to issue the medical certificate, written result of autopsy, or other certificate by any inevitable reason, other doctor, dentist or herb doctor who is engaged in the same medical institution, may issue it on the basis of the medical records, etc. of the patient. <Amended by Act No. 3504, Dec. 31, 1981; Act No. 3825, May 10, 1986; Act No. 4732, Jan. 7, 1994>

(2) A doctor, herb doctor, or midwife other than those who are themselves engaged in the service of medical treatment, and who have personally assisted in child delivery, shall not issue a certificate of birth, death, or stillbirth: Provided, That if a doctor, herb doctor or midwife who has directly conducted the midwifery service, is unable to issue a certificate by any inevitable reason, other doctor, herb doctor or midwife who is engaged in the same medical institution, may issue the certificate on the basis of the medical records, etc. <Amended by Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987; Act No. 4732, Jan. 7, 1994>

(3) When a doctor, dentist and herb doctor has received a request for issuance of a medical certificate, written result of autopsy or a certificate with respect to medical treatment and autopsy which he has conducted, he shall not refuse to comply therewith without due reasons. <Amended by Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987>

(4) The provisions of paragraph (3) shall apply to a case where a doctor, herb doctor or midwife has received a request for the issuance of a certificate of birth, death or stillbirth for child delivery which he has assisted. <Amended by Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987>

Article 18-2 (Preparation and Issuance of Medical Prescriptions)

(1) Any doctor or dentist shall, when he deems it necessary to prescribe medicine for any patient, except for the case where he is able to prepare such medicine in accordance with the Pharmaceutical Affairs Act, issue a prescription to such patient in accordance with the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987>

(2) Forms of prescription referred to in paragraph (1), matters to be entered in such forms, perservation and other necessary matters shall be determined by the Ordinance of the Ministry of Health and Welfare. 

[This Article Newly Inserted by Act No. 6020, Sep. 7, 1999]

Article 19 (Prohibition of Divulgence of Secrets) Except as otherwise specially provided in this Act, any doctor, dentist or midwife who has personally conducted a medical examination or treatment, shall not divulge the medical history, medical records, etc. of such patient. <Amended by Act No. 3504, Dec. 31, 1981; Act No. 3825, May 10, 1986; Act No. 4732, Jan. 7, 1994>
Article 19 (Purpose of Distinguishing the Sex of the Embryo, and Help Another Person to Perform an Act for the Similar Purpose)

(1) A medical person or any person engaged in a medical institution shall be prohibited from complying with any request for perusal of records, delivery of copies of such records or confirmation of contents with respect to any patient except as specially provided for in this Act or other Acts and subordinate statutes: Provided, That he shall comply with a request from a patient, his or her spouse, a lineal ascendant or descendant or the lineal ascendant or descendant of a spouse (in the case where a spouse, a lineal ascendant and the lineal ascendant of a spouse are nonexistent, an agent designated by the patient) for perusal of records, delivery of copies of such records or confirmation of contents with respect to the patient, except the case where it is inevitable for treating such patient. <Act No. 3948, Nov. 28, 1987; Act No. 4732, Jan. 7, 1994; Act No. 6157, Jan. 12, 2000>

(2) Notwithstanding the provisions of paragraph (1), if another medical institution demands an inspection of the records, note of clinical opinion and detailed statement of medical treatment, or to send copies thereof, under the necessity of the medical examination and treatment for the same patient, or the patient demands a delivery of copies of the examination records, radiographic films, etc., the medical person shall comply with it. <Newly Inserted by Act No. 4732, Jan. 7, 1994>

(3) When a medical person moves an emergency patient to another medical institution, he shall forward concurrently the record of his first medical examination.

Article 20 (Perusal of Records, etc.)

(1) Any medical person or any person engaged in a medical institution shall be prohibited from complying with any request for perusal of records, delivery of copies of such records or confirmation of contents with respect to any patient except as specially provided for in this Act or other Acts and subordinate statutes: Provided, That he shall comply with a request from a patient, his or her spouse, a lineal ascendant or descendant or the lineal ascendant or descendant of a spouse (in the case where a spouse, a lineal ascendant and the lineal ascendant of a spouse are nonexistent, an agent designated by the patient) for perusal of records, delivery of copies of such records or confirmation of contents with respect to the patient, except the case where it is inevitable for treating such patient. <Act No. 3948, Nov. 28, 1987; Act No. 4732, Jan. 7, 1994; Act No. 6157, Jan. 12, 2000>

(2) Notwithstanding the provisions of paragraph (1), if another medical institution demands an inspection of the records, note of clinical opinion and detailed statement of medical treatment, or to send copies thereof, under the necessity of the medical examination and treatment for the same patient, or the patient demands a delivery of copies of the examination records, radiographic films, etc., the medical person shall comply with it. <Newly Inserted by Act No. 4732, Jan. 7, 1994>

(3) When a medical person moves an emergency patient to another medical institution, he shall forward concurrently the record of his first medical examination.

Article 21 (Record Book on Medical Examination and Treatment, etc.)

(1) A medical person shall keep a record book of medical treatment, of assistance in child delivery and of nursing respectively, and shall make entries therein the details of medical treatment conducted and his opinions, and affix his signature thereon.

(2) The record books of medical treatment, of assistance in child delivery and of nursing as referred to in paragraph (1) shall be preserved under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3948, Nov. 28, 1987; Act No. 5454, Dec. 13, 1997>

Article 22 (Guidance on Method of Medical Treatment and Recuperation) A medical person shall teach the patient or his custodian as to the method of medical treatment, recuperation and other matters necessary for keeping good health.

Article 23 (Report)

(1) A medical person shall file a report on his actual condition and employment status, etc. with the Minister of Health and Welfare under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 3504, Dec. 31, 1981; Act No. 5454, Dec. 13, 1997>

(2) A medical person shall file a report on his actual condition and employment status, etc. with the Minister of Health and Welfare under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 6157, Jan. 12, 2000>
SECTION 3  Restriction on Medical Treatment

Article 25 (Prohibition of Unlicensed Medical Care Service, etc.)
(1) No person other than a medical person shall conduct medical treatment, and no medical person shall perform medical treatments other than those licensed: Provided, That persons falling under any of the following subparagraphs may conduct medical treatment within the limits as stipulated by the Ordinance of the Ministry of Health and Welfare: <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3825, May 10, 1986; Act No. 5454, Dec. 13, 1997>
1. A person who has a foreign medical license and stays in the country for a fixed period;
2. A person who carries out a medical service at a medical college, dental college, college of herb medicine, general hospital, or foreign medical aid institution, or such service for a research and demonstration project; and
3. A student of a school majoring in medical science, dentistry, herb medicine science or science of nursing.
(2) No person other than a medical person shall use the title of doctor, dentist, herb doctor, midwife or nurse, or other similar titles. <Amended by Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987>
(3) No person shall introduce, conciliate, or induce patients to medical institutions or medical persons, or provoke such act for profit. <Newly Inserted by Act No. 3504, Dec. 31, 1981>

SECTION 4  Organizations of Medical Persons

Article 26 (Central Association and Its Branches)
(1) Doctors, dentists, herb doctors, midwives and nurses shall establish a Doctors Association, Dentists Association, Herb Doctors Association, Midwives Association and Nurses Association, respectively (hereinafter referred to as "central associations") with nationwide systems, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987>
(2) The central associations shall be juristic persons.
(3) When the central associations have been established in accordance with the provisions of paragraph (1), a medical person shall deservedly become a member of the pertinent central association, and observe the articles of association thereof. <Amended by Act No. 4732, Jan. 7, 1994>
(4) The provisions of the Civil Act concerning the corporation shall apply mutatis mutandis to the matters concerning the central associations, which are not stipulated in this Act.
(5) The central associations shall establish its branches at the Special Metropolitan City, Metropolitan Cities, and Dos (hereinafter referred to as "Dos"), and sub-branch, at Shis/Kuns/Kus (limited to autonomous Kus; hereinafter the same shall apply) under the conditions as prescribed by the Presidential Decree: Provided, That when it is desired to establish branches at places other than those mentioned above, or branches of doctors associations in foreign countries as referred to in the proviso of Article 5, they shall obtain the approval of the Minister of Health and Welfare. <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3504, Dec. 31, 1981; Act No. 5454, Dec. 13, 1997>
Article 27 (Permission, etc. for Establishment)
(1) In order to establish a central association, its representative shall submit the articles of association and other necessary documents to the Minister of Health and Welfare and obtain his permission for establishment under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997>
(2) The particulars to be stated in the articles of association of a central association shall be separately prescribed by the Presidential Decree.
(3) When a central association desires to modify its articles of association, it shall obtain permission of the Minister of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997>

Article 28 (Obligation for Cooperation)
(1) When a central association has received a request for the cooperation pertaining to medical treatment and betterment of public health from the Minister of Health and Welfare, it shall comply with the request. <Amended by Act No. 5454, Dec. 13, 1997>
(2) The central association shall conduct supplementary training to improve the quality of its members under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997>
(3) A medical person shall receive supplementary training under paragraph (2). <Newly Inserted by Act No. 3504, Dec. 31, 1981>

Article 28-2 (Mutual Aid Project)
(1) In case where the central association established under Article 26 carries out a mutual aid project, for the purpose of compensating damages of members due to medical disputes, it shall report it to the Minister of Health and Welfare. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997>
(2) Matters necessary for details and operation of the mutual aid project under paragraph (1) shall be determined by the Presidential Decree. [This Article Newly Inserted by Act No. 3948, Nov. 28, 1987]

Article 29 (Supervision) When a central association or its branch has either undertaken business other than those specified in its articles of association, or acted in a manner causing constraints to the improvement of national health, or failed to comply with the request for cooperation as referred to in Article 28 (1), the Minister of Health and Welfare may issue an order to modify the articles of association or reelect the officers. <Amended by Act No. 5454, Dec. 13, 1997>

CHAPTER III MEDICAL INSTITUTIONS
SECTION 1 Establishment of Medical Institutions

Article 30 (Establishment)
(1) Any medical person shall not run the medical business unless he establishes a medical institution in accordance with this Act. Any medical person shall render his medical service in his medical institution except the case falling under each of the following subparagraphs: <Amended by Act No. 6157, Jan. 12, 2000>
1. Where he gives the first-aid treatment to an emergency patient under the proviso of paragraph 1 of Article 3 of the Emergency Medical Service Act.
Where this Act and other Acts and subordinate statutes specially prescribe, and where an unavoidable reason exists for making on-the-spot treatment of a patient.

(2) No person other than those falling under any of the following subparagraphs shall establish a medical institution: Provided, That the medical person as referred to in subparagraph 1 may establish only one medical institution, that is, the doctor may establish only a general hospital, hospital, sanatorium or medical clinic; the dentist, only a dental hospital or clinic; the herb doctor, only a herb hospital, sanatorium or clinic; and the midwife, only a midwifery clinic: <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3825, May 10, 1986; Act No. 3948, Nov. 28, 1987; Act No. 4732, Jan. 7, 1994; Act No. 6372, Jan. 16, 2001>

1. A doctor, a dentist, a herb doctor or a midwife;
2. The State or local governments;
3. A juristic person established for the purpose of conducting the business of medical treatment (hereinafter referred to as a "medical juristic person");
4. A nonprofit juristic person established pursuant to the Civil Act or other special Acts; and
5. A government-invested institution as referred to in the Framework Act on the Management of Government-Invested Institutions, a local corporation as prescribed in the Local Public Enterprises Act, or the Korea Veterans Welfare and Health Care Corporation as prescribed in the Korea Veterans Welfare and Health Care Corporation Act.

(3) Any person who desires to establish a medical clinic, dental clinic, herb clinic or midwifery clinic under paragraph (2), shall file a report with the head of Shi/Kun/Ku under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3825, May 10, 1986; Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997>

(4) Any person who desires to establish a general hospital, hospital, dental hospital, herb hospital or sanatorium under paragraph (2), shall obtain a permit of the Mayor/Do governor under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare: Provided, That in any of the following cases, no permit for establishment of medical institution shall be granted: <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3825, May 10, 1986; Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>

1. Deleted: <by Act No. 6157, Jan. 12, 2000>
2. When a person who has been subject to disposition of cancellation of his license to establish pursuant to the provisions of Article 51, desires to open a medical institution within six months from the date of such cancellation; and
3. When the medical institution fails to meet the standards set forth under Article 32.

(5) Deleted. <by Act No. 6157, Jan. 12, 2000>

(6) When a medical institution established pursuant to the provisions of paragraphs (2) and (4) desires to establish another medical institution, it shall file a report with the head of Shi/Kun/Ku under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare.
Article 31 (Special Provisions on Establishment of Medical Institutions)

(1) When a person other than those as referred to in paragraphs (1) and (2) of Article 30 desires to establish an attached medical institution for the purpose of promoting the health of his staff, employees, other members (including inmates), or their dependents, he shall report it to the head of Shi/Kun/Ku having jurisdiction over the location of the opening: Provided, That if he desires to establish an attached medical institution as prescribed in Article 3 (3) through (5), he shall obtain the permission of the Mayor/Do governor having the jurisdiction over the place where it is established. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 6157, Jan. 12, 2000>

(2) The procedures, terms and other necessary matters pertaining to a report and permit for establishment as referred to in paragraph (1) and the particulars necessary for operation of a medical institution shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997>

Article 32 (Criteria for Facilities, etc.) The criteria and sizes for facilities and equipments by type of medical institution, the fixed number of medical persons, other necessary particulars pertaining to the operation of medical institution, and matters necessary for the diseases, procedure, etc. to be hospitalized in a sanatorium, shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997>

[This Article Wholly Amended by Act No. 3504, Dec. 31, 1981]

Article 32-2 (Radiation Generator for Diagnosis)

(1) Any medical institution which desires to install and operate the radiation generator for diagnosis, shall report it to the head of Shi/Kun/Ku under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare, and shall do it in conformity with the safety control standards as determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997>

(2) Any person who has established or managed a medical institution, shall, upon installing the radiation generator for diagnosis, appoint a person in charge of the safety control under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare, undergo periodic inspection and measurement, and exercise a radiographic exposure control for those who are engaged in the radiation. <Amended by Act No. 5454, Dec. 13, 1997>

(3) Matters necessary for the scope, report, inspection, installation, and measurement standards, etc. as to the radiation generator for diagnosis as referred to in paragraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997>

[This Article Newly Inserted by Act No. 4732, Jan. 7, 1994]

Article 32-3 (Joint Utilization of Facilities, etc.)

(1) Any medical person may provide his medical service making use of facilities, equipment and manpower of another medical institution after obtaining the approval of the head of the medical institution.
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together with the Mayor/Do governor or the head of Shi/Kun/Ku under
the conditions as prescribed by the Ordinance of the Ministry of Health and
Welfare.

[This Article Wholly Amended by Act No. 6157, Jan. 12, 2000]

Article 34 (Medical Person on Duty) Hospitals of various levels shall put
medical persons on duty who are required to treat emergency patients and
inpatients. <Amended by Act No. 4732, Jan. 7, 1994>

Article 35 (Name of Medical Institution)
(1) Any medical institution shall be prohibited from using any name other than
the one given according to the categories of medical institutions under
Article 3 (2): Provided, That the same shall not apply to the case falling
under each of the following subparagraphs: <Amended by Act No. 6157, Jan. 12,
2000>
1. Where any general hospital renames itself a hospital;
2. Where any medical institution opened by the State or a local government
uses a name determined after consulting with the Minister of Health and
Welfare or the Mayor/Do governor; and
3. Where any medical institution uses a name prescribed separately by other
Acts and subordinate statutes.
(2) The matters necessary for manifestation of the name of medical
institutions shall be determined by the Ordinance of the Ministry of Health
(3) Any nonmedical institution shall not use the name of a medical
institution or other name similar thereto.

Article 36 (Indication of Areas of Medical Examination and Treatment) The areas
of medical examination and treatment by a medical institution shall be
indicated in a manner prescribed by the Ordinance of the Ministry of Health

Article 37 (Medical Fees) Every general hospital, hospital, dental clinic, herb
clinic and sanatorium shall report medical fees it collects from patients to
the Mayor/Do governor having jurisdiction over its area, and every clinic,
dental clinic, herb clinic or maternity hospital shall report to the head of
Shi/Kun/Ku: Provided, That the same shall not apply to the case where medical
fees are collected in accordance with other Acts.
[This Article Wholly Amended by Act No. 6157, Jan. 12, 2000]

Article 37-2 (Choices of Doctors, etc. by Patients)
(1) Every patient or his protector may choose a specific doctor, a dentist or a
herb doctor at a general hospital, hospital, dental hospital, herb hospital
or sanatorium to ask him for his medical examination and treatment
(hereinafter referred to as "chosen medical examination and treatment") under
the conditions as prescribed by the Ordinance of the Ministry of Health and
Welfare. In this case, the head of a medical institution shall let the
doctor, dentist or herb doctor chosen by the patient or his protector treat
such patient unless special reasons exist.
(2) Every patient or his protector, who has undergone the chosen medical
examination and treatment, may ask the doctor, dentist or herb doctor,
the chosen medical examination and treatment to report the results of such
medical examination and treatment to the patient's family doctor, the
head of a medical institution, the patient's protector or any other person
whom the patient or his protector may designate.
(4) The head of any medical institution may, where the chosen medical examination and treatment are provided in a manner that certain requirements are met, collect additional expenses notwithstanding the provisions of paragraph (3).

(5) Qualification requirements and scope for doctors, dentists or herb doctors of medical institutions which may collect additional expenses in accordance with the provisions of paragraph (4), areas of their medical examination and treatment, standards for computing additional expenses and other necessary matters shall be determined by the Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 6157, Jan. 12, 2000]

Articles 38 through 40 Deleted. <by Act No. 6157, Jan. 12, 2000>

SECTION 2 Medical Corporation

Article 41 (Permission, etc. for Establishment)

(1) Any person who intends to establish a medical corporation in accordance with Article 30 (2) shall prepare the articles of association and other documents and obtain a permission of the Mayor/Do governor having jurisdiction over the place where the principal office of such medical corporation is located, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>

(2) A medical corporation shall be equipped with facilities necessary for, and the funds required for, the medical institution to be established by it.

(3) Any medical corporation shall, when it intends to dispose of its property or alter its articles of association, obtain permission from the Mayor/Do governor. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>

(4) A medical corporation other than those established under this Act shall not use the title of a medical corporation or other names similar to it.

Article 42 (Incidental Business) A medical corporation may conduct the following incidental activities at the medical institution established by it, in addition to the business of medical treatment:

1. Conducting training or supplementary education for medical persons and other medical-related persons; and
2. Research and study on medical treatment or medical science.

Article 43 Deleted. <by Act No. 4732, Jan. 7, 1994>

Article 44 (Application Mutatis Mutandis of Civil Act) Except as provided for in this Act, the provisions of the Civil Act pertaining to the foundation shall apply mutatis mutandis to the medical juristic person.

Article 45 (Cancellation of Permission for Establishment) When a medical corporation falls under any of the following subparagraphs, the Minister of Health and Welfare or the Mayor/Do governor may cancel permission for its establishment: <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>

1. When it has conducted business other than that set forth in the articles of incorporation;
2. When it has failed to establish a medical institution within two years from the date of obtaining the permission.
CHAPTER IV ADVERTISEMENT OF MEDICAL TREATMENT

Article 46 (Prohibition of Exaggerated Advertisement, etc.)
(1) A medical corporation, medical institution or medical person shall not make a fraudulent or exaggerated advertisement concerning the business of medical treatment.
(2) No person other than a medical corporation, medical institution or medical person shall make an advertisement concerning medical treatment.
(3) No person shall advertise the ability, method of medical treatment or assistance in child delivery, career, or efficacy of a specific medical institution or specific medical person, by means of mass advertisement, suggestive description, photos, printed matters, broadcasts and drawings, etc.
(4) The scope of advertisement concerning the business of medical treatment and other particulars necessary for the advertisement of medical treatment shall be determined by the Ordinance of the Ministry of Health and Welfare.

<Amended by Act No. 5454, Dec. 13, 1997>

Article 47 (Prohibition of Other Advertisement than Academic Purpose) Even a medical corporation, medical institution or medical person shall not advertise the result of preventive medical research and clinical research, function, efficacy, medical treatment or method of assistance in child delivery, for any other purpose than academic and scientific ones.

CHAPTER V SUPERVISION

Article 48 (Guidance and Order)
(1) Where it is deemed necessary for policies relating to public health and medical treatment, or where a grave hazard affecting the national health has occurred or is likely to occur, the Minister of Health and Welfare or the Mayor/Do governor may give necessary guidance to, or issue necessary orders to medical institutions or medical persons. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>
(2) If there is a considerable reason to deem that a collective business suspension of medical institutions cause or is likely to cause serious impediments to the medical examination and treatment, the Mayor/Do governor or the head of Shi/Kun/Ku may order the medical institutions under suspension of business to resume the services. <Newly Inserted by Act No. 4732, Jan. 7, 1994; Act No. 6157, Jan. 12, 2000>
(3) No person who has established the medical institution, may refuse the order as referred to in paragraph (2) without any justifiable reason. <Newly Inserted by Act No. 4732, Jan. 7, 1994>

Article 49 (Report and Inspection of Business, etc.)
(1) The Minister of Health and Welfare, the Mayor/Do governor or the head of Shi/Kun/Ku may order a medical institution or medical person to make the necessary report, or have the public officials concerned inspect the business status and facilities, or examine related documents such as the records of medical treatment, of assistance in child delivery and of nursing, etc., or have the facts confirmed by hearing the statements of the persons concerned. In this case, the medical person or medical institution shall not refuse the above inspection.
Article 50 (Order, etc. for Correction) If a medical institution violates the provisions of Articles 17 (2), 31 (2), 32, 32-2 (1) and (2) and 34 through 37-2, or a general hospital fails to conform to the requirements as prescribed in Article 3 (3), the Minister of Health and Welfare, the Mayor/Do governor or the head of Shi/Kun/Ku may restrict or prohibit the use of the whole or part of facilities, equipment, etc. thereof, or order it to correct the violated matters, with a period specified. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>

[This Article Wholly Amended by Act No. 4732, Jan. 7, 1994]

Article 51 (Cancellation, etc. of Permission for Establishment)

(1) When a medical institution falls under any of the following subparagraphs, the Minister of Health and Welfare, the Mayor/Do governor or the head of Shi/Kun/Ku may either suspend business of medical treatment, cancel the license for opening, or issue an order to close the medical institution concerned: Provided, That an order to close the medical institution may be issued only to those medical institutions which have filed the reports as referred to in Articles 30 (3) and the text of Article 31 (1): <Amended by Act No. 2862, Dec. 31, 1975; Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000; Act No. 6372, Jan. 16, 2001>

1. When it has failed to commence its business without due reasons within three months from the date of the report on establishment or of the license to open;
2. When it is found that it has had a disqualified person perform the acts of medical treatment, or a medical person perform the acts of medical treatment other than licensed ones;
3. When it has evaded or interfered in the performance of duties by the relevant public officials as referred to in Article 49, or has failed to comply with the orders as referred to in Article 48 or 50;
4. When the permit for establishment of a medical juristic person, a non-profit juristic person, a government-invested institution, a local corporation, or the Korea Veterans Welfare and Health Care Corporation as referred to in Article 30 (2) 3 through 5 has been cancelled, or it has been dissolved;
5. When it has violated the provisions of Article 30 (6), 33, 46 or 47; and
6. When it has failed to comply with the order as prescribed in Article 50.

(2) A person who received an order to close pursuant to the provisions of paragraph (1), shall not open and operate a medical institution within six months from the date of receipt of such order, and a person who is subject to a disposition of the suspension of medical treatment business, in the period of business suspension, respectively. <Amended by Act No. 4732, Jan. 7, 1994>

Article 52 (Cancellation and Reissuance of License)

(1) When a medical person falls under any of the following subparagraphs, the Minister of Health and Welfare may cancel his license: Provided, That in the case of subparagraph 1, the license shall be cancelled: <Amended by Act No. 3948, Nov. 28, 1987; Act No. 4430, Dec. 14, 1991; Act No. 4732, Jan. 7, 1994; Act No. 5101, Dec. 29, 1995; Act No. 5454, Dec. 13, 1997>

1. When it has committed a gross breach of the provisions of Articles 17 (1), 31 (1) and (2), 32, 32-2 (1) and (2), 34 through 37-2, or 46 or 47;
4. When he has failed to fulfill the conditions of license under Article 11 (1);
5. When he has violated the provisions of Article 19-2; and
6. When he has lent his certificate of license.

(2) Even though the license of a medical person is cancelled under paragraph (1), if the cause by which the license is cancelled, is extinguished, or if it is deemed that the person concerned shows a sincere repentance, the Minister of Health and Welfare may reissue the license: Provided, That if the license is cancelled under paragraph (1) 4 or 6, it shall not be reissued within one year from the date of cancellation, and if it is cancelled under paragraph (1) 3 or 5 and under the causes as referred to in Article 8 (1) 5, within two years from the date of cancellation. <Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>

Article 53 (Suspension, etc. of Qualification)

(1) When a medical person falls under any of the following subparagraphs, the Minister of Health and Welfare may suspend the qualification for license within the scope of one year. In this case, matters requiring a medico-technical judgment may be decided after hearing the opinions of experts concerned: <Amended by Act No. 3504, Dec. 31, 1981; Act No. 3948, Nov. 28, 1987; Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>

1. When he has committed an act gravely impairing the dignity of a medical person;
2. When he is employed by a person who is not entitled to establish a medical institution, and engaged in the medical service;
3. When he prepares and issues a false diagnosis, written result of autopsy or other certificate as prescribed in Article 18 (1) and (2), or prepares a false medical examination and treatment record, etc. as prescribed in Article 21 (1);
4. When he has a person other than medical person render any medical service, or a medical person do any medical service other than licensed one, in contravention of the provisions of Article 25 (1);
5. When he has a person other than medical engineer take charge of affairs of the medical engineer, or a medical engineer deviate from the range of his duties; and
6. When he has violated this Act or an order issued under this Act.

(2) The extent of the act as referred to in paragraph (1) 1 shall be determined by the Presidential Decree.

(3) Deleted. <by Act No. 6157, Jan. 12, 2000>

Article 53-2 (Disposition of Penalty Surcharge)

(1) If a medical institution falls under any of the subparagraphs of Article 51 (1), the Minister of Health and Welfare, the Mayor/Do governor, or head of Shi/Kun/Ku may impose a penalty surcharge not exceeding twenty million won on it, in lieu of a disposition of suspension of medical treatment business, under the conditions as prescribed by the Presidential Decree. In this case, the penalty surcharge shall be imposed only when the disposition of suspension of the business of medical treatment brings or is likely to bring harm or damage to the national health and its interests and
If the penalty surcharge as referred to in paragraph (1) is not paid within the time limit, the Minister of Health and Welfare, the Mayor/Door governor, or head of Shi/Kun/Ku shall collect it according to the examples of the disposition of the national or local taxes in arrears. [Amended by Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000]

Article 53-3 (Criteria for Administrative Disposition) The detailed criteria for the administrative disposition as prescribed in Articles 50, 51 (1), 52 (1) and 53 (1) shall be determined by the Ordinance of the Ministry of Health and Welfare. [Amended by Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000]

Chapter V – Conciliation of Disputes

Article 54-2 (Medical Examination Conciliation Committee)

(1) A Central Medical Examination Conciliation Committee under the jurisdiction of the Minister of Health and Welfare, and Local Medical Examination Conciliation Committee under the jurisdiction of the Mayor/Door governor shall be installed respectively, in order to conciliate disputes caused from medical treatment (hereinafter referred to as "disputes on medical treatment"). [Amended by Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000]

(2) The composition and operation of the Central and Local Medical Examination Conciliation Committees, qualification of conciliators, and other necessary matters shall be determined by the Presidential Decree.

(3) The Central Medical Examination Conciliation Committee shall deliberate the following matters referred to by the Minister of Health and Welfare, in addition to conciliating the medical disputes: [Amended by Act No. 5454, Dec. 13, 1997]

1. Extent of the medial treatment;
2. Limit of business according to the classification of the medical person;
Article 54-4 (Jurisdiction)
(1) When the Mayor/Do governor has received a request for conciliation of dispute under Article 54-3, he shall refer it to the Local Medical Examination Conciliation Committee in order to conciliate the dispute: Provided, That if the conflict is under the jurisdiction of two or more Cities/Dos, or if he has determined that it is impossible for the Local Medical Examination Conciliation Committee concerned to conciliate the dispute, the Mayor/Do governor shall transfer the application for conciliation to the Minister of Health and Welfare within twenty days from the date of application. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>
(2) When the Minister of Health and Welfare has received a transfer of the application for conciliation as referred to in paragraph (1), he shall refer it to the Central Medical Examination Conciliation Committee. <Amended by Act No. 5454, Dec. 13, 1997>
[This Article Newly Inserted by Act No. 3504, Dec. 31, 1981]

Article 54-5 (Commencement of Conciliation) When a request of conciliation of dispute has been referred, the Central and Local Medical Examination Conciliation Committees shall commence without delay conciliation of the dispute. 
[This Article Newly Inserted by Act No. 3504, Dec. 31, 1981]

Article 54-6 (Investigation, etc. of Facts)
(1) When it is deemed necessary in order to conciliate a dispute on medical treatment, the Central and Local Medical Examination Conciliation Committees may have conciliators or the public officials concerned demand the parties concerned or the witnesses to attend and make a statement at the committee, or inspect the related documents, or inquire of the administrative office, medical institution and other public or private organizations about the facts, or investigate the facts by having free access to the medical institution concerned.
(2) When conciliators or the public officials concerned perform the investigation pursuant to the provisions of paragraph (1), he shall present to the concerned person identification showing his official authority.
[This Article Newly Inserted by Act No. 3504, Dec. 31, 1981]

Article 54-7 (Protocol for Conciliation)
(1) The Central and Local Medical Examination Conciliation Committees shall prepare a draft conciliation and present it to the parties concerned within ninety days from the date on which the request for conciliation is referred.
(2) When the draft conciliation as referred to in paragraph (1) has been accepted by the parties, all the conciliators shall draw up a protocol for conciliation and, sign and seal on it together with the parties.
(3) The protocol for conciliation under paragraph (2) shall have the same effect as the protocol for compromise under the Civil Procedure Act. 
[This Article Newly Inserted by Act No. 3504, Dec. 31, 1981]

Article 54-8 (Conciliation Procedures, etc.) Request for conciliation and conciliation procedures of the disputes on medical treatment and other similar matters for the procedures of conciliation offices, in addition
Article 55 (Medical Specialist)
(1) A doctor, dentist or herb doctor who desires to become a medical specialist shall be qualified by the Minister of Health and Welfare through a course of training as prescribed by the Presidential Decree. <Amended by Act No. 3504, Dec. 31, 1981; Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997>
(2) No person other than those who have been qualified as a medical specialist under paragraph (1) shall manifest the department of speciality.
(3) The particulars necessary pertaining to the recognition of qualification for medical specialist and department of speciality shall be determined by the Presidential Decree. <Amended by Act No. 3504, Dec. 31, 1981>

Article 56 (Specialized Nurses)
(1) The Minister of Health and Welfare may, in addition to granting license for nurses, recognize qualifications for specialized nurses. <Amended by Act No. 3948, Nov. 28, 1987; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>
(2) Categories of qualifications and qualification standards for specialized nurses referred to in paragraph (1), qualification certificates and other important matters shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>

Article 57 (Medical Persons in Remote Areas)
(1) When a doctor, dentist or herb doctor in a remote area, who has been licensed pursuant to the prior regulations before the enforcement of this Act, engages in the medical treatment in the licensed area, he shall be regarded as a medical person. <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3825, May 10, 1986>
(2) When a medical person as referred to in paragraph (1) has conducted the act of medical treatment in an area other than those licensed, the Minister of Health and Welfare may cancel the relevant license. <Amended by Act No. 2862, Dec. 31, 1975; Act No. 5454, Dec. 13, 1997>
(3) The particulars pertaining to the change of the licensed area of medical person as referred to in paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 2862, Dec. 31, 1975; Act No. 5454, Dec. 13, 1997>
(4) A doctor, dentist or herb doctor who is in a remote area, and has been engaged in medical service in the licensed area for ten or more years, or who is engaged in medical service at the time of enforcement of this Act, and has five or more years experience thereof, may, notwithstanding the provisions of Article 5, be granted a license of doctor, dentist or herb doctor under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Newly Inserted by Act No. 3825, May 10, 1986; Act No. 5454, Dec. 13, 1997>

Article 58 (Assistant Nurse)
(1) Any person who desires to become an assistant nurse shall be qualified by the Mayor/Do governor. <Amended by Act No. 3948, Nov. 28, 1987; Act No. 6157, Jan. 12, 2000>
(2) In addition to the provisions of Article 25, assistant nurse shall be
Article 59 Deleted. <by Act No. 3504, Dec. 31, 1981>

Article 60 (Quasi Medical Person)

(1) Notwithstanding the provisions of Article 25, a bonesetter, acupuncturist and moxibustionist (hereinafter referred to as "quasi medical person") who has been licensed pursuant to the prior regulations before the enforcement of this Act, may conduct such medical activities as a business at the place of practicing treatment. <Amended by Act No. 2862, Dec. 31, 1975>

(2) The provisions of this Act pertaining to medical person and medical institution shall apply mutatis mutandis to a quasi medical person. In this case, the term "medical person" shall be replaced by "quasi medical person"; "license", by "qualification"; "a certificate of license", by "a certificate of qualification"; and "medical institution", by "place of practicing treatment". <Amended by Act No. 2862, Dec. 31, 1975>

(3) The necessary particulars pertaining to the acts of practicing by a quasi medical person, limitation of their business, criteria for the place of practicing treatment and others shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997>

Article 61 (Massagist)

(1) Any person who desires to become a massagist, shall be qualified by the Mayor/Do governor. <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3948, Nov. 28, 1987; Act No. 6157, Jan. 12, 2000>

(2) Notwithstanding the provisions of Article 25, a massagist as referred to in paragraph (1) may be engaged in massaging.

(3) The provisions of Articles 8 (1), 23, 26 through 29, 30 (2), 31, 32, 33, 48 (1), 49, 50 (limited to a case where the provisions of Article 32 are violated), 51 through 53, 53-3 and 63-2 of this Act shall be applicable mutatis mutandis to the massagists. In this case, the term "medical person" shall be read as the term "massagist"; the term "license", as the term "qualification"; the term "a certificate of license", as the term "a certificate of qualification"; the term "medical institution", as the term "medical institution", as the term "massage treatment house"; and the term "head of the organization related to the medical treatment", as the term "president of the massagists association". <Amended by Act No. 4732, Jan. 7, 1994>

(4) Matters necessary for recognition of qualification for massagist, limit of their service and criteria for installation of the massage treatment houses shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 3825, May 10, 1986; Act No. 5454, Dec. 13, 1997>

Article 62 Deleted. <by Act No. 6157, Jan. 12, 2000>

Article 63 (Subsidy, etc. for Expenses) If it is deemed necessary for improving national health, the Minister of Health and Welfare or the Mayor/Do governor may subsidize the whole or part of the expenses for facilities, operation, research, etc. for any medical person or institution, federation, or medical treatment-related organization. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>
CHAPTER VII  PENAL PROVISIONS

Article 66 (Penal Provisions) A person falling under any of the following subparagraphs shall be punished by imprisonment for not more than five years or a fine not exceeding twenty million won: <Amended by Act No. 2862, Dec. 31, 1975; Act No. 3504, Dec. 31, 1981; Act No. 4732, Jan. 7, 1994>

1. A person who has lent his certificate of license;
2. Deleted; and <by Act No. 4732, Jan. 7, 1994>
3. A person who violates the provisions of Articles 12 (2), 25 (1) and 30 (2) (including a case where it is applicable mutatis mutandis under Article 61 (3)).

Article 67 (Penal Provisions) A person who has violated the provisions of Articles 19, 19–2, 20 (1), 25 (3), 30 (4), the proviso of Article 31 (1), Article 50 (2), and 51 (2) may be punished by imprisonment for not more than five years or a fine not exceeding twenty million won.
Article 68 (Penal Provisions) A person who has violated the provisions of Article 16 (1) or 18 (1) and (2) (excluding the latter part of the proviso of paragraph (1) and the proviso of paragraph (2)) shall be punished by imprisonment for not less than one year or a fine not exceeding three million won. <Amended by Act No. 4732, Jan. 7, 1994>

Article 69 (Penal Provisions) Any person who violates the provisions of Articles 17 (1) and (2), 18 (3) and (4), 20 (2) and (3), 21, 24, 25 (2), 30 (1), (3) (including the case where it is applicable mutatis mutandis under Article 61 (3)) and (6) (limited to a case of license), the text of Article 31 (1), Articles 34, 35 (1), 41 (3) and (4), 46, 47, 51 (2) (including a case where it is applicable mutatis mutandis under Article 61 (3)), 55 (2), or who violates the order issued under Article 50, and who furnishes any medical service under employment of a person who is not entitled to establish a medical institution, shall be punished by a fine not exceeding three million won. <Amended by Act No. 6157, Jan. 12, 2000>

Article 70 (Joint Penal Provisions) When a representative of a corporation, or an agent, servant or any other employee of a corporation or an individual has committed an act in violation of Articles 66 through 69, the corporation or the individual shall be punished by a fine as prescribed in each of the respective Articles, in addition to the punishment of the person who has committed the offense.

Article 71 (Fine for Negligence)
(1) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding three million won:
   1. A person who installs and operates the radiation generator for medical diagnosis without making a report as prescribed in Article 32-2 (1); and
   2. A person who fails to appoint a person in charge of the safety control, or to carry out the periodical inspection and measurement, or to practice the radiographic exposure control for those who are engaged in the radiation, under Article 32-2 (2).

(2) Any person who fails to make a report, or refuses, obstructs or evades an inspection, as prescribed in Article 49 (1), shall be punished by a fine for negligence not exceeding two million won.

(3) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding one million won:
   1. Deleted; <by Act No. 6157, Jan. 12, 2000>
   2. A person who fails to undergo the supplementary training as prescribed in Article 28 (3) (including the case where it is applicable mutatis mutandis under Article 61 (3));
   3. A person who fails to make a report on modification as prescribed in Article 30 (6) (including the case where it is applicable mutatis mutandis under Article 61 (3));
   4. A person who fails to make a report on a suspension or discontinuance of license as prescribed in Article 33 (including the case where it is applicable mutatis mutandis under Article 61 (3)).
Article 72 (Imposition, Collection, etc. of Fine for Negligence)

(1) The fine for negligence as prescribed in Article 71 shall be imposed and collected by the Minister of Health and Welfare, the Mayor/Do governor, or the head of Shi/Kun/Ku (hereinafter referred to as "person competent for disposition") under the conditions as prescribed by the Presidential Decree.

<Amended by Act No. 4732, Jan. 7, 1994; Act No. 5454, Dec. 13, 1997; Act No. 6157, Jan. 12, 2000>

(2) Any person who is dissatisfied with a disposition of fine for negligence under paragraph (1), may raise an objection against the person competent for disposition within thirty days after he is informed of such disposition.

(3) If a person who is subject to a disposition of fine for negligence under paragraph (1), has raised an objection under paragraph (2), the person competent for disposition shall promptly notify the fact to the competent court, which shall, upon receiving the notification, sit in judgment on the fine for negligence under the Non-Contentious Case Litigation Procedure Act.

(4) If no objection is raised and no fine for negligence is paid in the period as referred to in paragraph (2), the fine for negligence shall be collected according to examples of a disposition of national or local taxes in arrears.

[This Article Newly Inserted by Act No. 3948, Nov. 28, 1987]

ADDENDA

Article 1 (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures) A person who has obtained a license as a doctor, dentist, herb doctor, midwife, nurse, or nurse’s aide, or the qualification for medical specialist or massager in accordance with the prior provisions, at the time of this Act, enters into force shall be considered to have been licensed or qualified under this Act: Provided, That a certificate of license or qualification issued pursuant to the prior provisions shall be renewed within six months from the enforcement date of this Act under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. An old certificate of license of qualification shall not be used after the lapse of this period.

Article 3 (Idem) Notwithstanding the provisions of subparagraph 1 of Article 7, a person who has graduated from or attends a nursing technical high school at the time this Act enters into force, may take the national examination for nurses only within five years after this Act enters into force.

Article 4 (Idem) A medical clinic, dental clinic, herb clinic or midwifery clinic established pursuant to the prior provisions, at the time this Act enters into force shall be regarded to have been established under this Act.

Article 5 (Idem) A general hospital, hospital, dental hospital or other medical institution (excluding the national and public medical institution) falling under the provisions of Article 31, which has been established pursuant to the prior provisions, at the time this Act enters into force, shall take the necessary measures as to establishment of a medical juristic person, permit of establishment of medical institutions, and the other provisions.
Article 7 (Idem) A medical person in a remote area as prescribed in Article 58 and quasi medical person as prescribed in Article 59 shall renew his certificate of license or qualification within six months from the enforcement date of this Act in such manner as provided for in the Ordinance of the Ministry of Health and Welfare. An old certificate of license or qualification shall not be used after lapse of this period.

Article 8 (Idem) A person who has been commissioned as a public doctor pursuant to the prior provisions at the time this Act enters into force, shall be regarded to have been commissioned with the medical treatment as referred to in Article 62.

ADDENDUM <Act No. 2862, Dec. 31, 1975>
This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 3441, Apr. 13, 1981>
Article 1 (Enforcement Date) This Act shall enter into force on the thirtieth day following the date of its promulgation.

Articles 2 through 15 Omitted.

ADDENDA <Act No. 3504, Dec. 31, 1981>
(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Transitional Measures) A person who, at the time this Act enters into force, has obtained recognition of qualification for medical specialist of the Minister of Health and Welfare under the previous Article 55 (1) and (3), shall be regarded as having obtained the recognition of qualification for medical specialist under the amended Article 55 (1) and (3): Provided, That the matters pertaining to the manifestation of specialized department of such medical specialist concerned shall be determined by the Presidential Decree.

ADDENDA <Act No. 3825, May 10, 1986>
Article 1 (Enforcement Date) This Act shall enter into force on the thirtieth day following the date of its promulgation.

Article 2 (Transitional Measures concerning Change of Title of Herb Doctor, etc.)
(1) Any person who has been granted a license as a herb doctor pursuant to the previous provisions at the time this Act enters into force, shall be considered to be granted a license as a herb doctor under this Act.

(2) Any person who has been granted permission for establishment of a herb hospital or has reported establishment of a herb clinic pursuant to the previous provisions at the time this Act enters into force, shall be considered to be granted permission for establishment of a herb hospital or to have reported establishment of a herb clinic under this Act.

Article 3 (Transitional Measures) Any massage treatment house subject to the previous provisions at the time this Act enters into force, shall be considered to be reported under this Act.

Article 4 (Amendment of Other Acts)
(1) Omitted.

(2) Except as otherwise provided for in paragraph (1), where other Acts use or apply mutatis mutandis the terms defined in the left column of the following list at the time this Act enters into force, the terms defined in
ADDENDA <Act No. 3948, Nov. 28, 1987>

Article 1 (Enforcement Date) This Act shall enter into force four months after the date of its promulgation.

Article 2 (Transitional Measures according to Change of Title of Midwife, etc.) Any person who has obtained a license for midwife or nurse, or who is qualified for a nurse's aide pursuant to the previous provisions at the time this Act enters into force, shall be considered to obtain a license for midwife or nurse, or to be qualified for a nurse's aide under this Act.

Article 3 (Transitional Measures according to Operation of National Examination for Midwife) With respect to a license for midwife to be granted to those who are in training at a medical institution under subparagraph 1 of Article 6 at the time this Act enters into force, the previous provisions shall be applied.

Article 4 (Amendment of Other Acts) (1) through (4) Omitted.

(5) Except as otherwise provided for in paragraphs 1 through 4, the terms "obstetric nurse", "graduate nurse", and assistant nurse in other Acts and subordinate statutes at the time this Act enters into force, shall be construed as "midwife", "nurse", and "assistant nurse", respectively.


Article 1 (Enforcement Date) This Act shall enter into force on the date of its promulgation. (Proviso is omitted.)

Article 2 Omitted.

ADDENDA <Act No. 4732, Jan. 7, 1994>

Article 1 (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures concerning General Hospital, etc.) Any general hospital, hospital and herb hospital established pursuant to the previous provisions at the time this Act enters into force, shall be considered as a general hospital, hospital and herb hospital as prescribed by this Act:

Provided, That any general hospital having one hundred or less beds, hospital and herb hospital having thirty or less beds, at the time this Act enters into force, shall be provided with facilities for hospital treatment, within fifty per centum of the general hospital and the same percentage of the hospital and herb hospital in the time of the promulgation of this Act.
At the time this Act enters into force, shall be considered as a midwifery clinic established under this Act: Provided, That it shall change its title within three months after this Act enters into force.

Article 4 (Transitional Measures concerning Qualification for Application for National Examination for Doctor, Dentist, Herb Doctor and Nurse) Any person who is accredited by the Minister of Health and Welfare, the qualification for application for the examination pursuant to the previous provisions, and who is in such a college in a foreign country as recognized by the Minister of Health and Welfare, at the time this Act enters into force, shall be subject to the previous provisions.

Article 5 (Transitional Measures concerning Qualification for Application for National Examination for Doctor, Dentist, Herb Doctor and Nurse) Any person who is accredited by the Minister of Health and Welfare, the qualification for application for the examination pursuant to the previous provisions, and who is in such a college in a foreign country as recognized by the Minister of Health and Welfare, at the time this Act enters into force, shall be subject to the previous provisions.

Article 6 (Transitional Measures concerning Permission of Mutual Aid Project) Any mutual aid project which the central association has obtained a permission of the Minister of Health and Welfare pursuant to the previous provisions at the time this Act enters into force, shall be considered to have been reported under this Act.

Article 7 (Transitional Measures concerning Report on Establishment of Medical Institution at Clinic Level) Any medical clinic, dental clinic, herb clinic or midwifery clinic the establishment of which is reported to the Do governor pursuant to the previous provisions at the time this Act enters into force, shall be considered as one the establishment of which has been reported to the head of a Shi/Kun/Ku under this Act.

Article 8 (Transitional Measures concerning Report on Establishment of Medical Institution at Clinic Level) Any medical clinic, dental clinic, herb clinic or midwifery clinic the establishment of which is reported to the Do governor pursuant to the previous provisions at the time this Act enters into force, shall be considered as one the establishment of which has been reported to the head of a Shi/Kun/Ku under this Act.

Article 9 (Transitional Measures concerning Special Case of Establishment of Medical Institution) Any general hospital, hospital, dental hospital or herb hospital as prescribed in this Act, which is an affiliated medical institution the establishment of which is permitted by the Do governor pursuant to the previous provisions at the time this Act enters into force, shall be considered to have obtained the permission of the Do governor on its establishment, and any medical, dental or herb clinic, or midwifery clinic, to have been reported to the head of a Shi/Kun/Ku on its establishment.

Article 10 (Transitional Measures concerning Report on Establishment of Medical Juristic Person) Any permission of the Minister of Health and Welfare on an establishment, property disposal, and modification of articles of association, of a medical juristic person, pursuant to the previous provisions at the time this Act enters into force, shall be considered as a permission of the Do governor under this Act, except in case of a juristic person the range of whose objective project extends through two or more Dos.
Article 12 (Transitional Measures concerning Reissuance of License for Medical Person) Reissuance of a license of a person whose license as medical person is cancelled pursuant to the previous provisions at the time this Act enters into force, shall be governed by the previous provisions.

Article 13 (Transitional Measures concerning Appointment of Medical Instructor) Any medical supervisor appointed pursuant to the previous provisions at the time this Act enters into force, shall be considered as a medical instructor appointed under this Act.

Article 14 (Transitional Measures concerning Application of Penal Provisions) Any application of the penal provisions to any act committed before this Act enters into force, shall be subject to the previous provisions: Provided, That if any act undertaken before this Act enters into force, has been committed over the period after this Act enters into force, the act shall be considered to have been committed after this Act enters into force.

ADDENDUM <Act No. 5101, Dec. 29, 1995>
Article 1 (Enforcement Date) This Act shall enter into force on July 1, 1996. Articles 2 through 4 Omitted.

ADDENDA <Act No. 5453, Dec. 13, 1997>
Article 1 (Enforcement Date) This Act shall enter into force on January 1, 1998. (Proviso Omitted.) Article 2 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997> This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDUM <Act No. 6020, Feb. 7, 1999> This Act shall enter into force on January 1, 1999. (Proviso Omitted.)

ADDENDA <Act No. 5865, Feb. 8, 1999> Article 1 (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That ...(Omitted)... the amendment to Article 7 (1) of this Addenda shall enter into force one year and six months after the date of its promulgation.

Articles 2 through 6 Omitted. Article 7 (Amendments to Other Acts) Omitted.

ADDENDA <Act No. 6157, Jan. 12, 2000> Article 1 (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amendments to Articles 8 (1) 5 and 52 shall enter into force on the date of its promulgation, and the amendment to Article 5 shall enter into force two years after the date of its promulgation.

Article 2 (Transitional Measures concerning Report on Extract, etc.) Any person who has been designated by the Mayor/Do governor to dispose of extract, etc. under the previous provisions at the time this Act enters into force, shall be deemed to have made a report to the Mayor/Do governor under the amendment to Article 17.

Article 3 (Transitional Measures concerning Special Cases for National and Public Medical Institutions) With respect to medical institutions to which the special provisions on the national and public medical institutions have been applicable under the previous provisions of Article 38 from among medical institutions, there shall be no amendment to any Act.
Article 5 (Transitional Measures concerning Permission, etc. on Establishment of Medical Corporation) Any permission of the Minister of Health and Welfare on the establishment, disposal of property, and modification of articles of association, of a medical corporation, under the previous provisions at the time this Act enters into force, shall be regarded as permission of the Mayor/Do governor under the amendment to Article 41.

Article 6 (Transitional Measures concerning Reissuance of License for Medical Person) Those medical persons whose license has been cancelled on the ground of other causes than the reasons for license revocation as prescribed by the amendment to Article 52 (1) at the time this Act enters into force, may be reissued a license on and after the date this Act enters into force, notwithstanding the amendment to Article 52 (2).

Article 7 (Transitional Measures concerning Recognition of Qualifications for Specialized Nurses) Those who have been recognized as qualified nurses in the fields of their affairs under the previous provisions at the time this Act enters into force shall be regarded as specialized nurses in such fields under the amendment to Article 56.

ADDENDA <Act No. 6372, Jan. 16, 2001>

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

Articles 2 through 6 Omitted.