

2021 Long-Term Care Insurance Act

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National Health
Insurance Service



National Health Insurance Service
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Insurance Service

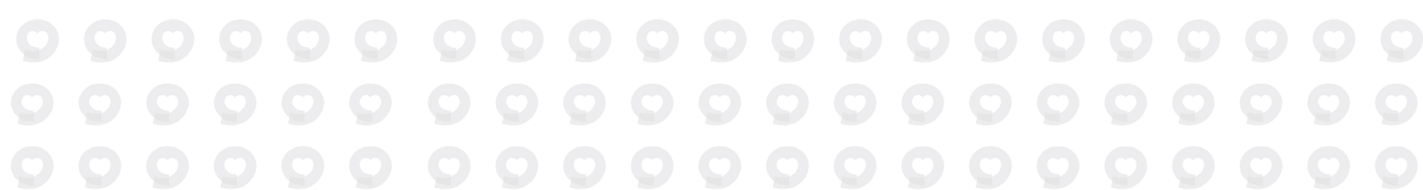




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INSURANCE ACT

ENFORCEMENT DECREE OF
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LONG-TERM CARE INSURANCE ACT

LONG-TERM CARE INSURANCE ACT

Wholly Amended by Act No. 8403, Apr. 27, 2007

Amended by Act No. 9386, Jan. 30, 2009

Act No. 9510, Mar. 18, 2009

Act No. 9693, May 21, 2009

Act No. 9932, Jan. 18, 2010

Act No. 10127, Mar. 17, 2010

Act No. 10785, Jun. 7, 2011

Act No. 11141, Dec. 31, 2011

Act No. 12067, Aug. 13, 2013

Act No. 13647, Dec. 29, 2015

Act No. 14215, May 29, 2016

Act No. 14321, Dec. 2, 2016

Act No. 15443, Mar. 13, 2018

Act No. 15537, Mar. 27, 2018

Act No. 15881, Dec. 11, 2018

Act No. 16244, Jan. 15, 2019

Act No. 16369, Apr. 23, 2019

Act No. 17173, Mar. 31, 2020



CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to pursue the improvement of health of senior citizens and the stabilization of their livelihood during post-retirement life, relieve family members from the burden of supporting them, and enhance the quality of life of citizens by providing for matters concerning long-term care benefits, such as aid provided for physical activities and household chores to senior citizens who have difficulties in carrying on with daily life on their own due to old age or senile diseases.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 15881, Dec. 11, 2018>

1. The term "senior citizen" means a senior citizen who is not less than 65 years of age or a person who is less than 65 years of age and suffers from a geriatric disease specified by Presidential Decree, such as Alzheimer's disease or a cerebrovascular disease;
2. The term "long-term care benefits" means services, such as aid in physical activities and household chores or nursing, or money, etc. paid instead of such services provided to a person who is determined to have difficulties in independent daily life for six months or longer, pursuant to Article 15 (2);
3. The term "long-term care program" means a program of providing long-term care benefits to senior citizens with financial resources, such as long-term care insurance contributions and subsidies from the State and local governments;
4. The term "long-term care institution" means an institution designated under Article 31 that provides long-term care benefits;
5. The term "long-term care worker" means a person who works for a long-term care institution to provide aid, etc. for physical activities or household chores of senior citizens.

Article 3 (Fundamental Principles for Providing Long-Term Care Benefits)

- (1) Long-term care benefits shall be provided to enable senior citizens to carry on with their daily life independently to the maximum extent possible according to their will and abilities. <Newly Inserted by Act No. 15881, Dec. 11, 2018>
- (2) Long-term care benefits shall be provided appropriately to the extent necessary for senior citizens, comprehensively taking into consideration their mental and physical conditions and living environments, and their family members' needs and choices.
- (3) Benefits for home care services, which allow a senior citizen to receive long-term care at home with his/her family members, shall be provided preferentially among long-term care benefits.

- (4) Long-term care benefits shall be provided along with medical services to prevent the worsening of senior citizens' mental and physical conditions and health.

Article 4 (Responsibilities of the State and Local Governments)

- (1) The State and a local government shall provide services necessary for senior citizens to maintain good mental and physical conditions (hereinafter referred as "services for prevention of geriatric disease") so that they can carry on with daily life independently.
- (2) The State may subsidize expenses incurred by a local government or the National Health Insurance Service under the National Health Insurance Act (hereinafter referred to as the "NHIS") in providing services for prevention of geriatric diseases.
- (3) The State and a local government shall secure an appropriate number of long-term care institutions and support the establishment of long-term care institutions so as to smoothly provide long-term care benefits, taking into consideration the population of senior citizens, local characteristics, etc. <Amended by Act No. 15881, Dec. 11, 2018>
- (4) The State and a local government may provide administrative or financial support to the NHIS so that long-term care benefits can be smoothly provided.
- (5) The State and a local government shall fully endeavor to give better treatment to long-term care workers and improve their welfare and status. <Newly Inserted by Act No. 14215, May 29, 2016>
- (6) The State and a local government may develop and distribute standards for long-term care programs fit for regional characteristics. <Newly Inserted by Act No. 15881, Dec. 11, 2018>

Article 5 (Direction of the State's Policy on Long-Term Care Benefits)

The State shall, when it establishes and implements a master plan for long-term care pursuant to Article 6, endeavor to provide not only senior citizens but also all citizens who suffer hardship in carrying on with daily life on their own, including the disabled, etc., with long-term care benefits and services of aiding physical activities and furthermore shall take measures to assist them in stabilizing their living and achieving self-support.

Article 6 (Master Plan for Long-Term Care)

- (1) The Minister of Health and Welfare shall establish and implement a master plan for long-term care with the following matters included therein for each five-year period in order to smoothly provide senior citizens with long-term care benefits: <Amended by Act No. 14215, May 29, 2016>
 1. The number of persons eligible for long-term care benefits each year and a plan for the procurement of financial resources;
 2. A scheme for the management of long-term care institutions and professional human resources for long-term care for each year;
 3. Matters concerning the treatment of long-term care workers;
 4. Other matters specified by Presidential Decree concerning long-term care of senior citizens.
- (2) The head of each local government shall establish and implement a detailed implementation plan in accordance with the master plan for long-term care under paragraph (1).

Article 6-2 (Survey)

- (1) The Minister of Health and Welfare shall survey the following matters on a regular basis at an interval of three years in order to ascertain the current situation of long-term care services and shall publish the results of the survey:
 1. Matters concerning approval of eligibility for long-term care;
 2. Matters concerning the number of beneficiaries eligible for long-term care benefits (hereinafter referred to as "beneficiaries") according to the rating of the assessment committee for long term care under Article 52 (hereinafter referred to as the "assessment committee"), the level of the benefits, and the degree of satisfaction of the beneficiaries;
 3. Matters concerning long-term care institutions;
 4. Matters concerning the working conditions, treatment, and number of long-term care staff;
 5. Other matters specified by Ordinance of the Ministry of Health and Welfare with regard to long-term care services.
- (2) Matters necessary for the methods, contents, etc. of the survey pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 14215, May 29, 2016]

CHAPTER II LONG-TERM CARE INSURANCE

Article 7 (Long-Term Care Insurance)

- (1) The Minister of Health and Welfare shall exercise overall control over the long-term care insurance program.
- (2) The NHIS shall be the insurer of the long-term care insurance program.
- (3) Persons eligible for long-term care insurance (hereinafter referred to as "the insured of long-term care insurance") shall be the insured under Articles 5 and 109 of the National Health Insurance Act. <Amended by Act No. 11141, Dec. 31, 2011>
- (4) Where a foreigner specified by Presidential Decree, such as a foreign worker defined in the Act on the Employment, etc. of Foreign Workers applies for exclusion, the NHIS may exclude such foreigner from the insured of long-term care insurance, as prescribed by Ordinance of the Ministry of Health and Welfare, notwithstanding paragraph (3). <Newly Inserted by Act No. 9510, Mar. 18, 2009; Act No. 9932, Jan. 18, 2010>

Article 8 (Collection of Long-Term Care Insurance Contribution)

- (1) The NHIS shall collect long-term care insurance contribution to finance the expenses incurred in running long-term care programs.
- (2) Long-term care insurance contribution under paragraph (1) shall be collected together with the insurance contribution under Article 69 of the National Health Insurance Act (hereafter in this Article referred to as "health insurance contribution"). The NHIS shall separate long-term care insurance contribution from health insurance contribution in its notice for payment. <Amended by Act No. 11141, Dec. 31, 2011>
- (3) The NHIS shall manage long-term care contribution and health insurance contribution, collected together pursuant to paragraph (2), in separate accounts, respectively.

Article 9 (Calculation of Long-Term Care Insurance Contribution)

- (1) Long-term care insurance contribution shall be calculated by subtracting expenses reduced or exempted pursuant to Article 74 or 75 of the National Health Insurance Act from the amount of insurance contribution calculated in accordance with Article 69 (4) and (5) of the aforesaid Act and then by multiplying the amount after subtraction by the relevant long-term care insurance contribution rate. <Amended by Act No. 11141, Dec. 31, 2011>

- (2) The long-term care insurance contribution rate under paragraph (1) shall be prescribed by Presidential Decree, subject to deliberation by the Long-Term Care Committee established under Article 45.

Article 10 (Reduction and Exemption of Long-Term Care Insurance Contribution for Persons with Disabilities)

The NHIS may fully or partially reduce or exempt long-term care insurance contribution, as prescribed by Presidential Decree, for a person with disabilities as defined in the Act on Welfare of Persons with Disabilities or a similar person specified by Presidential Decree, if the person is the insured of long-term care insurance or a dependent to the insured of long-term care insurance but fails to be determined as a beneficiary under Article 15 (2).

Article 11 (Application Mutatis Mutandis to Eligibility for Long-Term Care Insurance)

@Articles 5, 6, 8 through 11, 69 (1) through (3), 76 through 86, and 110 of the National Health Insurance Act shall apply mutatis mutandis to the acquisition and forfeiture of eligibility for the insured of long-term care insurance or a dependent to the insured of long-term care insurance, the payment, collection, and disposition of deficits, of long-term care insurance contribution. In such cases, "insurance contribution" shall be construed as "long-term care insurance contribution", "health insurance" as "long-term care insurance", and "the insured" as "the insured of long-term care insurance". <Amended by Act No. 11141, Dec. 31, 2011>

CHAPTER III APPROVAL FOR LONG-TERM CARE

Article 12 (Eligibility for Application for Long-Term Care)

Persons eligible for filing an application for approval for long-term care are senior citizens and shall meet any of the following eligibility requirements:

1. The insured of long-term care insurance or a dependent to the insured of long-term care insurance;
2. A beneficiary under Article 3 (1) of the Medical Care Assistance Act (hereinafter referred to as "recipient of medical benefits").

Article 13 (Application for Approval for Long-Term Care)

- (1) A person who files an application (hereinafter referred to as "applicant") for approval for long-term care (hereinafter referred to as "application") with the NHIS, shall submit the application along with a referral issued by a medical doctor or an oriental medicine doctor (hereinafter referred to as "medical doctor's referral"), as prescribed by Ordinance of the Ministry of Health and Welfare: Provided, That a medical doctor's referral may be submitted up until the NHIS submits data to the assessment committee pursuant to Article 15 (1).
- (2) Notwithstanding paragraph (1), persons specified by Presidential Decree, such as persons who are unable to move around freely or persons, etc. who have difficulty in getting access to a medical institution because they reside in an island or a remote area, need not submit a medical doctor's referral.
- (3) Fees for issuing a medical doctor's referral, the method of allocation of such fees, the scope of issuers, and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 14 (Investigation of Application for Approval for Long-Term Care)

- (1) Upon receipt of an application pursuant to Article 13 (1), the NHIS shall have its employees investigate the following matters, as prescribed by Ordinance of the Ministry of Health and Welfare: Provided, That where it is impracticable to conduct an investigation directly due to geographical circumstances, etc. or where it is deemed necessary for investigations, the NHIS may request the competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu (Gu means an autonomous Gu; hereinafter the same shall apply) to conduct an investigation on its behalf or conduct a joint investigation: <Amended by Act No. 12067, Aug. 13, 2013>
 1. Mental and physical status of the applicant;
 2. Types and details of long-term care benefits that the applicant needs;
 3. Other matters specified by Ordinance of the Ministry of Health and Welfare as necessary for long-term care.
- (2) The NHIS shall endeavor to ensure that at least two of its employees investigate the matters referred to in the subparagraphs of paragraph (1). <Newly Inserted by Act No. 15881, Dec. 11, 2018>

- (3) A person engaged in an investigation pursuant to paragraph (1) shall give prior notice of the date and time, place of investigation and personal information on the person in charge of such investigation to the applicant.
- (4) Upon completion of an investigation, the NHIS or the Special Self-Governing City, a Special Self-Governing Province, or a Si/Gun/Gu in receipt of the investigation pursuant to the proviso of paragraph (1), shall prepare a report on the investigation findings. The Special Self-Governing City, Special Self-Governing Province or Si/Gun/Gu in receipt of the investigation shall without delay submit a report on the investigation findings to the NHIS. <Amended by Act No. 12067, Aug. 13, 2013>

Article 15 (Assessment for Long-Term Care)

- (1) Upon completion of an investigation under Article 14, the NHIS shall submit a report on the investigation findings, the relevant application, a medical doctor's note, and other data necessary for examination to the competent assessment committee. <Amended by Act No. 14215, May 29, 2016>
- (2) If the assessment committee finds that an applicant meets the eligibility requirements for application under Article 12 and has difficulties in independent daily life for at least six months, it shall determine the applicant as a beneficiary based on the standards for assessment prescribed by Presidential Decree concerning mental and physical conditions, long-term care needs level, etc. <Amended by Act No. 14215, May 29, 2016>
- (3) If the assessment committee examines and assesses long-term care needs pursuant to paragraph (2), it may hear opinions of the persons concerned, such as the applicant, his/her family members, and the medical doctor who has issued the doctor's note.
- (4) The NHIS shall investigate the matters referred to in the subparagraphs of Article 14 (1) and submit the findings to the assessment committee if a person who is receiving or eligible to receive a long-term care benefit is suspected of any of the following: <Newly Inserted by Act No. 15881, Dec. 11, 2018>
 - 1. Having obtained approval of his/her eligibility for long-term care by fraud or other improper means;
 - 2. Having obtained approval of his/her eligibility for long-term care by causing an accident intentionally or as a result of his/her wrongdoing.

- (5) The assessment committee may adjust the rating of a beneficiary and determine whether an applicant is an eligible beneficiary pursuant to paragraph (2) based on the investigation findings submitted under paragraph (4). <Newly Inserted by Act No. 15881, Dec. 11, 2018; Act No. 17173, Mar. 31, 2020>

Article 16 (Period of Assessment for Long-Term Care)

- (1) Each assessment committee shall complete assessment for long-term care under Article 15 within 30 days from the day on which an applicant files an application: Provided, That the period may be extended within the maximum of 30 days, if a thorough investigation into an applicant is required or exceptional circumstances make it impossible to complete assessment within the prescribed period.
- (2) The NHIS shall, if the assessment committee intends to extend the periods of examination on approval and assessment for long-term care pursuant to the proviso of paragraph (1), notify the relevant applicant or his/her agent of details and grounds for such extension and the extended period.

Article 17 (Letter of Approval for Long-Term Care)

- (1) Upon completion of examination on approval and assessment for long-term care by the assessment committee, the NHIS shall without delay prepare a letter of approval for long-term care with the following matters described therein and dispatch it to the beneficiary:
1. Long-term care rating;
 2. Types and details of long-term care benefits;
 3. Matters specified by Ordinance of the Ministry of Health and Welfare concerning long-term care benefits.
- (2) Upon completion of examination on approval and assessment for long-term care by the assessment committee, the NHIS shall notify of details of, and grounds for, such determination to each applicant who is determined as an ineligible beneficiary. In such cases, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (the head of a Gu means the head of an autonomous Gu; hereinafter the same shall apply) may request the NHIS to notify such details and grounds, and the NHIS so requested shall comply with the request. <Amended by Act No. 12067, Aug. 13, 2013>

- (3) When the NHIS sends a letter of approval for long-term care pursuant to paragraph (1), it shall prepare a standard plan for the use of long-term care within the extent of the monthly cap under Article 28 and dispatch the plan along with the letter of approval so that long-term care benefits can be used efficiently.
- (4) Necessary matters concerning the methods of preparation of letters of approval for long-term care and a standard plan for the use of long-term care under paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 18 (Matters to Be Considered in Preparation of Letters of Approval for Long-Term Care)

The NHIS shall take the following matters into consideration, when it determines the type and details of long-term care benefits pursuant to Article 17 (1) 2 in preparing letters of approval for long-term care:

1. The beneficiary's rating of long-term care and his/her living environment;
2. Needs and choices of the beneficiary and his/her family members;
3. Current status of facilities operated by the relevant long-term care institution, if such facilities are provided as benefits.

Article 19 (Effective Period of Approval for Long-Term Care)

- (1) The effective period of the approval for long-term care under Article 15 shall be at least one year and shall be prescribed by Presidential Decree.
- (2) The method of calculating the effective period under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 20 (Renewal of Approval for Long-Term Care)

- (1) A beneficiary, who intends to continue to receive long-term care benefits after the effective period of the approval for long-term care under Article 19 terminates, shall file an application for renewal of approval for long-term care.
- (2) An application for renewal of approval for long-term care under paragraph (1) shall be filed at least 30 days before the end of the effective period.

- (3) Articles 12 through 19 shall apply mutatis mutandis to the procedure for renewal of approval for long-term care.

Article 21 (Change of Rating for Long-Term Care)

- (1) A beneficiary who receives long-term care benefits shall, if he/she intends to have the rating for long-term care or the type or details of long-term care benefits changed when receiving long-term care benefits, file an application for such change with the NHIS.
- (2) Articles 12 through 19 shall apply mutatis mutandis to procedures for change of a rating for long-term care.

Article 22 (Filing of Application for Approval for Long-Term Care through Agent)

- (1) If a person who intends to receive long-term care benefits or a beneficiary is unable to file an application for approval for long-term care, for renewal of approval for long-term care, or for change of the rating for long-term care in accordance with this Act on his/her own due to a physical or mental condition, one of his/her family members or relatives or any other interested party may act as his/her agent in filing such an application.
- (2) Any of the following persons may file an application on behalf of a person intending to receive a long-term care benefit or a beneficiary, who is unable to file an application for approval for long-term care, etc. under paragraph (1) in person, among residents in his/her jurisdiction, with the consent of such person or any family member of such person: <Amended by Act No. 16369, Apr. 23, 2019>
1. A public official exclusively in charge of social welfare assigned under Article 43 of the Act on the Use and Provision of Social Security Benefits and Search for Eligible Beneficiaries;
 2. The head of a dementia care center established under Article 17 of the Dementia Management Act (limited to cases where a person who intends to receive a long-term care benefit or a beneficiary is a dementia patient defined in subparagraph 2 of Article 2 of the same Act).

- (3) Notwithstanding paragraphs (1) and (2), where a person who intends to receive long-term care benefits or a beneficiary is unable to file an application for approval for long-term care or any other application under paragraph (1), a person designated by the competent Special Self-Governing Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu may act as an agent for such a person or beneficiary in filing the application. <Amended by Act No. 12067, Aug. 13, 2013>
- (4) Matters necessary for the methods of, and procedures for, etc. filing an application for approval for long-term care or any other application under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

CHAPTER IV TYPES OF LONG-TERM CARE BENEFITS

Article 23 (Types of Long-Term Care Benefits)

- (1) Types of long-term care benefits provided under this Act are as follows: <Amended by Act No. 10785, Jun. 7, 2011; Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018>
 1. Benefits for home care service:
 - (a) Home visit care: Long-term care benefits provided in a manner that a long-term care worker visits a beneficiary's home, etc. to support the beneficiary's physical activities, household chores, etc.;
 - (b) Home visit bathing: Long-term care benefits provided in a manner that a long-term care worker visits a beneficiary's home, etc. to give bath services to the beneficiary using bathing equipment;
 - (c) Home visit nursing: Long-term care benefits provided in a manner that a nurse who is a long-term care worker visits a beneficiary's home, etc. to provide nursing services, assist in medical treatment, give counsel on care, or treat dental hygiene, etc. in accordance with a written instruction of a medical doctor, an oriental medicine doctor, or a dentist (hereinafter referred to as "written instruction for home visit nursing");
 - (d) Day and night care: Long-term care benefits provided in a manner that a beneficiary is admitted to a long-term care institution for care for certain hours a day to receive educational or training programs, etc. for supporting his/her physical activities or for maintaining and improving mental and physical functions;

- (e) Short-term respite care: Long-term care benefits provided in a manner that a beneficiary is admitted to a long-term care institution for care for a certain period within the maximum prescribed by Ordinance of the Ministry of Health and Welfare to receive educational or training programs, etc. for supporting his/her physical activities or for maintaining and improving mental and physical functions;
 - (f) Other benefits for home care services: Long-term care benefits prescribed by Presidential Decree provided in a manner that a beneficiary is provided with devices necessary to support his/her daily life and physical activities or to maintain and improve cognitive functions or with assistance for rehabilitation by home visit;
- 2. Institutional care benefits: Long-term care benefits provided in a manner that a beneficiary is admitted to a long-term care institution for a long term period to receive educational or training programs, etc. for supporting his/her physical activities or for maintaining and improving mental and physical functions;
- 3. Care allowances for special cases:
 - (a) Family care benefits in cash: Long-term care benefits reimbursed for family pursuant to Article 24;
 - (b) Exceptional care benefits in cash: Special long-term care benefits reimbursed pursuant to Article 25;
 - (c) Nursing expenses of a long-term care hospital: Long-term care benefits reimbursed for admission to a long-term care hospital pursuant to Article 26.
- (2) Necessary matters concerning types of, and standards for, long-term care institutions eligible for providing long-term care benefits pursuant to paragraph (1) 1 and 2 and the scope, duties and refresher education of long-term care workers for each type of long-term care benefit shall be prescribed by Presidential Decree.
- (3) The standards and procedures for, and the method and scope of, providing long-term care benefits shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 24 (Family Care Benefits in Cash)

- (1) Where any of the following beneficiaries has received long-term care benefits equivalent to home visit care defined in Article 23 (1) 1 (a) from his/her family member, etc., the NHIS may provide the beneficiary with a family care benefit in cash in accordance with guidelines prescribed by Presidential Decree: <Amended by Act No. 16244, Jan. 15, 2019>

1. A person who resides in an area determined and publicly notified by the Minister of Health and Welfare as an area in which long-term care institutions are significantly insufficient, such as an island or secluded area;
 2. A person recognized by the Minister of Health and Welfare as having difficulty in receiving long-term benefits provided by long-term care institutions due to a natural disaster or any other reason similar thereto;
 3. A person who needs to receive long term care from his/her family members, etc. on the grounds specified by Presidential Decree, such as physical or mental condition or personality.
- (2) Procedures for reimbursement of family care benefits in cash under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 25 (Exceptional Care Benefits in Cash)

- (1) If a beneficiary has received long-term care benefits equivalent to home care or institutional care benefits from a senior citizen care facility or any similar institution or facility other than long-term care institutions, the NHIS may reimburse some expenses incurred in receiving the relevant long-term care benefits to the beneficiary as exceptional care benefits in cash, in accordance with guidelines prescribed by Presidential Decree. <Amended by Act No. 16244, Jan. 15, 2019>
- (2) The scope of institutions or facilities eligible for recognition of long-term care benefits under paragraph (1), procedures for reimbursement of exceptional care benefits in cash, and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 26 (Nursing Expenses of Long-Term Care Hospitals)

- (1) If a beneficiary is admitted to a long-term care hospital referred to in Article 3 (2) 3 (d) of the Medical Service Act, the NHIS may reimburse the beneficiary for some expenses incurred for long-term care as nursing expenses in the long-term care hospital, in accordance with guidelines prescribed by Presidential Decree. <Amended by Act No. 9386, Jan. 30, 2009; Act No. 10785, Jun. 7, 2011>
- (2) Procedures for reimbursement of nursing expenses in long-term care hospitals under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

CHAPTER V PROVISION OF LONG-TERM CARE BENEFITS

Article 27 (Provision of Long-Term Care Benefits)

- (1) A beneficiary becomes eligible for long-term care benefits on the day on which a letter of approval for long-term care under Article 17 (1) and a standard plan for the use of long-term care under Article 17 (3) is served on the beneficiary. <Amended by Act No. 15881, Dec. 11, 2018>
- (2) Notwithstanding paragraph (1), if a beneficiary has no family member who can take care of him/her or if any reason specified by Presidential Decree exists, the beneficiary becomes eligible for long-term care benefits even during the period from the day on which an application is filed to the day on which a letter of approval for long-term care is served.
- (3) A beneficiary shall present a letter of approval for long-term care and a standard plan for the use of long-term care to a long-term care institution in order to receive a long-term care benefit: Provided, That if the beneficiary is unable to present a letter of approval for long-term care and a standard plan for the use of long-term care, the long-term care institution may confirm his/her eligibility and other relevant matters by making a call to the NHIS, over the NHIS website or by other means. <Newly Inserted by Act No. 15881, Dec. 11, 2018>
- (4) A long-term care institution shall prepare a plan for providing long-term care benefits based on a letter of approval for long-term care and a standard plan for the use of long-term care presented by a beneficiary under paragraph (3) and shall notify the NHIS of the details of the plan with the consent of the beneficiary. <Newly Inserted by Act No. 15881, Dec. 11, 2018>
- (5) Detailed matters concerning the scope of, and the procedure for, approval for long-term care benefits under paragraph (2), the procedure for preparing plans for providing long-term care benefits under paragraph (4), and other relevant matters shall be prescribed by Presidential Decree. <Amended by Act No. 15881, Dec. 11, 2018>

Article 27-2 (Account for Receipt of Care Allowance for Special Cases)

- (1) The NHIS shall pay care allowance for special cases into a bank account opened in the name of a beneficiary (hereinafter referred to as "account for receipt of care allowance for special cases") upon request of the beneficiary: Provided, That when it is impracticable to transfer to an account for receipt of care allowance for special cases due to communication failure or other unavoidable reason prescribed by Presidential Decree, care allowance for special cases may be paid in cash or by other means prescribed by Presidential Decree.
- (2) A financial institution which opens accounts for receipt of care allowance for special cases shall ensure that only care allowance for special cases are transferred to such accounts.
- (3) The methods of and procedures for request under paragraph (1) and matters necessary to operate accounts for receipt of care allowance for special cases under paragraph (2) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 14321, Dec. 2, 2016]

Article 28 (Monthly Cap of Long-Term Care Benefits)

- (1) Long-term care benefits shall be provided within the extent of a monthly cap. In such cases, the monthly cap shall be calculated by taking into consideration the rating for long-term care, the type of long-term care benefits, etc.
- (2) The guidelines for, and the methods of, calculation of the monthly cap pursuant to paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 28-2 (Prohibition of Services Other than Benefits)

- (1) Neither a beneficiary nor a long-term care institution shall request or provide any of the following services (hereinafter referred to as "services other than benefits") when the beneficiary is provided with or the long-term care institution provides long-term care benefits:
 1. Services only for a family member of the beneficiary;
 2. Services assisting the beneficiary or his/her family member in making a living;
 3. Other services for the daily life activities the beneficiary can perform without any difficulty.

- (2) Other detailed matters concerning the scope of services other than benefits, etc. shall be prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 15881, Dec. 11, 2018]

Article 29 (Limitations on Long-Term Care Benefits)

- (1) Where a person who is receiving a long-term care benefit evades an investigation conducted under Article 15 (4), does not comply with a request made under Article 60, or refuses to reply under Article 61 without good cause, the NHIS may require the long-term care benefit to be fully or partially discontinued. <Amended by Act No. 17173, Mar. 31, 2020>
- (2) If a person who is receiving or eligible to receive a long-term care benefit is found to have participated in a long-term care institution's receiving expenses for long-term care benefits by fraud or other improper means, the NHIS may suspend his/her long-term care benefit or may limit the number of times and the duration for which the long-term care benefit is provided, within a period not exceeding one year. <Newly Inserted Act No. 17173, Mar. 31, 2020>
- (3) The standards for suspension and limitations on long-term care benefits under paragraph (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Newly Inserted Act No. 17173, Mar. 31, 2020>

[This Article Wholly Amended by Act No. 15881, Dec. 11, 2018]

Article 30 (Application Mutatis Mutandis to Limitations on Long-Term Care Benefits)

@Article 53 (1) 4 and (2) through (6), and Articles 54 and 109 (10) of the National Health Insurance Act shall apply mutatis mutandis to limitations on, and the suspension of, long-term care benefits to persons who default payment of insurance contribution under this Act. In such cases, "the insured" shall be construed as "the insured of long-term care insurance", "insurance benefit" as "long-term care benefit". <Amended by Act No. 11141, Dec. 31, 2011; Act No. 17173, Mar. 31, 2020>

CHAPTER VI LONG-TERM CARE INSTITUTIONS**Article 31 (Designation of Long-Term Care Institutions)**

- (1) A person who intends to operate a long-term care institution that provides benefits for home care services prescribed in Article 23 (1) 1 or institutional care benefits referred to in Article 23 (1) 2 shall obtain a designation from a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu who has jurisdiction over the location of the institution after having the facilities and personnel necessary for long-term care prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 12067, Aug. 13, 2013; Act No. 15881, Dec. 11, 2018; Act No. 17173, Mar. 31, 2020>
- (2) An establishment that can be designated as a long-term care institution under paragraph (1) shall be an establishment prescribed by Presidential Decree from among the welfare facilities for senior citizens listed in Article 31 of the Welfare of Senior Citizens Act. <Amended by Act No. 17173, Mar. 31, 2020>
- (3) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall examine the following matters in designating a long-term care institution pursuant to paragraph (1). In such cases, the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of the Si/Gun/Gu may request relevant materials from the NHIS or may hear its opinion: <Newly Inserted by Act No. 15881, Dec. 11, 2018; Act No. 17173, Mar. 31, 2020>
 1. A history of long-term care benefits provided by a person who intends to operate a long-term care institution;
 2. Details of administrative dispositions imposed pursuant to this Act on a person who intends to operate a long-term care institution and long-term care workers;
 3. A plan for operating a long-term care institution;
 4. Regional characteristics, such as the number of senior citizen population and demand for long-term care benefits in the relevant region;
 5. Other matters prescribed by the Special Self-Governing City Mayor, the Special Self-Governing Province Governor, or the head of the Si/Gun/Gu as deemed necessary for designating long-term care institutions.

- (4) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu designates a long-term care institution pursuant to paragraph (1), he/she shall, without delay, notify the NHIS of the details of designation. <Amended by Act No. 12067, Aug. 13, 2013>
- (5) Where a long-term care institution established and operated by a person other than a medical institution that provides benefits for home care services defined in Article 23 (1) 1 provides home visit nursing, the long-term care institution shall hire a nurse as the responsible personnel for home visit nursing. <Newly Inserted by Act No. 15881, Dec. 11, 2018>
- (6) The procedure for designation of long-term care institutions and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 15881, Dec. 11, 2018>

Article 32 Deleted. <by Act No. 15881, Dec. 11, 2018>

Article 32-2 (Grounds for Disqualification)

None of the following persons can be designated as a long-term care institution under Article 31: <Amended by Act No. 15443, Mar. 13, 2018; Act No. 15881, Dec. 11, 2018>

1. A minor, or a person under adult guardianship or under limited guardianship;
2. A mentally ill person defined in subparagraph 1 of Article 3 of the Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients: Provided, That this shall not apply to a person whom a specialized medical doctor deems appropriate to engage in establishing and operating a long-term care institution;
3. A person addicted to narcotics defined in subparagraph 1 of Article 2 of the Narcotics Control Act;
4. A person declared bankrupt but not yet reinstated;
5. A person in whose case five years have not passed yet since imprisonment without labor or a heavier punishment declared by a court was completely executed (or is deemed to have been completely executed) or exempted;
6. A person who was sentenced to the suspension of imprisonment without labor or a heavier punishment and is still in the period of suspension;

7. A corporation whose representative falls under any of subparagraphs 1 through 6.

[This Article Newly Inserted by Act No. 13647, Dec. 29, 2015]

Article 32-3 (Valid Period of Designation of Long-Term Care Institution)

The valid period of a long-term care institution designated under Article 31 is six years from the date of designation of the long-term care institution.

[This Article Newly Inserted by Act No. 15881, Dec. 11, 2018]

Article 32-4 (Renewal of Designation of Long-Term Care Institution)

- (1) The head of a long-term care institution who intends to remain designated as such even after the valid period of designation under Article 32-3 ends shall apply for renewal of the designation with a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu having jurisdiction over the long-term care institution within 90 days prior to the expiration of the valid period of the designation.
- (2) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu in receipt of an application for renewal under paragraph (1) may request additional materials from the applicant long-term care institution or require a subordinate public official to conduct an on-site examination, if deemed necessary for examining the application for renewal.
- (3) Where the renewal of designation under paragraph (1) is not completed within the valid period of the designation, such designation is deemed to be valid until a decision on the relevant application is made after examination.
- (4) After having examined an application for renewal, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall without delay notify the head of the relevant long-term care institution of the result of examination.
- (5) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu refuses to renew designation, Article 37 (2) and (5) shall apply mutatis mutandis to the notification of details and measures to protect the rights and interests of beneficiaries.

- (6) Other necessary matters for the criteria for the renewal of designation, the renewal procedure and method, etc. shall be prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 15881, Dec. 11, 2018]

Article 33 (Changes in Facilities or Human Resources of Long-Term Care Institutions)

- (1) To change significant matters prescribed by Ordinance of the Ministry of Health and Welfare, such as facilities or human resources, the head of a long-term care institution shall obtain a changed designation from the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Health and Welfare.
- (2) To change any matter other than the matters referred to in paragraph (1), the head of a long-term institution shall report such change to the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Health and Welfare.
- (3) After issuing a changed designation under paragraph (1) or receiving a report on change under paragraph (2), a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall without delay notify the NHIS thereof.

[This Article Wholly Amended by Act No. 15881, Dec. 11, 2018]

Article 34 (Providing Information on Long-Term Care Institutions)

- (1) Each long-term care institution shall publish records of its current status, such as details of benefits provided by the long-term care institution and its facilities, human resources, etc. on the website operated by the NHIS in order to help each beneficiary easily choose long-term care benefits and assure the quality of benefits provided by the long-term care institution.
- (2) The details and methods of, and procedures for, the publication under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 35 (Obligations of Long-Term Care Institutions)

- (1) No long-term care institution shall, upon receiving an application for long-term care benefits from a beneficiary, refuse to provide long-term care benefits to the beneficiary: Provided, That the foregoing shall not apply if the long-term care institution is filled to capacity or if any other good cause exists.
- (2) A long-term care institution shall provide long-term care benefits in compliance with the standards and procedure for, and the method of, providing long-term benefits prescribed in Article 23 (3).
- (3) The head of a long-term care institution shall issue a statement of expenses for long-term care benefits to the beneficiary who has received such long-term care benefits.
- (4) The head of a long-term care institution shall keep and manage records on the provision of long-term care benefits, and neither the head nor an employee of a long-term care institution shall prepare any false document about the provision of a long-term care benefit. <Newly Inserted by Act No. 10127, Mar. 17, 2010; Act No. 13647, Dec. 29, 2015>
- (5) No long-term care institution shall, for its profit, exempt or reduce a payment made by a beneficiary for home care benefits and institutional care benefits (hereinafter referred to as "beneficiary's copayment"), in addition to the amount exempted under the proviso of Article 40 (1) or abated under Article 40 (3). <Newly Inserted by Act No. 12067, Aug. 13, 2013; Act No. 15881, Dec. 11, 2018>
- (6) No person shall introduce, refer, or solicit a beneficiary to a long-term care institution or instigate another person to commit such an act by offering or promising to offer money, goods, labor, entertainment, or any other benefits, for profit-making. <Newly Inserted by Act No. 12067, Aug. 13, 2013>
- (7) A statement of expenses for long-term care benefits under paragraph (3), details of records on the provision of long-term care benefits to be recorded and managed pursuant to paragraph (4) and the period of retaining such records, and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 10127, Mar. 17, 2010; Act No. 12067, Aug. 13, 2013>

Article 35-2 (Financial Accounting Standards for Long-Term Care Institutions)

- (1) The head of a long-term care institutions shall operate the long-term care institution in a transparent manner in accordance with the financial and accounting standards prescribed by Ordinance of the Ministry of Health and Welfare (hereinafter referred to as the "financial accounting standards for long-term care institutions"): Provided, That the financial accounting standards under Article 34 (3) of the Social Welfare Services Act shall apply to the social welfare facilities established pursuant to Article 34 of the aforesaid Act, among long-term care institutions.
- (2) The Minister of Health and Welfare shall consider characteristics of each long-term care institution, the timing for enforcement, etc. when he/she formulates the financial accounting standards for long-term care institutions.

[This Article Newly Inserted by Act No. 14215, May 29, 2016]

Article 35-3 (Human Rights Education)

- (1) A person who operates the long-term care institution prescribed by Presidential Decree and employees thereof shall undergo education on human rights (hereafter in this Article referred to as "human rights education"). <Amended by Act No. 15881, Dec. 11, 2018>
- (2) A person who operates the long-term care institution prescribed by Presidential Decree may offer human rights education to beneficiaries using his/her institution. <Amended by Act No. 15881, Dec. 11, 2018>
- (3) The Minister of Health and Welfare may designate a human rights education institute to efficiently provide human rights education under paragraphs (1) and (2). In such cases, expenses for human rights education may be subsidized within budgetary limits, and the designated education institute may collect charges from the persons subject to human rights education upon approval from the Minister of Health and Welfare.
- (4) Where a human rights education institute designated pursuant to paragraph (3) falls under any of the following, the Minister of Health and Welfare may revoke the designation or order the institute to suspend its operation for up to six months: Provided, That if the institute falls under subparagraph 1, the designation shall be revoked:
 1. Where the institute is designated by fraud or other improper means;
 2. Where the institute ceases to meet designation requirements prescribed by Ordinance of the Ministry of Health and Welfare under paragraph (5);

3. Where it is deemed that the institute lacks capabilities to provide human rights education.
- (5) Necessary matters regarding persons subject to and curricula and methods of human rights education under paragraphs (1) and (2), designation of the institute under paragraph (3) and criteria for revocation of designation and suspension of operation of the institute under paragraph (4) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 15443, Mar. 13, 2018]

Article 35-4 (Protection of Long-Term Care Workers)

- (1) Where a long-term care worker requests a remedy to solve a grievance on any of the following grounds, the head of a long-term care institution shall take proper measures, such as changing his/her duties, as prescribed by Presidential Decree:
 1. Where a beneficiary or his/her family member perpetrates a verbal abuse, physical assault, sexual harassment, or sexual violence against the long-term care worker or causes bodily injury to the long-term care worker;
 2. Where a beneficiary or his/her family member asks the long-term care worker to provide services other than benefits referred to in the subparagraphs of Article 28-2 (1).
- (2) The head of a long-term care institution shall not ask a long-term care worker to do any of the following acts:
 1. Providing services other than benefits referred to in the subparagraphs of Article 28-2 (1);
 2. Making a full or partial payment of a beneficiary's copayment.

[This Article Newly Inserted by Act No. 15881, Dec. 11, 2018]

Article 35-5 (Purchase of Insurance)

- (1) A long-term care institution may purchase insurance (hereinafter referred to as "professional liability insurance") that provides coverage for legal liability for damages due to injuries to beneficiaries or other damage or loss to such beneficiaries, which may arise while its employees offer long-term care benefits.
- (2) Where a long-term care institution fails to purchase professional liability insurance, the NHIS may reduce some expenses for the long-term care benefits it pays to the long-term care institution under Article 38 for the period not covered by the professional liability insurance.

- (3) Matters necessary for the standards for reducing expenses for long-term care benefits under paragraph (2), etc. shall be prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 16369, Apr. 23, 2019]

Article 36 (Reporting on Closure of Long-Term Care Institutions)

- (1) Where the head of a long-term care institution intends to close or suspend its business operations, he/she shall report it to the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu at least 30 days before the scheduled date of business closure or suspension. Upon receipt of such report, the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu shall without delay notify the NHIS thereof. <Amended by Act No. 12067, Aug. 13, 2013>
- (2) Where the head of a long-term care institution fails to apply for renewal of designation as required under Article 32-4 within 30 days before the expiration of the valid period of the designation, the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu shall notify the NHIS thereof. <Newly Inserted by Act No. 15881, Dec. 11, 2018>
- (3) Where the head of a long-term care institution intends to close or suspend its business operations or intends not to renew the designation thereof, he/she shall take the following measures to protect the rights and interests of beneficiaries, as prescribed by Ordinance of the Ministry of Health and Welfare: <Newly Inserted by Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018; Act No. 16369, Apr. 23, 2019>
 1. A measure formulating and implementing a plan for the beneficiaries who use the long-term care institution to choose and use another long-term care institution;
 2. A measure settling co-payments made by the beneficiaries to the long-term care institution under Article 40 (1) and (2), if any;
 3. Other measures prescribed by Ordinance of the Ministry of Health and Welfare as deemed necessary to protect the rights and interests of beneficiaries.

- (4) Where the head of a long-term care institution submits a report on closure or suspension of business operations pursuant to paragraph (1) or fails to apply for renewal of designation as required under Article 32-4 within 30 days before the expiration of the valid period, the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu shall confirm whether the head of the long-term care institution has taken measures for protecting rights and interests of beneficiaries in accordance with the subparagraphs of paragraph (3), and shall recommend the long-term care institution to withdraw the closure or suspension of business operations or to apply for renewal of designation, or shall take other measures, if it is anticipated that the closure or suspension of business operations will cause a serious problem in providing long-term care benefits due to the absence of alternative long-term care institutions nearby or due to other circumstances. <Amended by Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018; Act No. 16369, Apr. 23, 2019>
- (5) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu issues an order to a medical welfare facility for senior citizens or any similar facility (limited to cases where the facility concerned is operated by a long-term care institution) to suspend or close business operations pursuant to Article 43 of the Welfare of Senior Citizens Act, he/she shall without delay notify the NHIS of details of the order. <Amended by Act No. 12067, Aug. 13, 2013>
- (6) Where the head of a long-term care institution files a report on the closure or suspension of business operations pursuant to paragraph (1) or the valid period of designation expires due to his/her failure to apply for renewal of the designation of the long-term care institution, he/she shall transfer records relating to the provision of long-term care benefits to the NHIS, as prescribed by Ordinance of the Ministry of Health and Welfare: Provided, That the head of a long-term care institution who files a report on suspension may retain records relating to the provision of long-term care benefits under his/her custody upon approval of the NHIS by not later than the date before the scheduled date of suspension of business operations. <Newly Inserted by Act No. 10127, Mar. 17, 2010; Act No. 12067, Aug. 13, 2013; Act No. 15881, Dec. 11, 2018>

Article 36-2 (Corrective Order)

If a long-term care institution breaches financial accounting standards, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may order the long-term care institution to rectify the relevant breaches within a given period of not more than six months.

[This Article Newly Inserted by Act No. 14215, May 29, 2016]

Article 37 (Cancellation of Designation as Long-Term Care Institutions)

(1) In any of the following cases, the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu may cancel the designation of a long-term care institution or issue an order to suspend its business operations for a period not exceeding six months: Provided, That he/she shall cancel the designation in the case of subparagraph 1, 2-2, 3-5, 7, or 8: <Amended by Act No. 12067, Aug. 13, 2013; Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018; Act No. 17173, Mar. 31, 2020>

1. Where a long-term care institution obtains designation by fraud or other improper means;
- 1-2. Where a long-term care institution provides services other than benefits, in violation of Article 28-2: Provided, That the foregoing shall not apply where the head of a long-term care institution has not been negligent in exercising reasonable care and supervision over its business to prevent such violation;
2. Where a long-term care institution fails to meet the standards for the designation under Article 31 (1);
- 2-2. Where a long-term care institution falls under any subparagraph of Article 32-2: Provided, That the foregoing shall not apply where the representative of a corporation that falls under subparagraph 7 of Article 32-2 is replaced within three months thereafter;
3. Where a long-term care institution refuses to provide long-term care benefits, in violation of Article 35 (1);
- 3-2. Where a long-term care institution exempts or abates a beneficiary's co-payment, in violation of Article 35 (5);
- 3-3. Where a long-term care institution is involved in the introduction, referral, or solicitation of a beneficiary, or instigates a person to commit such an act, in violation of Article 35 (6);
- 3-4. Where a long-term care institution violates any subparagraph of Article 35-4 (2);

- 3-5. Where a long-term care institution fails to provide long-term care benefits for one year or more without reporting on the closure or suspension of business operations under Article 36 (1);
- 3-6. Where a long-term care institution fails to comply with a corrective order issued under Article 36-2 or commits accounting fraud;
- 3-7. Where a long-term care institution refuses, obstructs, or evades an evaluation conducted under Article 54 without good cause;
4. Where a long-term care institution claims expenses for benefits for home care services or institutional care benefits by fraud or other improper means;
5. Where a long-term care institution fails to comply with an order to submit records pursuant to Article 61 (2); submits false records; refuses, interferes with, or evades an inquiry or inspection; or provides a false response to such inquiry or inspection;
6. Where a worker, etc. of a long-term care institution commits any of the following: Provided, That the foregoing shall not apply where the head of a long-term care institution has not been negligent in exercising reasonable care and supervision over its business to prevent such violation:
 - (a) Committing assault and battery upon the body of a beneficiary or inflicting any injury upon a beneficiary;
 - (b) Committing sexual violence or sexual harrassment that leads to a sense of sexual shame upon a beneficiary;
 - (c) Abandoning a beneficiary under his/her custody or supervision or inadvertently neglecting basic protective measures, including sheltering, food, and clothing, or medical treatment;
 - (d) Using money or valuables donated or supplied for a beneficiary for any purpose other than the intended one;
 - (e) Emotional abuse harming the mental health of a beneficiary, such as verbal abuse, intimidation, and threat;
7. Where a long-term care institution provides long-term care benefits during a period of business suspension;
8. Where the business registration under Article 8 of the Value-Added Tax Act or the business registration or taxpayer code number under Article 168 of the Income Tax Act is canceled.

- (2) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu cancels designation or issues an order to suspend business operations pursuant to paragraph (1), he/she shall without delay notify the NHIS thereof and shall notify the Minister of Health and Welfare thereof as prescribed by Ordinance of the Ministry of Health and Welfare. In such cases, the head of a Si/Gun/Gu shall notify the Minister of Health and Welfare thereof via the competent Special Metropolitan City Mayor, Metropolitan City Mayor, or Do Governor. <Amended by Act No. 12067, Aug. 13, 2013>
- (3) and (4) Deleted. <by Act No. 15881, Dec. 11, 2018>
- (5) Where the designation of a long-term care institution is canceled or its business operations are suspended under paragraph (1), a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall actively endeavor to protect the rights and interests of the beneficiaries who use the long-term care institution. <Newly Inserted by Act No. 16369, Apr. 23, 2019>
- (6) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall take the following measures to protect the rights and interests of beneficiaries pursuant to paragraph (5), as prescribed by Ordinance of the Ministry of Health and Welfare: <Newly Inserted by Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018; Act No. 16369, Apr. 23, 2019>
1. A measure notifying the beneficiaries or their guardians of the details of the administrative disposition made under paragraph (1) by mail, via an information and communication network, or by other similar means;
 2. A measure that enables the beneficiaries who use the long-term care institution to choose and use another long-term care institution.
- (7) The head of a long-term care institution whose designation is canceled or whose business operations are suspended under paragraph (1) shall settle co-payments made by beneficiaries to the long-term care institution under Article 40 (1) and (2), if any. <Newly Inserted by Act No. 16369, Apr. 23, 2019>
- (8) None of the following persons can be designated as a long-term care institution under Article 31: <Amended by Act No. 12067, Aug. 13, 2013; Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018; Act No. 16369, Apr. 23, 2019>

1. A person (including the representative of a corporation, if the person is a corporation) in whose case three years have not passed yet since his/her designation was canceled pursuant to paragraph (1);
 2. A person (including the representative of a corporation, if the person is a corporation) whose business is suspended after an order to suspend business is issued pursuant to paragraph (1).
- (9) The guidelines for administrative dispositions pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 12067, Aug. 13, 2013; Act No. 15881, Dec. 11, 2018; Act No. 16369, Apr. 23, 2019>

Article 37-2 (Imposition of Penalty Surcharges)

- (1) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu issues an order for suspension of business to a long-term care institution for a violation specified in any subparagraph of Article 37 (1) (excluding Article 37 (1) 4), he/she may, if deemed that the suspension of business causes severe inconvenience to beneficiaries who use the relevant long-term care institution or if any extraordinary circumstance specified by the Minister of Health and Welfare exists, impose a penalty surcharge not exceeding 200 million won on the long-term care institution in lieu of the order for suspension of business: Provided, That the foregoing shall not apply where he/she issues an order for suspension of business for a violation specified in Article 37 (1) 6, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 15443, Mar. 13, 2018; Act No. 15881, Dec. 11, 2018>
- (2) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu is required to issue an order for suspension of business to a long-term care institution for a violation specified in Article 37 (1) 4, he/she may, if deemed that the suspension of business causes severe inconvenience to beneficiaries who use the relevant long-term care institution or if any extraordinary circumstance specified by the Minister of Health and Welfare exists, impose a penalty surcharge not exceeding five times the amount claimed by fraud or other improper means on the long-term care institution in lieu of the order for suspension of business. <Amended by Act No. 15443, Mar. 13, 2018; Act No. 15881, Dec. 11, 2018>

- (3) The amount of a penalty surcharge to be imposed by type and degree of violations subject to the imposition of penalty surcharges under paragraph (1) or (2), the procedure for the imposition of penalty surcharges, and other necessary matters shall be prescribed by Presidential Decree.
- (4) If a person upon whom a penalty surcharge has been imposed under paragraph (1) or (2) fails to pay it by the due date for payment, the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu shall collect it in the same manner as delinquent local taxes are collected.
- (5) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall keep and maintain records of the imposition and collection of penalty surcharges under paragraph (1) or (2), as prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 12067, Aug. 13, 2013]

Article 37-3 (Publication of Violations)

- (1) If a disposition made under Article 37 or 37-2 against a long-term care institution becomes final in either of the following cases on the ground that it filed a false claim for expenses for home care or institutional care benefits, the Minister of Health and Welfare, the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu shall publish the information specified by Presidential Decree, such as the violation, the details of the disposition, the name and address of the long-term care institution, the name of the head of the long-term care institution, and other information necessary to distinguish it from other long-term care institutions: Provided, That the foregoing shall not apply if publication is useless due to such reasons as closure of a long-term care institution: <Amended by Act No. 17173, Mar. 31, 2020>
 1. Where the amount of the false claim is at least 10 million won;
 2. Where the amount of the false claim is at least 10/100 of the total expenses for long-term care benefits.

- (2) If a disposition made under Article 37 or 37-2 against a long-term care institution becomes final on the grounds that it fails to comply with an order to submit data under Article 61 (2); submitted false data; refused, interfered with, or evaded an inquiry or inspection; or provided a false response, the Minister of Health and Welfare, the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu shall publish the information specified by Presidential Decree, such as the violation, the details of the disposition, the name and address of the long-term care institution, the name of the head of the long-term care institution, and other information necessary to distinguish it from other long-term care institutions: Provided, That the foregoing shall not apply if publication is useless due to such reasons as closure of a long-term care institution, or if a long-term care institution submits data or responds to an inquiry or inspection under Article 61 (2) before the violation and relevant information are published. <Newly Inserted by Act No. 17173, Mar. 31, 2020>
- (3) In order to deliberate on whether to publish information under paragraphs (1) and (2), the Minister of Health and Welfare, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may establish and operate a committee for deliberation on publication. <Amended by Act No. 17173, Mar. 31, 2020>
- (4) The methods of determining whether to publish information under paragraphs (1) and (2), the methods of and procedures for publication, and matters necessary for the establishment and operation of the committee for deliberation on publication under paragraph (3) shall be prescribed by Presidential Decree. <Amended by Act No. 17173, Mar. 31, 2020>

[This Article Newly Inserted by Act No. 12067, Aug. 13, 2013]

Article 37-4 (Succession to Effects of Administrative Dispositions)

- (1) The effects of an administrative disposition imposed for a violation specified in any subparagraph of Article 37 (1) (hereinafter referred to as "administrative disposition") are succeeded to by any of the following persons for three years from the date of imposition of the administrative disposition: <Amended by Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018>
 1. A transferee where a long-term care institution is transferred;
 2. A corporation newly incorporated as a consequence of a merger of corporations or surviving the merger, where corporate long-term care institutions are merged;

3. A person (including the representative of a corporation) who operates a long-term care institution at the place where the long-term care institution he/she has closed is located and who has been punished by an administrative disposition or his/her spouse or lineal relatives by blood.
- (2) If proceedings for an administrative disposition are pending, such proceedings may continue against any of the following persons: <Amended by Act No. 13647, Dec. 29, 2015>
1. A transferee, where a long-term care institution is transferred;
 2. A corporation newly incorporated as a consequence of a merger of corporations or surviving the merger, where corporate long-term care institutions are merged;
 3. A person (including the representative of a corporation) who operates a long-term care institution at the place where the long-term care institution he/she has closed is located within three years after the closure and who has committed the relevant violation or his/her spouse or lineal relatives by blood.
- (3) Notwithstanding paragraphs (1) and (2), the foregoing paragraphs shall not apply to a person specified in any subparagraph of paragraph (1) or (2) (hereinafter referred to as "transferee, etc."), if the person proves that he/she has become unaware of the administrative disposition or violation at the time of acquisition by transfer, merger, or operation.
- (4) A person who was punished by an administrative disposition or against whom proceedings for such disposition are pending shall without delay notify the transferee, etc. thereof, as prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 12067, Aug. 13, 2013]

Article 37-5 (Restriction on Provision of Long-Term Care Benefits)

- (1) If a worker of a long-term care institution participates in filing a claim for reimbursement of expenses for home care or institutional care benefits by fraud or other improper means, the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu may take measures to place restrictions on the worker's provision of long-term care benefits for a period of not more than one year.
- (2) When a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu take measures under paragraph (1), he/she shall notify the NHIS of details thereof, without delay.

- (3) The criteria for and methods of measures to be taken to restrict the provision of long-term care benefits, the methods of and procedure for the notification of such measures, and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 13647, Dec. 29, 2015]

CHAPTER VII EXPENSES FOR HOME CARE OR INSTITUTIONAL CARE BENEFITS

Article 38 (Claim and Reimbursement of Expenses for Home Care or Institutional Care Benefits)

- (1) Where a long-term care institution has provided a beneficiary with home care or institutional care benefits pursuant to Article 23, it shall file a claim for reimbursement of expenses for the long-term care benefits with the NHIS.
- (2) Upon receipt of a claim for reimbursement of expenses for home care or institutional care benefits from a long-term care institution pursuant to paragraph (1), the NHIS shall review the claim, notify the long-term care institution of its decision on the claim, and pay the NHIS' share of expenses incurred in providing long-term care (referring to an amount calculated by deducting a beneficiary's co-payment from expenses for home care or institutional care benefits) to the long-term care institution. <Amended by Act No. 16244, Jan. 15, 2019>
- (3) The NHIS may adjust expenses for long-term care benefits by adding or subtracting an amount based on the results of evaluating long-term care benefits provided by a long-term care institution under Article 54 (2).
- (4) Notwithstanding paragraph (2), where the NHIS finds, by its review on expenses for long-term care benefits, that a beneficiary's payment already made exceeds the beneficiary's payment notified under paragraph (2), the NHIS shall make a payment to the beneficiary after deducting the difference between the two amounts from the amount payable to the relevant long-term care institution. <Newly Inserted by Act No. 16244, Jan. 15, 2019>

- (5) The NHIS may offset an amount payable to a beneficiary under paragraph (4) against a long-term care insurance contribution payable by the beneficiary and other charges collected under this Act (hereinafter referred to as "long-term care insurance contributions, etc."). <Newly Inserted by Act No. 16244, Jan. 15, 2019>
- (6) A long-term care institution shall spend some of the reimbursement paid for expenses for long-term care benefits for personnel expenses for long-term care workers at the rate determined and publicly notified by the Minister of Health and Welfare. <Newly Inserted by Act No. 14215, May 29, 2016; Act No. 16244, Jan. 15, 2019>
- (7) If a long-term care institution fails to comply with an order to submit data under Article 61 (2), or refuses, interferes with, or evades an inquiry or inspection without good cause, the NHIS may defer the payment of expenses for long-term care benefits to the long-term care institution until such institution submits data or responds to such inquiry or inspection. In such cases, the NHIS shall give the long-term care institution an opportunity to present its opinion before deferring the payment of expenses for long-term care benefits. <Newly Inserted by Act No. 17173, Mar. 31, 2020>
- (8) The guidelines for the review of expenses for home care or institutional care benefits, the guidelines for the addition to or subtraction from expenses for long-term care benefits, the procedures for filing claims, the methods of payment, the procedures for and methods of deferment of payment, and other relevant matters under paragraphs (1) through (3) and (7) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 14215, May 29, 2016; Act No. 16244, Jan. 15, 2019; Act No. 17173, Mar. 31, 2020>

Article 39 (Calculation of Expenses for Home Care or Institutional Care Benefit)

- (1) Expenses for home care or institutional care benefits shall be determined and publicly notified by the Minister of Health and Welfare according to each type of benefits, each rating of long-term care, etc. subject to deliberation by the Long-Term Care Committee referred to in Article 45.
- (2) The Minister of Health and Welfare may, when he/she determines expenses for home care or institutional care benefits pursuant to paragraph (1), consider whether expenses for the establishment of a long-term care institution were subsidized by the State or a local government as prescribed by Presidential Decree.

- (3) Necessary matters concerning detailed methods of the calculation of expenses for home care or institutional care benefits under paragraph (1), items of such expenses, etc. shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 40 (Beneficiary's Co-payments)

- (1) A beneficiary shall make a payment of the expenses for benefits for home care services or institutional care benefits at either of the following rates: Provided, That the foregoing shall not apply to the beneficiaries referred to in Article 3 (1) 1 of the Medical Care Assistance Act: <Amended by Act No. 13647, Dec. 29, 2015; Act No. 16244, Jan. 15, 2019>
1. Benefits for home care services: 15/100 of expenses for relevant long-term care benefits;
 2. Institutional care benefits: 20/100 of expenses for relevant long-term care benefits.
- (2) A beneficiary shall make a full payment of the expenses for the following long-term care benefits:
1. Long-term care benefits excluded from the scope and coverage of the benefits under this Act;
 2. A difference between the amount of long-term care benefits a beneficiary has received and the amount of long-term care benefits based on the type and details described in the relevant letter of approval for long-term care under Article 17 (1) 2;
 3. Long-term care benefits exceeding the monthly cap of long-term care benefits under Article 28.
- (3) Any of the following persons may be eligible for reduction of their payments at a different rate up to 60/100, as determined by the Minister of Health and Welfare: <Amended by Act No. 9693, May 21, 2009; Act No. 10127, Mar. 17, 2010; Act No. 15537, Mar. 27, 2018; Act No. 15881, Dec. 11, 2018>
1. A recipient of medical benefits referred to in Article 3 (1) 2 through 9 of the Medical Care Assistance Act;
 2. A person whose income, property, etc. does not exceed an amount determined and publicly notified by the Minister of Health and Welfare: Provided, That such amount may be separately determined for persons who reside in an island, a remote area, a rural community, etc.;
 3. A person who suffers hardships in making a living due to a natural disaster or any cause or event specified by Ordinance of the Ministry of Health and Welfare.

- (4) Matters necessary for the method of calculating beneficiaries' payments and procedures for, and the methods of, abatement thereof under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9693, May 21, 2009; Act No.15537, Mar. 27, 2018; Act No. 15881, Dec. 11, 2018>

Article 41 (Compensation Payable to Family Members for Long-Term Care)

- (1) If a beneficiary has been provided with long-term care equivalent to home visit care referred to in Article 23 (1) 1 (a) by a family member or another person and if the total amount of long-term care benefits so provided does not exceed an amount determined and publicly notified by the Minister of Health and Welfare, the NHIS may reduce or exempt some of the beneficiary's co-payment or may take any other measure as a substitute for such reduction or exemption, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 15881, Dec. 11, 2018>
- (2) Necessary matters, such as the method, etc. of reduction and exemption of a beneficiary's co-payment pursuant to paragraph (1), shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 15881, Dec. 11, 2018>

Article 42 (Calculation of Expenses for Issuance of Written Instruction for Home Visit Nursing)

Necessary matters concerning expenses for the issuance of written instructions for home visit nursing under Article 23 (1) 1 (c), the method of allocation of such expenses, and the procedures for filing claims for reimbursement of such expenses and paying such expenses shall be prescribed by Ordinance of the Ministry of Health and Welfare.

Article 43 (Recovery of Unjust Enrichment or Unjust Profit)

- (1) In any of the following cases, the NHIS shall recover the amount equivalent to long-term care benefits or the expenses for the long-term care benefits from a person to whom the long-term care benefits have been provided: <Amended by Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018>
1. Where the person fails to satisfy any subparagraph of Article 15 (4) as the results of assessment under Article 15 (5);
 2. Where the person has received long-term care benefits in excess of the monthly cap referred to in Article 28;

3. Where the person has received long-term care benefits after the limitations are imposed pursuant to Article 29 or 30;
 4. Where the person has filed claims for expenses for home care or institutional care benefits by fraud or other improper means under Article 37 (1) 4 and received the reimbursement;
 5. Where the person has received long-term care benefits or the payment of expenses for long-term care benefits from the NHIS without any cause under this Act.
- (2) If long-term care benefits were provided based on a false report, certificate, or diagnosis in the case of paragraph (1), the NHIS may demand a person involved in the fraudulent act to pay the money recoverable pursuant to paragraph (1) jointly with the person who has received long-term care benefits.
- (3) In the case of paragraph (1), the NHIS may demand a person who belongs to the same household as the person who has received long-term care benefits by fraud or other improper means (referring to a person who supports a recipient of long-term care benefits or a person who has a duty to support a person who received long-term care benefits pursuant to any other statutes) to pay the money recoverable pursuant to paragraph (1) jointly with the recipient of long-term care benefits by fraud or other improper means.
- (4) In the case of paragraph (1), if a long-term care institution has received the payment of expenses for long-term care benefits from a beneficiary by fraud or other improper means, the NHIS shall recover the payment from the long-term care institution and return it to the beneficiary. In such cases, the NHIS may offset the amount payable to the beneficiary against long-term care insurance contributions, etc. payable by the beneficiary. <Amended by Act No. 16244, Jan. 15, 2019>

Article 44 (Right to Demand Reimbursement)

- (1) The NHIS shall, when it provides long-term care benefits to a beneficiary because a third party's act gives rise to a cause of providing long-term care benefits, acquire a right to demand the third party to reimburse it from damages within the maximum expenses incurred in such benefits.
- (2) In the case of paragraph (1), if the person who received long-term care benefits already collected damages from the third party, the NHIS shall not provide long-term care benefits within the maximum of damages collected.

CHAPTER VIII LONG-TERM CARE COMMITTEE

Article 45 (Establishment and Functions of Long-Term Care Committee)

The Minister of Health and Welfare shall have the Long-Term Care Committee under his/her control in order to have the Committee deliberate on the following matters:

1. Long-term care insurance contribution rates under Article 9 (2);
2. Standards for paying family care benefit in cash, exceptional care benefit in cash, and nursing expenses of long-term care hospitals pursuant to Articles 24 through 26;
3. Expenses for home care and institutional care benefits referred to in Article 39;
4. Other essential matters specified by Presidential Decree.

Article 46 (Composition of Long-Term Care Committee)

- (1) The Long-Term Care Committee shall be comprised of not less than 16, but not more than 22 members, including one Chairperson and one Vice Chairperson.
- (2) Committee members except the Chairperson shall be appointed or commissioned by the Minister of Health and Welfare, and the number of persons in a group under each of the following subparagraphs shall be equal:
 1. Persons, each of whom represents an employees' organization, an employers' organization, a non-governmental organization (referring to a non-profit, non-governmental organization under Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act), senior citizens' organization, an organization of farmers or fishers, or an organization of self-employed entrepreneurs;
 2. Persons, each of whom represents a long-term care institution or medical community;
 3. Public officials, each of whom belongs to an appropriate central administrative agency specified by Presidential Decree and is a member of the Senior Executive Service; persons, each of whom represents an academia or a research community related to long-term care; or persons recommended by the President of the NHIS.
- (3) The Vice Minister of Health and Welfare shall take the chair of the Committee, and the Vice Chairperson shall be appointed by the Chairperson from among the committee members.

- (4) The term of office for each member of the Long-Term Care Committee shall be three years: Provided, That the term of office for each public official serving as a committee member shall be the term of his/her service as a public official.

Article 47 (Operation of Long-Term Care Committee)

- (1) Meetings of the Long-Term Care Committee shall be duly formed with a majority of members present and shall adopt a resolution by an affirmative vote of a majority of members present at each meeting.
- (2) The Long-term Care Committee may have working committees for each area for efficient operation.
- (3) Except as provided in this Act, the composition and operation of the Long-Term Care Committee and other necessary matters shall be prescribed by Presidential Decree.

CHAPTER VIII-2 SUPPORT CENTERS FOR LONG-TERM CARE WORKERS

Article 47-2 (Establishment of Support Centers for Long-Term Care Workers)

- (1) The State and a local government may establish and operate a support center for long-term care workers in order to protect rights of long-term care workers. <Amended by Act No. 15881, Dec. 11, 2018>
- (2) A support center for long-term care workers shall provide the following services:
1. Counseling services and assistance as countermeasures against violations of rights of long-term care workers;
 2. Assistance in training programs for empowering long-term care workers;
 3. Programs for health management, including medical examination of long-term care workers;
 4. Other matters specified by Presidential Decree as necessary for services, etc. of long-term care workers.
- (3) Other matters necessary for the establishment, operation, etc. of support centers for long-term care workers shall be prescribed by ordinance of each local government in accordance with Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 14215, May 29, 2016]

CHAPTER IX INSTITUTION RESPONSIBLE FOR ADMINISTRATION AND OPERATION

Article 48 (Institution Responsible for Administration and Operation)

- (1) An institution responsible for the administration and operation of long-term care programs shall be the NHIS.
- (2) The functions of the NHIS shall be as follows: <Amended by Act No. 10127, Mar. 17, 2010; Act No. 15881, Dec. 11, 2018; Act No. 16244, Jan. 15, 2019>
 1. To manage eligibility for long-term care insurance of the insured and their dependents and recipients of medical benefits;
 2. To impose and collect long-term care insurance contributions;
 3. To investigate applicants;
 4. To operate assessment committees and to assess long-term care needs;
 5. To prepare letters of approval for long-term care and to issue standard plans for the use of long-term care;
 6. To control and evaluate long-term care benefits;
 7. To assist in the use of long-term care benefits, such as providing beneficiaries and their families with information, guidance, and counselling services;
 8. To review expenses for home care or institutional care benefits and to pay exceptional care benefits in cash;
 9. To verify details of long-term care benefits provided;
 10. To conduct surveys, research, and public relations activities on long-term care programs;
 11. To perform projects for preventing geriatric diseases;
 12. To impose and collect unjust enrichment or unjust profit under this Act;
 13. To establish and operate long-term care institutions for developing the criteria for the provision of long-term care benefits and for deliberating on the appropriateness of long-term care benefit expenses;
 14. Other functions entrusted by the Minister of Health and Welfare in conjunction with the long-term care programs.
- (3) The NHIS shall establish a long-term care institution under paragraph (2) 13 in consideration of the alleviation of the imbalance between regions in view of the population of senior citizens and local characteristics and shall operate the long-term care institution within the minimum extent for objectives of the establishment thereof. <Newly Inserted by Act No. 10127, Mar. 17, 2010; Act No. 13647, Dec. 29, 2015>

- (4) The NHIS's articles of incorporation under Article 17 of the National Health Insurance Act shall include and describe the following matters with regard to long-term care programs: <Amended by Act No. 10127, Mar. 17, 2010; Act No. 11141, Dec. 31, 2011>
1. Long-term care insurance contributions;
 2. Long-term care benefits;
 3. Budgeting and settlement of accounts for long-term care programs;
 4. Other matters specified by Presidential Decree.

Article 49 (NHIS' Organization for Long-Term Care Program of NHIS)

When the NHIS establishes regulations on the organization of the NHIS pursuant to Article 29 of the National Health Insurance Act, it shall separate organizations that shall undertake the long-term care program, independent of organizations that shall undertake health insurance: Provided, That the foregoing shall not apply to business affairs related to the management of eligibility and the imposition and collection of insurance contribution referred to in Article 48 (2) 1 and 2. <Amended by Act No. 11141, Dec. 31, 2011>

Article 50 (Accounting of Long-Term Care Program)

- (1) The NHIS shall install and operate separate accounts for the long-term care program.
- (2) The NHIS shall manage the funds for services of long-term care programs provided with financial resources of long-term care insurance contribution separately from the funds for the services of long-term care programs provided with financial resources of contributions from the State and local governments: Provided, That it does not need to separately manage the funds for the administration and operation.

Article 51 (Application Mutatis Mutandis to Delegation of Authority)

@Articles 32 and 38 of the National Health Insurance Act shall apply mutatis mutandis to the delegation of President's authority under this Act and reserves. In such cases, "insurance benefits" shall be construed as "long-term care benefits". <Amended by Act No. 11141, Dec. 31, 2011>

Article 52 (Establishment of Assessment Committee)

- (1) The NHIS shall have assessment committees to deliberate on approval for long-term care and assessment of long-term care needs.

- (2) An assessment committee shall be established in each Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu: Provided, That at least two assessment committees may be established in one Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu or one assessment committee may be established by two or more integrated local governments, such as a Special Self-Governing City, a Special Self-Governing Province, and Sis/Guns/Gus, taking into consideration the size of population and other relevant facts. <Amended by Act No. 12067, Aug. 13, 2013>
- (3) An assessment committee shall be comprised of 15 members, including one Chairperson.
- (4) Members of an assessment committee shall be commissioned by the President of the NHIS, from among the following persons. In such cases, at least seven members shall be recommended by the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu, and at least one medical doctor or oriental medicine doctor shall be included in each committee: <Amended by Act No. 12067, Aug. 13, 2013>
 1. Medical persons under the Medical Service Act;
 2. Social welfare workers under the Social Welfare Services Act;
 3. Public officials who belong to a Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu;
 4. Other persons who have abundant knowledge and experience in law or long-term care.
- (5) The term of office of each member of the assessment committee shall be three years, which can be renewed only once: Provided, That the term of office of a public official serving as a member shall be the term of his/her service as public official. <Amended by Act No. 15881, Dec. 11, 2018>

Article 53 (Operation of Assessment Committees)

- (1) The chairperson of each assessment committee shall be commissioned by the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu, from among committee members. In such cases, where one assessment committee is established by two or more integrated Special Self-Governing Cities, Special Self-Governing Provinces, or Sis/Guns/Gus under the proviso of Article 52 (2), the chairperson of such assessment committee shall be commissioned jointly by the competent Special Self-Governing City Mayors and Special Self-Governing Province Governors, and the heads of the competent Sis/Guns/Gus. <Amended by Act No. 12067, Aug. 13, 2013>

- (2) Meetings of each assessment committee shall be duly formed with a majority of members present and shall adopt a resolution by an affirmative vote of a majority of members present at the meeting.
- (3) Except as provided in this Act, the composition and operation of assessment committees and other necessary matters shall be prescribed by Presidential Decree.

Article 54 (Control and Evaluation of Long-Term Care Benefits)

- (1) The NHIS shall continuously control and evaluate details of long-term care benefits provided by each long-term care institution and endeavor to improve the quality of long-term care benefits.
- (2) The NHIS shall evaluate whether a long-term care institution has provided long-term care benefits appropriately in accordance with the standards, procedure, method, etc. of long-term care benefits prescribed in Article 23 (3) and may publish the results of the evaluation on its website and take other measures as may be necessary. <Amended by Act No. 13647, Dec. 29, 2015>
- (3) The methods of the evaluation of details of provided long-term care benefits and the publication of results of the evaluation pursuant to paragraph (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 13647, Dec. 29, 2015>

CHAPTER X FILING OBJECTION OR APPLICATION FOR EXAMINATION

Article 55 (Applications for Examination)

- (1) A person who is dissatisfied with a disposition made by the NHIS with regard to approval or rating for long-term care, long-term care benefits, unjust enrichment or unjust profit, expenses for long-term care benefits, or long-term care insurance contributions may apply for examination with the NHIS. <Amended by Act No. 15881, Dec. 11, 2018>

- (2) An application for examination under paragraph (1) shall be filed in writing (including an electronic document as defined in subparagraph 7 of Article 2 of the Electronic Government Act) within 90 days from the date on which a beneficiary becomes aware that the relevant disposition is made, and no application can be filed upon the expiration of 180 days from the date on which the relevant disposition is made: Provided, That a beneficiary may file an application for examination even after the expiration of the aforesaid period if the beneficiary proves that he/she was unable to file an application for examination within such period for good cause. <Amended by Act No. 15881, Dec. 11, 2018>
- (3) The NHIS shall establish a Long-Term Care Examination Committee (hereinafter referred to as the "Examination Committee") to deliberate on applications for examination filed under paragraph (1). <Amended by Act No. 15881, Dec. 11, 2018>
- (4) The composition and operation of the Examination Committee, the term of office of members of the Examination Committee, and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 15881, Dec. 11, 2018>

Article 56 (Applications for Reexamination)

- (1) A person who is dissatisfied with a decision on an application for examination filed under Article 55 may apply for reexamination with the Long-Term Care Reexamination Committee (hereinafter referred to as the "Reexamination Committee") within 90 days from the date of receipt of a notice of the decision. <Amended by Act No. 15881, Dec. 11, 2018>
- (2) The Reexamination Committee shall be under the control of the Minister of Health and Welfare and shall be comprised of not more than 20 members, including one Chairperson. <Amended by Act No. 15881, Dec. 11, 2018>
- (3) Members of the Reexamination Committee shall be appointed or commissioned by the Minister of Health and Welfare, from among appropriate public officials and persons who have abundant knowledge and experience in law or long-term care services. In such cases, non-public-official members shall comprise a majority of all members. <Amended by Act No. 15881, Dec. 11, 2018>
- (4) The composition and operation of the Reexamination Committee, the term of office of members, and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 15881, Dec. 11, 2018>

Article 56-2 (Relationship to Administrative Appeals)

- (1) The Administrative Appeals Act shall apply mutatis mutandis to the procedure for reexamination by the Reexamination Committee.
- (2) Where an application for reexamination filed under Article 56 is reexamined by the Reexamination Committee, no administrative appeal may be filed under the Administrative Appeals Act.

[This Article Newly Inserted by Act No. 15881, Dec. 11, 2018]

Article 57 (Administrative Litigation)

Any person who has an objection to a disposition made by the NHIS or who is dissatisfied with a decision on an application for examination filed under Article 55 or a decision on an application for reexamination filed under Article 56 may file an administrative litigation, as prescribed by the Administrative Litigation Act. <Amended by Act No. 15881, Dec. 11, 2018>

CHAPTER XI SUPPLEMENTARY PROVISIONS

Article 58 (The State's Subsidization)

- (1) The State shall annually provide the NHIS with an amount equivalent to 20/100 of the estimated revenue of long-term care insurance contributions as a subsidy within budgetary limits. <Amended by Act No. 16244, Jan. 15, 2019>
- (2) The State and a local government shall fully bear expenses that the NHIS shall otherwise bear for long-term care benefits for recipients of medical benefits, for the issuance of a medical doctor's referral, and for the issuance of written instructions for home visit nursing (including the expenses that the NHIS shall otherwise bear as a consequence of exemption or reduction granted pursuant to the proviso of Article 40 (1) or Article 40 (3) 1) and expenses for administration and operation, as prescribed by Presidential Decree.
- (3) The amount that each local government is required to bear pursuant to paragraph (2) shall be borne by the competent Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, Special Self-Governing Province, and Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 12067, Aug. 13, 2013>

- (4) The imposition and collection of the share of expenses borne by local governments pursuant to paragraphs (2) and (3), the management of the financial resources, and other necessary matters shall be prescribed by Presidential Decree.

Article 59 (Use of Electronic Documents)

- (1) All documents related to long-term care programs shall be recorded, managed, and preserved in electronic format, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 12067, Aug. 13, 2013>
- (2) The NHIS and each long-term care institution shall use electronic media or a method of exchanging electronic documents for filing an application for designation of a long-term care institution, filing claims for expenses for home care or institutional care benefits, and the payment for such claims. <Amended by Act No. 14215, May 29, 2016>
- (3) Notwithstanding paragraphs (1) and (2), it does not need to use electronic documents, electronic media, or a method of exchanging electronic documents in an area specified by the Minister of Health and Welfare as an area in which conditions of an information and communications network or facilities for information and communications service are bad.

Article 60 (Submission of Data)

- (1) The NHIS may, if deemed necessary for carrying out the long-term care program, such as the verification of details of long-term care benefits provided, the management and evaluation of long-term care benefits, and the calculation of long-term care insurance contribution, demand any of the following persons to submit data:
 1. The insured of long-term care insurance, a dependent of the insured, or a recipient of medical benefits;
 2. A beneficiary or a long-term care institution.
- (2) Any person who is requested to submit data pursuant to paragraph (1) shall comply with such request in good faith.

Article 61 (Reporting and Inspection)

- (1) The Minister of Health and Welfare, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may order any of the following persons to submit a report or data on remuneration, income, or any other matters specified by Ordinance of the Ministry of Health and Welfare or instruct subordinate public officials to inquire of the interested parties or inspect the relevant documents: <Amended by Act No. 12067, Aug. 13, 2013; Act No. 17173, Mar. 31, 2020>
 1. The insured of long-term care insurance;
 2. Dependent;
 3. Recipient of medical benefits.
- (2) The Minister of Health and Welfare, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may order either of the following persons to submit data relevant to long-term care benefits, such as details of long-term care benefits provided or instruct subordinate public officials to inquire of the interested parties or inspect the relevant documents: <Amended by Act No. 12067, Aug. 13, 2013; Act No. 14215, May 29, 2016; Act No. 17173, Mar. 31, 2020>
 1. Long-term care institution;
 2. Recipient of long-term care benefits.
- (3) The Minister of Health and Welfare, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may request administrative assistance from the NHIS if necessary to issue an order to submit a report or data or to efficiently perform the duty to make an inquiry or conduct an inspection under paragraphs (1) and (2). In such cases, the NHIS shall comply with such request unless special circumstances exist. <Newly Inserted by Act No. 17173, Mar. 31, 2020>
- (4) In cases of paragraph (1) or (2), public officials shall carry an identification certifying their authority and a document that states the matters specified by Ordinance of the Ministry of Health and Welfare, including the period and scope of inspection, the persons in charge of the inspection, and the relevant statutes, and present the document to interested parties. <Amended by Act No. 13647, Dec. 29, 2015; Act No. 17173, Mar. 31, 2020>

- (5) Except as provided in this Act, the provisions of the Framework Act on Administrative Investigations shall apply to the procedures for, and the methods, etc. of the inquiry or inspection under paragraphs (1) and (2). <Newly Inserted by Act No. 13647, Dec. 29, 2015; Act No. 17173, Mar. 31, 2020>
- (6) The procedures for and methods of administrative assistance under paragraph (3) and other necessary matters shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 17173, Mar. 31, 2020>

Article 62 (Prohibition of Divulgence of Confidential Information)

None of the following persons shall divulge confidential information known to him/her in the course of performing his/her duties: <Amended by Act No. 12067, Aug. 13, 2013>

1. A person who is working or has worked for a Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu, the NHIS, an assessment committee, or a long-term care institution;
2. A person who has provided benefits related to family care benefit in cash, exceptional care benefit in cash, or nursing expenses of long-term care hospitals pursuant to any provision of Articles 24 through 26.

Article 62-2 (Prohibition against Use of Similar Name)

No person other than persons who provide long-term care insurance services shall use "long-term care insurance" or any other similar phrase in an insurance contract or in the name of an insurance contract.

[This Article Newly Inserted by Act No. 15881, Dec. 11, 2018]

Article 63 (Hearings)

A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall hold a hearing to make any of the following dispositions or public notification: <Amended by Act No. 13647, Dec. 29, 2015>

1. To cancel the designation of a long-term care institution or to issue an order to suspend business operations pursuant to Article 37 (1);
2. Deleted; <by Act No. 15881, Dec. 11, 2018>

3. To publish violations or such pursuant to Article 37-3;
4. To restrict the provision of long-term care benefits pursuant to Article 37-5 (1).

[This Article Wholly Amended by Act No. 12067, Aug. 13, 2013]

Article 64 (Application Mutatis Mutandis to Prescription)

@Articles 91, 92, 96, 103, 104, 107, 111 and 112 of the National Health Insurance Act shall apply mutatis mutandis to the prescription, the calculation of a period, the supply of data, the supervision over the NHIS and others, the delegation or entrustment of authority, the entrustment of business affairs, the disposal of a fractional number, and other matters. In such cases, "insurance contribution" shall be construed as "long-term care insurance contribution", "insurance benefits" as "long-term care benefits", "care institution" as "long-term care institution", and "health insurance program" as "long-term care program". <Amended by Act No. 11141, Dec. 31, 2011>

Article 65 (Prohibition of Legal Fiction as Income or Similar under Other Statutes)

Money, etc. paid in cash as long-term care benefits under this Act shall not be construed as income or property under subparagraphs 8 and 9 of Article 2 of the National Basic Living Security Act.

Article 66 (Protection of Beneficiary Rights)

- (1) A right to receive long-term care benefits shall not be transferred, seized, or offered as security to or by someone else. <Amended by Act No. 14321, Dec. 2, 2016>
- (2) Claim on deposit of an account for receipt of care allowance for special cases under Article 27-2 (1) shall not be seized. <Newly Inserted by Act No. 14321, Dec. 2, 2016>

Article 66-2 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)

Persons other than public officials among the members of an assessment committee, the Long-Term Care Committee, the committees for deliberation on disclosure under Article 37-3 (3), the Examination Committee, and the Reexamination Committee shall be deemed public officials for purposes of Articles 127 and 129 through 132 of the Criminal Act. <Amended by Act No. 17173, Mar. 31, 2020>

[This Article Newly Inserted by Act No. 15881, Dec. 11, 2018]

Article 66-3 (Disposal of Small Sums)

Where an amount to be collected or refunded is less than 1,000 won in one case (excluding payments, long-term care insurance contributions, etc. the NHIS may offset under Article 38 (5) and the latter part of Article 43 (4)), the NHIS need not collect or refund the amount: Provided, That the foregoing shall not apply to long-term care insurance contributions collected or refunded in combination with health insurance contributions not subject to disposal of small sums under Article 106 of the National Health Insurance Act.

[This Article Newly Inserted by Act No. 16244, Jan. 15, 2019]

CHAPTER XII PENALTY PROVISIONS

Article 67 (Penalty Provisions)

- (1) Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: <Amended by Act No. 15881, Dec. 11, 2018>
 1. A person who operates a long-term care institution without being designated, in violation of Article 31, or obtains designation of a long-term care institution by fraud or other improper means;
 2. Deleted; <by Act No. 15881, Dec. 11, 2018>
 3. A person who exempts or abates a beneficiary's payment, in violation of Article 35 (5);
 4. A person who is involved in the introduction, referral, or solicitation of a beneficiary or instigates another person to commit such an act, in violation of Article 35 (6);
 5. A person who divulges confidential information he/she becomes aware of in the course of performing his/her duties, in violation of Article 62.
- (2) Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won: <Amended by Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018; Act No. 16369, Apr. 23, 2019>
 1. A person who refuses to provide a long-term care benefit without good cause, in violation of Article 35 (1);
 2. A person who receives, or aids and abets another person to receive, a long-term care benefit by fraud or other improper means;

3. A person who does not take measures for protecting rights and interests under the subparagraphs of Article 36 (3), without good cause;
 4. A person who fails to settle a co-payment made by a beneficiary, in violation of Article 37 (7).
- (3) A long-term care institution that fails to comply with an order to submit data under Article 61 (2); submits false data; refuses, interferes with, or evades an inquiry or inspection; or provides a false response shall be punished by a fine not exceeding 10 million won. <Newly Inserted by Act No. 17173, Mar. 31, 2020>

[This Article Wholly Amended by Act No. 12067, Aug. 13, 2013]

Article 68 (Joint Penalty Provisions)

If the representative of a corporation or an agent or employee of or other persons employed by the corporation, or an individual commits an offence referred to in Article 67 in connection with the business of the corporation or the individual, not only shall such offender be punished, but also the corporation or the individual shall be punished by a fine under the same Articles: Provided, That the same shall not apply where such corporation or individual has not been negligent in paying due attention and supervision in connection with the relevant duties to prevent such offence. <Amended by Act No. 10127, Mar. 17, 2010>

Article 69 (Administrative Fines)

- (1) Any of the following persons who do not have justifiable grounds shall be subject to an administrative fine not exceeding five million won: <Amended by Act No. 10127, Mar. 17, 2010; Act No. 12067, Aug. 13, 2013; Act No. 13647, Dec. 29, 2015; Act No. 15881, Dec. 11, 2018; Act No. 17173, Mar. 31, 2020>
 1. Deleted; <by Act No. 12067, Aug. 13, 2013>
 2. A person who fails to obtain a changed designation or report a change in violation of Article 33, or a person who obtains a changed designation or reports a change by fraud or other improper means;
 - 2-2. A person who fails to publish information about a long-term care institution, or publishes false information, in violation of Article 34;
 - 2-3. A person who fails to issue a statement of expenses for long-term care benefits to a beneficiary, or issues a false statement, in violation of Article 35 (3);
 3. A person who fails to keep and manage records of the provision of long-term care benefits or makes false records thereof, in violation of Article 35 (4);

- 3-2. A person who violates any subparagraph of Article 35-4 (2);
 - 4. A person who fails to report closure or suspension of business or fails to transfer data, or files such report by fraud or other improper means, in violation of Article 36 (1) or (6);
 - 4-2. A person who fails to inform a transferee, etc. without delay that an administrative disposition was imposed upon him/her or proceedings for an administrative disposition are pending, in violation of Article 37-4 (4);
 - 5. Deleted; <by Act No. 12067, Aug. 13, 2013>
 - 6. A person who makes a beneficiary bear expenses for long-term care benefits by fraud or other improper means;
 - 7. A person who fails to comply with a demand or order to submit a report or data under Article 60 or 61 (1) or (2) (excluding a person who falls under Article 61 (2) 1) or submits a false report or data, or a person who refuses, interferes with, or evades an inquiry or inspection or provides a false response to such inquiry or inspection;
 - 8. A person who participates in filing a claim for expenses for long-term care benefits by fraud or other improper means;
 - 9. A person who uses "long-term care insurance" or any other similar phrase in violation of Article 62-2.
- (2) Administrative fines under paragraph (1) shall be imposed and collected by the competent Special Self-Governing City Mayor or Special Self-Governing Province Governor, or the head of the competent Si/Gun/Gu, as prescribed by Presidential Decree. <Newly Inserted by Act No. 12067, Aug. 13, 2013>

Article 70 Deleted. <by Act No. 12067, Aug. 13, 2013>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2008: Provided, That Chapter I (Articles 1 through 6), Chapter III (Articles 12 through 22), provisions governing long-term care workers of Article 23 (2), Chapter VI (Articles 31 through 37), Chapter VIII (Articles 45 through 47), Chapter IX (excluding Article 54), Chapter X (Articles 55 through 57), Chapter XI (excluding Article 58), and Chapter XII (Articles 67 through 70) shall enter into force on October 1, 2007.

Article 2 (Preparatory Actions for Enforcement of This Act)

- (1) The Minister for Health, Welfare and Family Affairs and the NHIS may take preparatory action as necessary for the enforcement of this Act from the date of its promulgation onwards.
- (2) The Minister for Health, Welfare and Family Affairs or the NHIS may request the State, local governments, a legal entity that provides social security services pursuant to any other statutes, or an organization that provides long-term care services to submit data necessary for the preparation for the enforcement of this Act.
- (3) Any person in receipt of a request to submit data pursuant to paragraph (2) shall comply with such request in good faith.

Article 3 (Special Cases concerning Model Program)

- (1) The Minister for Health, Welfare and Family Affairs may implement a model program before this Act enters into force to smoothly promote the long-term care program.
- (2) The Minister for Health, Welfare and Family Affairs may impose and collect long-term care insurance contribution when he/she implements the model program under paragraph (1).
- (3) The Minister for Health, Welfare and Family Affairs, each local government, and the NHIS may provide administrative and financial support to the model program under paragraphs (1) and (2).

- (4) The selection of an area for the model program under paragraph (1), procedures for, and methods of, the imposition and collection of long-term care insurance contribution under paragraph (2), and other necessary matters concerning the implementation of the model program shall be prescribed by the Minister for Health, Welfare and Family Affairs.

ADDENDA <Act No. 9386, Jan. 30, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 9510, Mar. 18, 2009>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 9693, May 21, 2009>

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

ADDENDA <Act No. 9932, Jan. 18, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10127, Mar. 17, 2010>

(1) (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the parts that cite the provisions of Articles 35 (4) and 36 (5) in the amended provisions of Articles 35, 36 and 69 shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures concerning Administrative Fines)

Former provisions shall apply to the application of administrative fines to acts conducted before this Act enters into force.

ADDENDA <Act No. 10785, Jun. 7, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 11141, Dec. 31, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force on Sep. 1, 2012. (Proviso Omitted.)

Articles 2 through 22 Omitted.

ADDENDA <Act No. 12067, Aug. 13, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Penalty Surcharges)

The amended provisions of Article 37-2 shall apply to a violation committed on or after the day this Act enters into force.

Article 3 (Applicability to Disclosure of Violations)

The amended provisions of Article 37-3 shall apply to a violation committed on or after the day this Act enters into force.

Article 4 (Applicability to Succession to Effects of Administrative Dispositions)

The amended provisions of Article 37-4 shall apply to a disposition imposed for a violation committed on or after the day this Act enters into force.

Article 5 (Transitional Measures concerning Administrative Dispositions)

Notwithstanding the amended provisions of Article 37, the imposition of administrative dispositions for a violation committed before this Act enters into force and the restriction on designation or reporting on the ground of such violation shall be governed by former provisions.

Article 6 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

Violations committed before this Act enters into force shall be governed by former penalty provisions and former provisions regarding administrative fines.

ADDENDA <Act No. 13647, Dec. 29, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 36, 37 (5), 61, and 67 (2) 3 shall enter into force six months after the date of the promulgation of this Act, and the amended provisions of Articles 40 (1) and 43 (1) 3 shall enter into force on January 1, 2016.

Article 2 (Applicability to Disqualifications and Transitional Measures concerning Incompetent Persons)

(1) The amended provisions of Article 32-2 shall begin to apply to the first persons who apply for the designation of a long-term care institution or reports the establishment of a long-term care institution after this Act enters into force.

- (2) The person under adult guardianship or under the limited guardianship pursuant to the amended provisions of subparagraph 1 of Article 32-2 are deemed to include the persons as to whom the declaration of incompetence or quasi-incompetence remains valid pursuant to Article 2 of the Addenda to the Civil Act (Act No. 10429).

Article 3 (Applicability to Measures for Protecting Rights and Interests of Beneficiaries)

The amended provisions of Articles 36 (2) and (3) and 37 (5) shall begin to apply to the cases where business operations of an institution are closed or suspended, the designation of an institution is canceled, an institution is closed down, or its business operations are suspended after this Act enters into force.

Article 4 (Applicability to Restriction on Provision of Long-Term Care Benefits and Administrative Fines)

The amended provisions of Articles 37-5 (1) and 69 (1) 8 shall begin to apply to the first participation made after this Act enters into force.

Article 5 (Transitional Measures concerning Administrative Disposition for Disqualifications)

Notwithstanding the amended provisions of Article 37 (1) 2-2 and (3) 2-2, former provisions shall apply where a person who establishes and operates a long-term care institution as at the time this Act enters into force become subject to the amended provisions of Article 37 (1) 2-2 or (3) 2-2 due to an event that took place before this Act enters into force as long as the person operates the long-term care institution.

Article 6 (Transitional Measures concerning Restriction on Designation or Reporting)

Notwithstanding the amended provisions of Articles 37 (6) and 37-4, former provisions shall apply to the restriction on the designation or reporting of a long-term care institution on the ground of a violation committed before this Act enters into force and the transfer of the effects of administrative dispositions.

ADDENDA <Act No. 14215, May 29, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 4 (5), 6 (1), and 54 (2) shall enter into force on the date of its promulgation, and the amended provisions of Article 47-2 shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures concerning Master Plan for Long-Term Care)

The master plan for long-term care formulated and implemented as at the time this Act enters into force shall be deemed to have been formulated in accordance with the amended provisions of Article 6 (1).

Article 3 (Transitional Measures concerning Administrative Dispositions)

Former provisions shall apply where an administrative disposition is made as to an act committed before this Act enters into force.

ADDENDUM <Act No. 14321, Dec. 2, 2016>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 15443, Mar. 13, 2018>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of subparagraph 2 of Article 32-2 shall enter into force on the date of its promulgation, and the amended provisions of Article 37-2 (1) shall enter into force three months after the date of its promulgation.

ADDENDUM <Act No. 15537, Mar. 27, 2018>

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

ADDENDA <Act No. 15881, Dec. 11, 2018>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 3, 4 (3) and (6), 23 (1) 2, and 37 (1) 6, the latter part of Article 56 (3), Articles 62-2, 66-2, and 69 (1) 9 shall enter into force on the date of its promulgation, and the amended provisions of Articles 14 (2), 27, 28-2, 35-4, 37 (1) 1-2 and 3-4, 47-2 (1), and 69 (1) 3-2 shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Preparation and Notification of Plans for Providing Long-Term Care Benefits)

The amended provisions of Article 27 shall begin to apply to the first case where the NHIS sends a letter of approval for long-term care under Article 17 (1) and a standard plan for the use of long-term care under Article 17 (3) to a beneficiary.

Article 3 (Applicability to Cancellation of Designation of Long-Term Care Institution)

- (1) The amended provisions of Article 37 (1) 1-2 shall begin to apply to services other than benefits first provided in violation of Article 28-2 after this Act enters into force.
- (2) The amended provisions of Article 37 (1) 3-4 shall begin to apply to a violation of any subparagraph of Article 35-4 (2) first committed after this Act enters into force.
- (3) The amended provisions of Article 37 (1) 3-5 shall begin to apply to a long-term care institution that fails to provide long-term care benefits for one year or more after this Act enters into force.
- (4) The amended provisions of Article 37 (1) 3-7 shall begin to apply to an evaluation first conducted under Article 54 after this Act enters into force.
- (5) The amended provisions of Article 37 (1) 8 shall also apply to a long-term care institution whose business registration or taxpayer code number was canceled before this Act enters into force.

Article 4 (Transitional Measures concerning Establishment and Reporting of Long-Term Care Institution for Home Care)

- (1) Notwithstanding the amended provisions of Article 31, the previous Article 32 shall apply where the procedure for establishing a long-term care institution for home care or for reporting the establishment thereof is ongoing under the previous Article 32 (1) as at the time this Act enters into force.
- (2) A long-term care institution for home care established and reported under paragraph (1) and a long-term care institution for home care established and reported under the previous Article 32 as at the time this Act enters into force shall be deemed a long-term care institution designated under the amended provisions of Article 31.

Article 5 (Transitional Measures concerning Reporting on Changes in Facilities or Human Resources of Long-Term Care Institutions)

Notwithstanding the amended provisions of Article 33 (1), previous provisions shall apply where the procedure for reporting on changes in facilities or human resources of a long-term care institution is ongoing under the former part of the previous Article 33 as at the time this Act enters into force.

Article 6 (Transitional Measures concerning Administrative Dispositions against Long-Term Care Institution for Home Care)

Previous provisions shall apply where an administrative disposition against a long-term care institution for home care established or reported under the former Article 32 or other procedures are ongoing as at the time this Act enters into force.

Article 7 (Transitional Measures concerning Valid Period of Designation of Long-Term Care Institutions)

Where a long-term care institution was designated under the previous Article 31 or reported the establishment thereof under the previous Article 32 before this Act enters into force, the valid period of designation of the long-term care institution under the amended provisions of Article 32-3 shall start running on the enforcement date of this Act.

Article 8 (Transitional Measures concerning Term of Office for Members of assessment Committee)

For the purpose of applying the amended provisions of the main sentence of Article 52 (5) to the members of the assessment committee as at the time this Act enters into force, the term of office as at the time this Act enters into force shall be deemed the initial term of office.

Article 9 (Transitional Measures concerning Filing of Objections and Applications for Examination)

An objection or application for examination already filed as at the time this Act enters into force shall be deemed an application for examination or an application for reexamination filed under the amended provisions of Articles 55 and 56.

Article 10 (Transitional Measures concerning Composition of Members of Long-Term Care Reexamination Committee)

- (1) Where the amended provisions of the latter part of Article 56 (3) is not complied with as at the time a member is appointed or commissioned after this Act enters into force, a non-public-official member can be appointed until the requirement of such amended provisions is satisfied.
- (2) Previous provisions shall apply to the composition of members of the Long-Term Care Reexamination Committee until the requirement of the amended provisions of the latter part of Article 56 (3) is satisfied under paragraph (1).

Article 11 (Transitional Measures concerning Administrative Fines)

Imposition of an administrative fine for a violation committed before this Act enters into force shall be subject to previous provisions.

Article 12 Omitted.

ADDENDA <Act No. 16244, Jan. 15, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 24 (1), 25 (1), 40 (1) 1 and 2, and 58 (1) shall enter into force on the date of its promulgation, and Articles 38 (2) and 48 (2) 7, 14, and 15 of the Long-Term Care Insurance Act (Act No. 15881), shall enter into force on December 12, 2019.

Article 2 (Applicability to Setoff of Payments against Long-Term Care Insurance Contributions)

The amended provisions of Article 38 (5) and the latter part of Article 43 (4) shall begin to apply to a payment to be first offset against long-term insurance contributions, etc. after this Act enters into force.

Article 3 (Applicability to Disposal of Small Sums of Long-Term Care Insurance Contributions)

The amended provisions of Article 66-3 shall begin to apply to a charge that becomes first due or a refund decided to be first paid after this Act enters into force.

Article 4 (Transitional Measures concerning Beneficiary's Payment)

"Beneficiary's payment" in Article 38 (4) shall be construed as "beneficiary's co-payment" until the Long-Term Care Insurance Act (Act No. 15881) enters into force.

ADDENDUM <Act No. 16369, Apr. 23, 2019>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 22 (2) shall enter into force on the date of the promulgation; and the amended provisions of Articles 36 (3) and (4), 37 (5) through (9), and 67 (2) of the Long-Term Care Insurance Act (Act No. 15881), on December 12, 2019.

ADDENDA <Act No. 17173, Mar. 31, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Limitations on Long-Term Care Benefits)

The amended provisions of Article 29 (2) shall begin to apply to the first participation made after this Act enters into force.

Article 3 (Applicability to Publication of Violations)

The amended provisions of Article 37-3 shall begin to apply to a disposition under Article 37 or 37-2 that becomes final for a violation first committed after this Act enters into force.

Article 4 (Applicability to Deferring Payment of Expenses for Long-Term Care Benefits)

The amended provisions of Article 38 (7) shall begin to apply to a long-term care institution that first commits a violation after this Act enters into force.

Article 5 (Transitional Measures concerning Administrative Fines)

Imposition of administrative fines for violations committed before this Act enters into force shall be governed by the previous provisions.



**ENFORCEMENT
DECREE OF
THE LONG-TERM
CARE
INSURANCE ACT**

ENFORCEMENT DECREE OF THE LONG-TERM CARE INSURANCE ACT

Presidential Decree No. 20287, Sep. 27, 2007
Amended by Presidential Decree No. 20679, Feb. 29, 2008
Presidential Decree No. 20814, Jun. 11, 2008
Presidential Decree No. 21225, Dec. 31, 2008
Presidential Decree No. 21619, Jul. 7, 2009
Presidential Decree No. 21924, Dec. 30, 2009
Presidential Decree No. 22001, Jan. 26, 2010
Presidential Decree No. 22075, Mar. 15, 2010
Presidential Decree No. 22564, Dec. 29, 2010
Presidential Decree No. 22906, Apr. 22, 2011
Presidential Decree No. 23125, Sep. 6, 2011
Presidential Decree No. 23264, Oct. 26, 2011
Presidential Decree No. 23488, Jan. 6, 2012
Presidential Decree No. 23864, Jun. 21, 2012
Presidential Decree No. 24077, Aug. 31, 2012
Presidential Decree No. 24565, May 31, 2013
Presidential Decree No. 25050, Dec. 30, 2013
Presidential Decree No. 25163, Feb. 11, 2014
Presidential Decree No. 25401, Jun. 25, 2014
Presidential Decree No. 26805, Dec. 30, 2015
Presidential Decree No. 26844, Dec. 31, 2015
Presidential Decree No. 27575, Nov. 8, 2016
Presidential Decree No. 27960, Mar. 27, 2017
Presidential Decree No. 28072, May 29, 2017
Presidential Decree No. 28496, Dec. 26, 2017
Presidential Decree No. 28924, May 29, 2018
Presidential Decree No. 29149, Sep. 11, 2018
Presidential Decree No. 29411, Dec. 24, 2018
Presidential Decree No. 29833, Jun. 11, 2019
Presidential Decree No. 29950, Jul. 2, 2019
Presidential Decree No. 30289, Dec. 31, 2019



Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Long-Term Care Insurance Act and matters necessary for the enforcement thereof.

Article 2 (Geriatric Diseases)

"Geriatric disease specified by Presidential Decree" in subparagraph 1 of Article 2 of the Long-Term Care Insurance Act (hereinafter referred to as the "Act") means a disease listed in attached Table 1.

Article 3 (Master Plans for Long-Term Care)

Matters to be included in a master plan for long-term care pursuant to Article 6 (1) 3 of the Act are as follows:

1. A scheme for improving the level of long-term care benefits;
2. A plan for providing services for preventing geriatric diseases;
3. Other matters necessary to provide long-term care benefits to senior citizens, etc.

Article 3-2 (Scope of Foreigners)

"Foreigner specified by Presidential Decree, such as a foreign worker defined in the Act on the Employment, etc. of Foreign Workers" in Article 7 (4) of the Act means the following persons: <Amended by Presidential Decree No. 24077, Aug. 31, 2012>

1. A foreign worker as defined in the Act on the Employment, etc. of Foreign Workers and insured as the employee insured pursuant to Article 109 (2) of the National Health Insurance Act;
2. A foreigner taking a training course provided by a designated industrial entity with entitlement to sojourn for industrial training activities pursuant to Article 10 of the Immigration Act and insured as the employee insured pursuant to Article 109 (2) of the National Health Insurance Act.

[This Article Newly Inserted by Presidential Decree No. 21619, Jul. 7, 2009]

Article 4 (Long-Term Care Insurance Contribution Rate)

The long-term care insurance contribution rate referred to in Article 9 (1) of the Act shall be 1,025/10,000. <Amended by Presidential Decree No. 21225, Dec. 31, 2008; Presidential Decree No. 21924, Dec. 30, 2009; Act No. 28496, Dec. 26, 2017; Presidential Decree No. 29411, Dec. 24, 2018; Presidential Decree No. 30289, Dec. 31, 2019>

[This Article Newly Inserted by Presidential Decree No. 20814, Jun. 11, 2008]

Article 5 (Reduction of Long-Term Care Insurance Contribution Rate for Persons with Disabilities)

(1) "Person specified by Presidential Decree" in Article 10 of the Act means any of the following persons: <Amended by Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 29833, Jun. 11, 2019>

1. A person with a severe disability from among the persons with disabilities registered pursuant to Article 32 of the Act on Welfare of Persons with Disabilities;
2. A person who suffers from a rare, incurable disease specified and publicly notified by the Minister of Health and Welfare.

(2) If a person with disabilities, etc. is the insured of long-term care insurance or one of dependants of the insured of long-term care insurance, but has not been determined as a beneficiary, the National Health Insurance Service under the National Health Insurance Act (hereinafter referred to as the "NHIS") shall verify whether the person falls under any subparagraph of paragraph (1) and shall reduce his/her long-term care insurance contributions by 30/100 pursuant to Article 10 of the Act. If it is impractical for the NHIS to verify such eligibility, the NHIS shall reduce the contributions upon receipt of an application from the relevant insured of long-term care insurance or a dependant of the relevant insured for reducing the contributions.

(3) Specific methods, etc. of reducing long-term care contributions pursuant to paragraph (2) shall be determined and publicly notified by the Minister of Health and Welfare. <Amended by Presidential Decree No. 22075, Mar. 15, 2010>

[This Article Newly Inserted by Presidential Decree No. 20814, Jun. 11, 2008]

Article 6 (Persons Exempt from Submitting Medical Doctor's Referral)

Persons who file an application for approval for long-term care under Article 13 (2) of the Act, but are exempt from submitting a medical doctor's referral are as follows:
<Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 20814, Jun. 11, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

1. A person determined by an employee of the NHIS, as a result of an investigation conducted pursuant to Article 14 (1) of the Act according to the guidelines prescribed by Ordinance of the Ministry of Health and Welfare, as a person whose mental or physical condition or mobility is severely impaired;
2. A person who resides on an island or a remote area determined and publicly notified by the Minister of Health and Welfare.

Article 7 (Standards for Assessment)

(1) The standards for Assessment referred to in Article 15 (2) of the Act shall be as follows:
<Amended by Presidential Decree No. 23867, Jun. 21, 2012; Presidential Decree No. 24565, May 31, 2013; Presidential Decree No. 25401, Jun. 25, 2014; Presidential Decree No. 28496, Dec. 26, 2017>

1. Long-term care Rating-I: A person who needs another person's help entirely for his/her daily life due to any mental or physical disorder and scores at least 95 points for approval for long-term care;
2. Long-term care Rating-II: A person who needs another person's help substantially for his/her daily life due to any mental or physical disorder and scores at least 75, but less than 95 points for approval for long-term care;
3. Long-term care Rating-III: A person who needs another person's help partially for his/her daily life due to any mental or physical disorder and scores at least 60, but less than 75 points for approval for long-term care;
4. Long-term care Rating-IV: A person who needs another person's help for his/her daily life to a certain extent due to any mental or physical disorder, and scores at least 51, but less than 60 points for approval for long-term care;
5. Long-term care Rating-V: A dementia patient (limited to dementia falling under the category of geriatric disease under Article 2) with score at least 45, but less than 51 points for approval for long-term care;

6. Long-term care cognitive assistant Rating: A dementia patient (limited to dementia falling under the category of geriatric disease under Article 2) with score less than 45 points for approval for long-term care.
- (2) Points for approval for long-term care under paragraph (1) shall be determined by measuring the level of reduced mental or physical functions determined and publicly notified by the Minister of Health and Welfare. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

Article 8 (Effective Period of Approval for Long-Term Care)

- (1) The effective period of approval for long-term care granted under Article 19 (1) of the Act shall be one year: *Provided*, That where a person is determined as a patient with a rating identical to the preceding one after approval for long-term care under Article 20 of the Act is renewed, the effective period of the renewed approval for long-term care shall be as follows: <Amended by Presidential Decree No. 24565, May 31, 2013; Presidential Decree No. 25401, Jun. 25, 2014; Presidential Decree No. 27575, Nov. 8, 2016; Presidential Decree No. 28496, Dec. 26, 2017>
 1. In cases of long-term care Rating I: Four years;
 2. In cases of long-term care Rating II through IV: Three years;
 3. In cases of long-term care Rating V and cognitive assistant Rating: Two years.
- (2) Notwithstanding paragraph (1), the assessment committee for long-term care under Article 52 of the Act (hereinafter referred to as "assessment committee") may extend or reduce the effective period of approval for long-term care by not more than six months, considering each applicant's mental and physical conditions, etc.: *Provided*, That the effective period of approval for long-term care even in such cases shall be at least one year. <Amended by Presidential Decree No. 27575, Nov. 8, 2016>

Article 9 (Other Benefits for Home Care Service)

Other benefits for home care service referred to in Article 23 (1) 1 (f) of the Act means devices determined and publicly notified by the Minister of Health and Welfare and provided or rented as those necessary for assisting beneficiaries in their daily lives or physical activities and for maintaining and improving their cognitive functions. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 27575, Nov. 8, 2016>

Article 10 (Types of, and Standards for, Long-Term Care Institutions)

The types of, and the standards for, long-term care institutions eligible for providing long-term care benefits pursuant to Article 23 (1) 1 and 2 of the Act shall be as classified in the following: <Amended by Presidential Decree No. 29833, Jun. 11, 2019>

1. A long-term care institution eligible for providing benefits for home care service: A long-term care institution designated under Article 31 of the Act, which is a commuting-system welfare facility for the senior citizens at home defined in Article 38 of the Welfare of Senior Citizens Act;
2. A long-term care institution eligible for providing institutional care benefits:
 - (a) long-term care institution designated under Article 31 of the Act as a sanatorium for senior citizens defined in Article 34 (1) 1 of the Welfare of Senior Citizens Act;
 - (b) A long-term care institution designated under Article 31 of the Act as a medical treatment and communal living home for senior citizens defined in Article 34 (1) 2 of the Welfare of Senior Citizens Act.

Article 11 (Scope of Long-Term Care Workers for Each Type of Long-Term Care Benefit)

- (1) The scope of long-term care workers for each type of long-term care benefit defined in Article 23 (2) of the Act shall be as follows: <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 20814, Jun. 11, 2008; Presidential Decree No. 21924, Dec. 30, 2009; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 26805, Dec. 30, 2015; Presidential Decree No. 28924, May 29, 2018>
 1. To become a long-term care worker who provides home visit care services defined in Article 23 (1) 1 (a) of the Act, a person shall be any of the following persons:
 - (a) A caregiver under Article 39-2 of the Welfare of Senior Citizens Act;
 - (b) A social worker under Article 11 of the Social Welfare Services Act;
 2. To become a long-term care worker who provides home visit bathing services defined in Article 23 (1) 1 (b) of the Act, the person shall be a caregiver under Article 39-2 of the Welfare of Senior Citizens Act;
 3. To become a long-term care worker who provides home visit nursing services defined in Article 23 (1) 1 (c) of the Act, a person shall be:

- (a) A nurse as defined in Article 2 of the Medical Service Act, with at least two years' work experience as a nurse;
 - (b) A nursing assistant as defined in Article 80 of the Medical Service Act, with at least three years' work experience as a nursing assistant, who has finished a specified educational course in an education institution designated by the Minister of Health and Welfare;
 - (c) A dental hygienist as defined in Article 2 of the Medical Service Technologists, etc. Act (limited to the provision of dental hygiene services are);
4. To become a long-term care worker who provides day and night care service defined in Article 23 (1) 1 (d) of the Act, short-term respite care services defined in Article 23 (1) 1 (e) of the Act, and institutional care benefits defined in Article 23 (1) 2 of the Act, a person shall be any of the following persons:
- (a) A caregiver under Article 39-2 of the Welfare of Senior Citizens Act;
 - (b) A social worker under Article 11 of the Social Welfare Services Act;
 - (c) A nurse as defined in Article 2 of the Medical Service Act;
 - (d) An assistant nurse under Article 80 of the Medical Service Act;
 - (e) A physical therapist as defined in Article 2 (2) 3 of the Medical Service Technologists Act;
 - (f) An occupational therapist as defined in Article 2 (2) 4 of the Medical Service Technologists Act.
- (2) Standards and procedure for the designation of education institutions under paragraph (1) 3 (b) and matters necessary for education by such institutions shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Newly Inserted by Presidential Decree No. 21924, Dec. 30, 2009; Presidential Decree No. 22075, Mar. 15, 2010>

Article 12 (Guidelines for Reimbursement for Family Care Benefit in Cash)

- (1) The amount of family care benefit in cash pursuant to Article 24 (1) of the Act shall be determined and publicly notified by the Minister of Health and Welfare, after deliberation by the Long-Term Care Committee under Article 45 of the Act, taking into consideration the level of use of benefit for home care service. <Amended by Presidential Decree No. 22075, Mar. 15, 2010>
- (2) "Grounds specified by Presidential Decree, such as physical or mental condition or personality" in Article 24 (1) 3 of the Act means any of the following cases: <Amended by Presidential Decree No. 22564, Dec. 29, 2010>

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1. Where a patient infected with a disease defined in the Infectious Disease Control and Prevention Act is likely to infect other persons;
2. Where a person with disabilities registered pursuant to Article 32 of the Act on Welfare of Persons with Disabilities is a person with mental disorder specified in attached Table 1 of the Enforcement Decree of the aforesaid Act;
3. Where a person avoids contact with people due to physical disfigurement or any other reason.

[This Article Newly Inserted by Presidential Decree No. 20814, Jun. 11, 2008]

Article 13 (Provision of Long-Term Care Benefits)

- (1) "If a beneficiary has no family member who can take care of him/her or if any reason specified by Presidential Decree exists" in Article 27 (2) of the Act means any of the following cases:
 1. When no family member lives with a beneficiary;
 2. When no family member lives with a beneficiary other than a minor or a senior citizen of at least 65 years of age.
- (2) The scope of long-term care benefits that may be provided pursuant to Article 27 (2) of the Act shall be limited to home care or institutional care benefits. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
- (3) A beneficiary who intends to receive long-term care benefits from the date on which he/she files an application for approval for long-term care on a ground specified in paragraph (1) shall file an application with the NHIS, along with evidentiary documents, and the NHIS shall verify the application and notify the applicant of its determination thereof without delay.
- (4) A long-term care institution shall prepare a plan for providing long-term care benefits under Article 27 (4) of the Act before it starts providing the long-term care benefits. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
- (5) If there is any change in a beneficiary's mental or physical functioning, needs, or rating for long term care while a long-term care institution provides the beneficiary with long-term care benefits, the long-term care institution shall without delay prepare a new plan for providing long-term care benefits incorporating such change and shall notify the NHIS of the details of the plan with the consent of the beneficiary. <Newly Inserted by Presidential Decree No. 29833, Jun. 11, 2019>

- (6) Details about the procedures for applying for long-term care benefits under paragraph (3) and for preparing plans for providing long-term care benefits under paragraph (4) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Newly Inserted by Presidential Decree No. 29833, Jun. 11, 2019>

[This Article Newly Inserted by Presidential Decree No. 20814, Jun. 11, 2008]

Article 13-2 (Methods of Applying for Account for Receipt of Care Allowance for Special Cases)

- (1) A person who intends to receive a care allowance for special cases wired to a bank account designated under the name of a beneficiary (hereinafter referred to as "account for receipt of care allowances for special cases") pursuant to the main sentence of Article 27-2 (1) of the Act shall submit the NHIS an application for direct deposit into an account for receipt of care allowances for special cases prescribed by Ordinance of the Ministry of Health and Welfare, along with a copy of a bankbook (referring to a sheet of paper on which an account number is written). The same shall also apply to changing the account for receipt of care allowances for special cases.
- (2) Care allowances for special cases may be paid directly in cash under the proviso of Article 27-2 (1) of the Act, in any of the following cases:
1. Where a financial institution at which an account for receipt of care allowances for special cases was opened is permanently closed, its business is suspended, or it is unable to provide its normal services due to communication failure, etc.;
 2. Where a beneficiary resides in an area where a financial institution is not readily available;
 3. Where it is impracticable to transfer care allowances for special cases into an account for receipt of care allowances for special cases due to extenuating grounds similar to those prescribed in subparagraphs 1 or 2.

[This Article Newly Inserted by Presidential Decree No. 28072, May 29, 2017]

Article 14 (Criteria for Designation of Long-Term Care Institutions)

If a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* (Gu means an autonomous *Gu*; hereinafter the same shall apply) intends to designate a long-term care institution pursuant to Article 31 of the Act, he/she shall designate an institution equipped with facilities and human resources under Article 31 (2) of the Act, from among welfare institutions for senior citizens under Article 31 of the Welfare of Senior Citizens Act. <Amended by Presidential Decree No. 25163, Feb. 11, 2014; Presidential Decree No. 27575, Nov. 8, 2016>

Article 14-2 (Long-Term Care Institutions Subject to Human Rights Education)

"Institution prescribed by Presidential Decree" in Article 35-3 (1) and (2) of the Act means a long-term care institution for home care referred to in subparagraphs 1 and 2 of Article 10. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>

[This Article Newly Inserted by Presidential Decree No. 29149, Sep. 11, 2018]

Article 14-3 (Protection of Long-Term Care Workers)

If a long-term care worker requests a remedy to solve a grievance on any of the grounds provided in the subparagraphs of Article 35-4 (1) of the Act, the head of the relevant long-term care institution shall take proper measures, such as changing the long-term care worker's duties. In such cases, the head of the long-term care institution shall counsel the relevant beneficiary or his or her family member.

[This Article Newly Inserted by Presidential Decree No. 29833, Jun. 11, 2019]

Article 15 (Criteria for Imposition of Penalty Surcharges)

Kinds of offenses on which penalty surcharges are to be imposed pursuant to Article 37-2 (1) and (2) of the Act and the amounts of penalty surcharges according to the severity of offenses, etc. shall be as specified in attached Table 2.

[This Article Wholly Amended by Presidential Decree No. 25163, Feb. 11, 2014]

Article 15-2 (Imposition and Payment of Penalty Surcharges)

- (1) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* intends to impose a penalty surcharge on a person pursuant to Article 37-2 of the Act, he/she shall notify in writing to pay such penalty surcharge to such person, stating the kind of the relevant offense, the amount of the penalty surcharge, etc.
- (2) A person in receipt of notice given under paragraph (1) shall pay a penalty surcharge to a collecting agency designated by a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* within 20 days from after receipt of the notice: *Provided*, That where he/she cannot pay the penalty surcharge within that period due to natural disaster or other unavoidable circumstances, he/she shall pay the penalty surcharge within seven days from the date such circumstances disappear.

- (3) A collecting agency which receives a penalty surcharge pursuant to paragraph (2) shall issue a receipt to a payer of such penalty surcharge and notify without delay a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* of the receipt of the penalty surcharge.

[This Article Newly Inserted by Presidential Decree No. 25163, Feb. 11, 2014]

Article 15-3 (Publication of Information)

"Information specified by Presidential Decree" in Article 37-3 (1) of the Act means the following: <Amended by Presidential Decree No. 29833, Jun. 11, 2019>

1. Types of long-term care institutions and long-term care benefits;
2. Date of, or the date of renewal of, designation of a long-term care institution;
3. Gender of the head of a long-term care institution;
4. Name of a person responsible for the management of a long-term care institution (where a long-term care institution is a medical and welfare facility for senior citizens under the Welfare of Senior Citizens Act, referring to the head of such facility).

[This Article Newly Inserted by Presidential Decree No. 25163, Feb. 11, 2014]

Article 15-4 (Determination on, Procedures for, and Methods of Publication)

- (1) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* intends to publish under Article 37-3 (1) of the Act, he/she shall notify in writing a long-term care institution falling under the aforesaid paragraph (hereinafter referred to as "long-term care institution subject to publication") of the fact that it is a long-term care institution subject to publication and details thereof. In such cases, where he/she has established a committee for deliberation on publication (hereinafter referred to as "committee for deliberation on publication") pursuant to Article 37-3 (2) of the Act, he/she shall notify it following deliberation by the committee for deliberation on publication.
- (2) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* shall determine whether to publish under Article 37-3 (1) after holding hearings pursuant to subparagraph 3 of Article 63 of the Act on the head of a long-term care institution subject to publication who has received notice pursuant to paragraph (1):

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1. Where the head of a long-term care institution subject to publication attends a hearing: A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* shall determine whether to publish in consideration of the result of the hearing: *Provided*, That when he/she has undergone deliberation by the committee for deliberation on publication pursuant to the latter part of paragraph (1), a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* shall determine whether to publish following review by the committee for deliberation on publication on the result of the hearing;
2. Where the head of a long-term care institution subject to publication fails to attend a hearing: A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* shall determine that he/she will publish as he/she has notified pursuant to paragraph (1).
- (3) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* publish an offense, etc. pursuant to Article 37-3 (1) of the Act, he/she shall publish it on the website of the relevant Special Self-Governing City, Special Self-Governing Province, or *Si/Gun/Gu* (*Gu* means the relevant autonomous *Gu*; hereinafter the same shall apply) and may make an additional publication on the information disclosure system under Article 6 of the Official Information Disclosure Act or on the website of the NHIS.
- (4) Where a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* deems additional publication necessary, such as in cases where an offense subject to publication is grave or offenses subject to publication are repeated, he/she may publish those in a newspaper under the Act on the Promotion of Newspapers, Etc. or through a broadcast network under the Broadcasting Act, in addition to publication pursuant to paragraph (3), during the period prescribed by the aforesaid paragraph.
- (5) Where a changed designation or a report on alteration under Article 33 of the Act is made regarding details of publication during the period for publication under paragraph (3), a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* shall ensure that such alteration shall be reflected in publication under paragraph (3) without delay. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>

- (6) Except as provided in paragraphs (1) through (5), matters necessary for procedures for and methods of publication, alteration of details of publication, etc. shall be prescribed by a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu*.

[This Article Newly Inserted by Presidential Decree No. 25163, Feb. 11, 2014]

Article 15-5 (Organization and Operation of Committee for Deliberation on Publication)

- (1) A committee for deliberation on publication shall be comprised of five members, including one chairperson.
- (2) Members of a committee for deliberation on publication shall be persons appointed or commissioned by a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* in consideration of gender from among the following persons:
 1. One person recommended by a civic group (referring to a non-profit, non-governmental organization defined in Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act);
 2. One legal professional, such as an attorney-at-law or professor specialized in law;
 3. One person who has extensive practical experience in welfare of senior citizens or long-term care;
 4. One public official equal to or higher than Grade IV belonging to a Special Self-Governing City, Special Self-Governing Province, or *Si/Gun/Gu*;
 5. One person recommended by the NHIS for each region under its jurisdiction from among its employees.
- (3) The chairperson shall be elected by a committee for deliberation on publication from among the members referred to in the subparagraphs of paragraph (2).
- (4) The terms of office of members who are not members under paragraph (2) 4 and 5 shall be two years.
- (5) The chairperson shall represent the committee for deliberation on publication and preside over the affairs thereof.
- (6) Where the chairperson of a committee for deliberation on publication is unable to perform his/her duties due to unavoidable circumstances, a member designated in advance by the chairperson shall act on his/her behalf.

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- (7) A committee for deliberation on publication shall hold meetings with a majority of all incumbent members present, and pass resolutions with the consent of those present.
- (8) Actual expenses, such as travel expenses, may be reimbursed to members who attend a meeting, as prescribed by Ordinance of the relevant Special Self-Governing City, Special Self-Governing Province, or *Si/Gun/Gu*: *Provided*, That the foregoing shall not apply where a public-official member attends a meeting in direct relation to his/her duties.
- (9) Except as provided in paragraphs (1) through (8), matters necessary for the organization, operation, etc. of a committee for deliberation on publication shall be prescribed by Ordinance of the relevant Special Self-Governing City, Special Self-Governing Province, or *Si/Gun/Gu*.

[This Article Newly Inserted by Presidential Decree No. 25163, Feb. 11, 2014]

Article 15-6 (Exclusion, Challenge, or Avoidance of Members of Committee for Deliberation on Publication)

- (1) In any of the following cases, a member of the committee for deliberation on publication shall be excluded from proceedings of deliberation and resolution on the relevant case on the agenda:
 - 1. If the committee member or the person who is or was the spouse of the committee member is a party to the case on the agenda (including executive officers of the party, if the party is a corporation or organization; hereinafter the same shall apply) or a joint right-holder or joint obligor with a party to the case on the agenda;
 - 2. If the committee member is or was a relative of a party to the case on the agenda;
 - 3. If the committee member has made a testimony or a statement, provided advise or research service or any other service, or served as an appraiser for the case on the agenda;
 - 4. If the committee member or the corporation to which the committee member belongs is or was the representative of a party to the case on the agenda.
- (2) If a party to the case has a ground to exclude a committee member under any subparagraph of paragraph (1) or has reason to believe that the party can hardly expect impartiality from the committee member in deliberation and resolution, the party may file a challenge against the committee member with the committee for deliberation on publication, and the committee for deliberation on publication shall make a decision thereon by resolution. In such cases, the committee member against whom the

challenge is filed shall not participate in the resolution proceeding.

- (3) If a committee member falls under any of the exclusion cases referred to in paragraph (1), he/she shall voluntarily avoid participating in proceedings of deliberation and resolution on the relevant case on the agenda.

[This Article Newly Inserted by Presidential Decree No. 27575, Nov. 8, 2016]

Article 15-7 (Removal or Dismissal of Members of Committee for Deliberation on Publication)

In any of the following cases, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu* may remove or dismiss a member of the committee for deliberation on publication from office:

1. If a committee member is unable to perform his/her duties due to a mental and physical disorder;
2. If a committee member is found to have committed a misdeed in connection with his/her duties;
3. If a committee member is found incompetent for the office of a committee member by reason of dereliction of duty, injury to dignity, or on any other ground;
4. If a committee member does not voluntarily avoid participating in proceedings, although he/she falls under the case specified in any subparagraph of Article 15-6 (1);
5. If a committee member voluntarily manifests that he/she has difficulties in performing his/her duties.

[This Article Newly Inserted by Presidential Decree No. 27575, Nov. 8, 2016]

Article 16 (Matters Subject to Deliberation by Long-Term Care Committee)

"Essential matters specified by Presidential Decree" in subparagraph 4 of Article 45 of the Act are as follows: <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 27575, Nov. 8, 2016>

1. Guidelines for fees for issuing a medical doctor's referral;
2. Guidelines for fees for issuing a written instruction for home visit nursing;

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3. Determination of the monthly maximum amount under Article 28 of the Act;
4. Other matters submitted to the Committee by the Minister of Health and Welfare for deliberation with respect to long-term care benefits.

Article 17 (Public Officials Appointed to Committee Members)

"Public officials, each of whom belongs to an appropriate central administrative agency specified by Presidential Decree and is a member of the Senior Executive Service" in Article 46 (2) 3 of the Act means persons appointed by the head of the agency to which each of them belongs, from among public officials who belong to the Ministry of Economy and Finance or the Ministry of Health and Welfare and who are members of the Senior Executive Service. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

Article 17-2 (Removal or Dismissal of Members of Long-Term Care Committee)

In any of the following cases, the Minister of Health and Welfare may remove or dismiss a member of the Long-Term Care Committee under Article 45 of the Act (hereinafter referred to as the "Long-Term Care Committee") from office: <Amended by Presidential Decree No. 27575, Nov. 8, 2016>

1. If a committee member is unable to perform his/her duties due to a mental and physical disorder;
2. If a committee member is found to have committed a misdeed in connection with his/her duties;
3. If a committee member is found incompetent for the office of a committee member by reason of dereliction of duty, injury to dignity, or on any other ground;
4. If a committee member voluntarily manifests that he/she has difficulties in performing his/her duties.

[This Article Newly Inserted by Presidential Decree No. 26844, Dec. 31, 2015]

Article 18 (Operation of Long-Term Care Committee)

- (1) The chairperson of the Long-Term Care Committee under Article 46 of the Act shall represent the Long-Term Care Committee and have overall control of the Committee's affairs. <Amended by Presidential Decree No. 29950, Jul. 2, 2019>

- (2) The Vice Chairperson shall assist the Chairperson and act on his/her behalf if the Chairperson is unable to perform his/her duties due to inevitable circumstances.
- (3) Members who attend a meeting of the Long-Term Care Committee may be reimbursed for allowances, travel expenses, and other expenses incurred within budgetary limits: *Provided*, That the foregoing shall not apply where a public official member who attends a meeting in direct connection with any affair assigned to him/her.
- (4) Except as provided in this Decree, matters necessary for the operation of the Long-Term Care Committee shall be determined by the chairperson, subject to resolution by the Committee.

Article 18-2 (Services of Support Centers for Long-Term Care Workers)

- (1) "Matters specified by Presidential Decree" in Article 47-2 (2) 4 of the Act means the following: <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
 1. Provision of information about job opportunities for long-term care workers and counseling on jobs;
 2. Programs for improving social awareness of long-term care workers;
 3. Other matters prescribed and publicly notified by the Minister of Health and Welfare or ordinance of each local government concerning the protection of rights of long-term care workers.
- (2) A support center for long-term care workers may establish an advisory committee comprised of experts in the fields of psychology, law, and grievances in order to solve long-term care workers' grievances provided in any subparagraph of Article 35-4 (1) of the Act. <Newly Inserted by Presidential Decree No. 29833, Jun. 11, 2019>

[This Article Newly Inserted by Presidential Decree No. 27575, Nov. 8, 2016]

Article 19 (Matters to Be Stipulated in Articles of Incorporation of the National Health Insurance Service)

"Other matters specified by Presidential Decree" in Article 48 (4) 4 of the Act means the number of standing directors who are wholly responsible for long-term care programs and matters regarding the organization, personnel management, remuneration, and accounting in connection with long-term care programs. <Amended by Presidential Decree No. 24565, May 31, 2013>

Article 20 (Meetings of Assessment Committee)

- (1) The chairperson of an assessment committee shall convene a meeting and preside over the meeting. <Amended by Presidential Decree No. 27575, Nov. 8, 2016>
- (2) An assessment committee shall have one secretary to conduct its administrative affairs, who shall be appointed by the chairperson, from among the NHIS' employees.

Article 21 (Subcommittees of Assessment Committee)

- (1) An assessment committee may establish subcommittees to conduct its affairs efficiently.
- (2) A subcommittee shall deliberate on and manage matters delegated by the assessment committee.
- (3) Matters necessary for the composition and operation of subcommittees shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

Article 21-2 (Exclusion, Challenge, or Avoidance of Members of Assessment Committee)

- (1) In any of the following cases, a member of an assessment committee shall be excluded from proceedings of deliberation and resolution on a case on the agenda:
 1. If the committee member or the person who is or was the spouse of the committee member is a party to the case on the agenda or a joint right-holder or joint obligor with a party to the case on the agenda;
 2. If the committee member is or was a relative of a party to the case on the agenda;
 3. If the committee member has made a testimony or a statement, provided advise or research service or any other service, or served as an appraiser for the case on the agenda;
 4. If the committee member or the corporation to which the committee member belongs is or was the representative of a party to the case on the agenda.
- (2) If a party has a ground to exclude a committee member under any subparagraph of paragraph (1) or has reason to believe that the party can hardly expect impartiality from the committee member in deliberation and resolution, the party may file a challenge against the committee member with the assessment committee, and the committee shall make a decision thereon by resolution. In such cases, the committee member against whom the challenge is filed shall not participate in the resolution proceeding.

- (3) If a committee member falls within any of the exclusion cases under paragraph (1), he/she shall voluntarily avoid participating in proceedings of deliberation and resolution on the relevant case on the agenda.

[This Article Newly Inserted by Presidential Decree No. 27575, Nov. 8, 2016]

Article 21-3 (Dismissal of Members of Assessment Committee)

- (1) In any of the following cases, the President of the NHIS may dismiss a member of the assessment committee from office:

1. If a committee member is unable to perform his/her duties due to a mental and physical disorder;
2. If a committee member is found to have committed a misdeed in connection with his/her duties;
3. If a committee member is found incompetent for the office by reason of dereliction of duty, injury to dignity, or on any other ground;
4. If a committee member does not voluntarily avoid participating in proceedings, although he/she falls under the case specified in any subparagraph of Article 21-2 (1);
5. If a committee member voluntarily manifests that he/she has difficulties in performing his/her duties.

- (2) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a *Si/Gun/Gu*, who recommended a person as a committee member pursuant to the latter part of Article 52 (4) of the Act, may withdraw the recommendation in any of the cases referred to in paragraph (1).

[This Article Newly Inserted by Presidential Decree No. 27575, Nov. 8, 2016]

Article 22 (Period for Making Decision on Application for Examination)

- (1) Upon receipt of an application for examination under Article 55 (1) of the Act, the NHIS shall make a decision thereon within 60 days from the receipt of the application for examination: *Provided*, That the period for making a decision may be extended by up to 30 days, if an inevitable event necessitates such extension. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
- (2) When the NHIS extends the period for making a decision pursuant to the proviso of paragraph (1), it shall without delay notify the applicant of the reason for extension and the extended period. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>

Article 23 (Composition of Long-Term Care Examination Committee)

- (1) The Long-Term Care Examination Committee established within the NHIS pursuant to Article 55 (3) of the Act (hereinafter referred to as the "Examination Committee") shall be comprised of not more than 50 members, including one chairperson.
- (2) The chairperson of the Examination Committee shall be appointed by the President of the NHIS from among the NHIS' standing directors responsible for long-term care programs, while committee members shall be appointed or commissioned by the President of the NHIS from among the following persons, giving due consideration to gender balance: <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
 1. A medical doctor, dentist, or oriental medical doctor under the Medical Service Act, or a registered nurse with at least 10 years' work experience;
 2. A social worker as defined in the Social Welfare Services Act with at least 10 years' work experience;
 3. An executive officer or employee of the NHIS, who is in charge of business affairs concerning long-term care insurance;
 4. Other persons who have abundant knowledge and experience relating to law or long-term care.
- (3) The term of office of a member of the Examination Committee shall be three years but may be renewed consecutively only once: *Provided*, That the term of office of a committee member appointed from among employees of the NHIS shall correspond to his/her period of service as an employee. <Amended by Presidential Decree No. 27575, Nov. 8, 2016>

Article 24 (Operation of Examination Committee)

- (1) A meeting of the Examination Committee shall be comprised of seven members in total, including the chairperson and six members designated by the chairperson whenever a meeting is held, but at least one person referred to in each subparagraph of Article 23 (2) shall be included therein. <Amended by Presidential Decree No. 20814, Jun. 11, 2008>
- (2) A meeting of the Examination Committee shall be duly formed with a majority of incumbent members present and shall adopt a resolution by affirmative votes of a majority of the members present at the meeting.

- (3) The Examination Committee shall have one secretary to conduct its administrative affairs, who shall be appointed by the chairperson from among the NHIS' employees.
- (4) Except as provided in this Decree, matters necessary for the operation of the Examination Committee shall be determined by the chairperson, subject to resolution by the Examination Committee.

Article 24-2 (Exclusion, Challenge, or Avoidance of Members of Examination Committee)

- (1) In any of the following cases, a member of the Examination Committee shall be excluded from proceedings of deliberation and resolution on a case on the agenda:
 1. If the committee member or the person who is or was the spouse of the committee member is a party to the case on the agenda or a joint right-holder or joint obligor with a party to the case on the agenda;
 2. If the committee member is or was a relative of a party to the case on the agenda;
 3. If the committee member has made a testimony or a statement, provided advice or research service and any other service, or served as an appraiser for the case on the agenda;
 4. If the committee member or the corporation to which the committee member belongs is or was the representative of a party to the case on the agenda.
- (2) If a party to the case on the agenda has a ground to exclude a committee member under any subparagraph of paragraph (1) or has reason to believe that the party can hardly expect impartiality from the committee member in deliberation and resolution, the party may file a challenge against the committee member with the Examination Committee, and the Examination Committee shall make a decision thereon by resolution. In such cases, the committee member against whom the challenge is filed shall not participate in the resolution proceeding.
- (3) If a committee member falls within any of the exclusion cases under paragraph (1), he/she shall voluntarily avoid participating in proceedings of deliberation and resolution on the relevant case on the agenda.

[This Article Newly Inserted by Presidential Decree No. 27575, Nov. 8, 2016]

Article 24-3 (Removal or Dismissal of Members of Examination Committee)

In any of the following cases, the President of the NHIS may remove or dismiss a member of the Examination Committee from office: <Amended by Presidential Decree No. 29833, Jun. 11, 2019>

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1. If a committee member is unable to perform his/her duties due to a mental and physical disorder;
2. If a committee member is found to have committed irregularities in connection with his/her duties;
3. If a committee member is found incompetent for the office by reason of dereliction of duty, injury to dignity, or on any other ground;
4. If a committee member does not voluntarily avoid participating in proceedings, although he/she falls under the case specified in any subparagraph of Article 24-2 (1);
5. If a committee member voluntarily manifests that he/she has difficulties in performing his/her duties.

[This Article Newly Inserted by Presidential Decree No. 27575, Nov. 8, 2016]

Article 25 (Composition of Long-Term Care Reexamination Committee)

- (1) The Chairperson of the long-term care reexamination committee under Article 56 (1) of the Act (hereinafter referred to as the "Reexamination Committee") shall be appointed by the Minister of Health and Welfare from among public officials in the Senior Executive Service of the Ministry of Health and Welfare who are in charge of business affairs concerning long-term care insurance. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 29833, Jun. 11, 2019>
- (2) Members of the Reexamination Committee shall be appointed or commissioned by the Minister of Health and Welfare from among the following persons: <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 29833, Jun. 11, 2019>
 1. A Grade-IV or higher-ranking public official of the Ministry of Health and Welfare or a public official in the Senior Executive Service;
 2. A judge, public prosecutor, or licensed attorney-at-law;
 3. A person who serves as an adjunct or higher professor in the field of social insurance or medical services in a university;
 4. Other persons who have abundant knowledge and experience relating to law, social insurance, or medical services.

- (3) The term of office of a member of the Reexamination Committee shall be three years but may be renewed consecutively only once: *Provided*, That the term of office of a committee member appointed from among public officials shall correspond to his/her period of service as a public official. <Amended by Presidential Decree No. 27575, Nov. 8, 2016; Presidential Decree No. 29833, Jun. 11, 2019>

Article 25-2 (Disqualification, Challenge, or Refrainment of Members of Reexamination Committee)

- (1) In any of the following cases, a member of the Reexamination Committee shall be disqualified from proceedings of deliberation and resolution on a case on the agenda: <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
1. If the committee member or the person who is or was the spouse of the committee member is a party to the case on the agenda or a joint right-holder or joint obligor with a party to the case on the agenda;
 2. If the committee member is or was a relative of a party to the case on the agenda;
 3. If the committee member has made a testimony or a statement, provided advise or research service or any other service, or served as an appraiser for the case on the agenda;
 4. If the committee member or the corporation to which the committee member belongs is or was the representative of a party to the case on the agenda.
- (2) If a party has reason to believe that the party can hardly expect impartiality from a committee member in deliberation and resolution, the party may file a challenge against the committee member with the reexamination committee, and the reexamination committee shall make a decision thereon by resolution. In such cases, the committee member against whom the challenge is filed shall not participate in the resolution proceeding. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
- (3) If a committee member falls under any of the exclusion cases under paragraph (1), he/she shall voluntarily refrain from participating in proceedings of deliberation and resolution on the relevant case on the agenda.

[This Article Newly Inserted by Presidential Decree No. 27575, Nov. 8, 2016]

Article 25-3 (Removal or Dismissal of Members of Reexamination Committee)

In any of the following cases, the Minister of Health and Welfare may remove or dismiss a member of the Reexamination Committee under any subparagraph of Article 25 (2) from office: <Amended by Presidential Decree No. 27575, Nov. 8, 2016; Presidential Decree No. 29833, Jun. 11, 2019>

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1. If a committee member is unable to perform his/her duties due to a mental and physical disorder;
2. If a committee member is found to have committed irregularities in connection with his/her duties;
3. If a committee member is found incompetent for the office of a committee member by reason of dereliction of duty, injury to dignity, or on any other ground;
4. If a committee member does not voluntarily avoid participating in proceedings, although he/she falls under the case specified in any subparagraph of Article 25-2 (1);
5. If a committee member voluntarily manifests that he/she has difficulties in performing his/her duties.

[This Article Newly Inserted by Presidential Decree No. 26844, Dec. 31, 2015]

Article 26 (Meetings of Reexamination Committee)

- (1) The Chairperson of the Reexamination Committee shall convene and preside over meetings of the Committee. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
- (2) If the Chairperson is unable to perform his/her duties due to inevitable circumstances, the member appointed by the Chairperson shall act on his/her behalf.
- (3) A meeting of the Reexamination Committee shall be duly formed with a majority of incumbent members present and shall adopt a resolution by affirmative votes of a majority of the members present at the meeting. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
- (4) The Reexamination Committee shall have one administrative secretary to conduct its administrative affairs, who shall be appointed by the Chairperson from among public officials of the Ministry of Health and Welfare. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 29833, Jun. 11, 2019>
- (5) Except as provided in this Decree, matters necessary for the operation of the Reexamination Committee shall be determined by the chairperson, subject to resolution by the Reexamination Committee. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>

Article 27 (Period for Making Decision on Application for Reexamination)

- (1) Upon receipt of an application for reexamination filed pursuant to Article 56 (1) of the Act, the Reexamination Committee shall make a decision thereon within 60 days of receipt of the application for reexamination: *Provided*, That the period for making a decision may be extended by up to 30 days, if an inevitable event necessitates such extension. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>
- (2) When the Reexamination Committee extends the period for making a decision pursuant to the proviso of paragraph (1), it shall, without delay, notify the applicant of the reason for extension and the extended period. <Amended by Presidential Decree No. 29833, Jun. 11, 2019>

Article 28 (Subsidy by the State and Local Governments)

- (1) Expenses incurred in relation to medical aid beneficiaries under Article 58 (2) of the Act shall be borne by the State and local governments in accordance with the following guidelines: <Amended by Presidential Decree No. 22001, Jan. 26, 2010; Presidential Decree No. 23264, Oct. 26, 2011; Presidential Decree No. 26805, Dec. 30, 2015>
 1. Deleted; <by Presidential Decree No. 26805, Dec. 30, 2015>
 - 1-2. Expenses incurred in relation to the recipients of medical benefits under Article 3 (1) 1 of the Medical Care Assistance Act: Such expenses shall be borne by each local government;
 2. Expenses incurred in relation to recipients of medical benefits under any provision other than Article 3 (1) 1 of the Medical Care Assistance Act: Such expenses shall be borne as follows:
 - (a) Apportionment to the State: An amount calculated at the standard subsidization rate specified in attached Table 1 of the Enforcement Decree of the Subsidy Management Act for beneficiaries entitled to basic living security;
 - (b) Apportionment to a local government: The remainder of expenses after deducting the apportionment to the State.
- (2) The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a *Do* Governor, or a Special Self-Governing Province Governor shall pay an estimated amount of expenses incurred in relation to benefits prescribed by the Minister of Health and Welfare to the NHIS to cover expenses under paragraph (1). <Amended by Presidential Decree No. 21924, Dec. 30, 2009; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 25163, Feb. 11, 2014>

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- (3) Procedures for and methods of paying an estimated amount of expenses for benefits under paragraph (2) shall be determined and publicly notified by the Minister of Health and Welfare. <Amended by Presidential Decree No. 22075, Mar. 15, 2010>

[This Article Newly Inserted by Presidential Decree No. 20814, Jun. 11, 2008]

[Pursuant to Article 2 of the Addenda to Presidential Decree No. 22001 (Jan. 26, 2010), this Article shall be effective until December 31, 2014]

Article 28-2 (Processing of Sensitive Information and Personally Identifiable Information)

The State (including each person to whom the Minister of Health and Welfare delegates or entrusts his/her authority pursuant to Article 111 of the National Health Insurance Act, applied *mutatis mutandis* under Article 64 of the Act), the head of a local government (including each person to whom the relevant authority is delegated or entrusted), or the NHIS (including each person to whom the NHIS' affairs are entrusted pursuant to Article 112 of the National Health Insurance Act, applied *mutatis mutandis* pursuant to Article 64 of the Act) may process health-related information under Article 23 of the Personal Information Protection Act, information constituting criminal history records under subparagraph 2 of Article 18 of the Enforcement Decree of the aforesaid Act, or data containing a resident registration number or alien registration number under Article 19 of the aforesaid Decree, in inevitable circumstances to conduct the following administrative affairs: <Amended by Presidential Decree No. 24077, Aug. 31, 2012; Presidential Decree No. 27575, Nov. 8, 2016; Presidential Decree No. 27960, Mar. 27, 2017; Presidential Decree No. 29833, Jun. 11, 2019>

1. Services for prevention of geriatric diseases under Article 4 of the Act;
- 1-2. Applying for approval for long-term care under Articles 13 and 20 through 22 of the Act;
- 1-3. Providing long-term care benefits under Articles 23 and 27 of the Act;
- 1-4. Paying family care benefits under Article 24 of the Act;
2. Designating long-term care institutions under Article 31 of the Act;
3. Renewing the designations of long-term care institutions under Article 32-4 of the Act;

4. Reporting any change in a long-term care institution under Article 33 of the Act;
- 4-2. Issuing a statement of expenses for long-term care benefits by the head of a long-term care institution under Article 35 (3) of the Act;
5. Reporting closure or suspension of a long-term care institution under Article 36 of the Act;
6. Administrative dispositions, such as cancellation of designation of a long-term care institution for home care under Article 37 of the Act;
- 6-2. Imposing penalty surcharges under Article 37-2 of the Act;
- 6-3. Publication of violations, etc. under Article 37-3 of the Act;
- 6-4. Succeeding effects of administrative disposition under Article 37-4 of the Act;
- 6-5. Restricting the provision of long-term care benefits under Article 37-5 of the Act;
- 6-6. Claiming and reimbursing expenses for home care or institutional care benefits under Article 38 of the Act;
- 6-7. Calculating expenses for issuing written instructions for home visit nursing under Article 42 of the Act;
7. Business affairs of the NHIS under Article 48 (2) of the Act;
8. Applications for examination filed pursuant to Article 55 of the Act;
9. Applications for reexamination filed pursuant to Article 56 of the Act;
10. Administrative litigation under Article 57 of the Act;
11. Reporting, inspections, etc. under Article 61 of the Act;
12. Hearings under Article 63 of the Act;
13. Paying monetary rewards under Article 104 of the National Health Insurance Act, applied *mutatis mutandis* under Article 64 of the Act;
14. Designating education institutions under Article 11 (1) 3 (b).

[This Article Newly Inserted by Presidential Decree No. 23488, Jan. 6, 2012]

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Article 28-3 (Review of Regulation)

The Minister of Health and Welfare shall review the validity on the effective period of approval for long-term care under Article 8 every three years (referring to a period before January 1 of the year when every three years elapse) on the basis of January 1, 2014 and take measures, such as making improvements.

[This Article Newly Inserted by Presidential Decree No. 25050, Dec. 30, 2013]

Article 29 (Standards for Imposition of Administrative Fines)

Guidelines for the imposition of administrative fines under Article 69 of the Act shall be as prescribed in attached Table 3.

[This Article Wholly Amended by Presidential Decree No. 21225, Dec. 31, 2008]

ADDENDUM

This Decree shall enter into force on October 1, 2007: *Provided*, That Articles 7 and 8 shall enter into force on July 1, 2008.

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

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Presidential Decree No. 20814, Jun. 11, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: *Provided*, That Articles 4, 5, 12, 13, and 28 shall enter into force on July 1, 2008.

Article 2 (Period of Validity)

The amended provisions of Article 28 (1) 1 shall be valid until December 31, 2009.

ADDENDUM <Presidential Decree No. 21225, Dec. 31, 2008>

This Decree shall enter into force on January 1, 2009.

ADDENDUM <Presidential Decree No. 21619, Jul. 7, 2009>

This Decree shall enter into force on September 19, 2009.

ADDENDUM <Presidential Decree No. 21924, Dec. 30, 2009>

This Decree shall enter into force on January 1, 2010.

ADDENDA <Presidential Decree No. 22001, Jan. 26, 2010>

Article 1 (Enforcement Date)

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

Article 2 (Application and Period of Validity)

The amended provisions of Article 28 (1) 1 shall enter into force on January 1, 2010 but shall be valid until December 31, 2014.

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

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Presidential Decree No. 22564, Dec. 29, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on December 30, 2010. (Proviso Omitted.)

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Articles 2 through 8 Omitted.

ADDENDA <Presidential Decree No. 22906, Apr. 22, 2011>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDUM <Presidential Decree No. 23125, Sep. 6, 2011>

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

ADDENDA <Presidential Decree No. 23264, Oct. 26, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on October 26, 2011.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 23488, Jan. 6, 2012>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDUM <Presidential Decree No. 23867, Jun. 21, 2012>

This Decree shall enter into force on July 1, 2012.

ADDENDA <Presidential Decree No. 24077, Aug. 31, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 1, 2012. (Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDA <Presidential Decree No. 24565, May 31, 2013>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2013.

Article 2 (Applicability to Effective Period of Approval for Long-Term Care)

The amended provisions of Article 8 (1) shall begin to apply to cases where approval for long-term care is renewed after this Decree enters into force, and where a person is determined as a patient with a rating identical to the preceding one after renewal of approval for long-term care.

ADDENDUM <Presidential Decree No. 25050, Dec. 30, 2013>

This Decree shall enter into force on January 1, 2014. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 25163, Feb. 11, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on February 14, 2014.

Article 2 (Transitional Measures concerning Administrative Fines)

(1) When penalty provisions are applied to offenses committed before this Decree enters into force, the former provisions shall govern, notwithstanding the amended provisions of attached Table 3.

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- (2) The imposition of administrative fines due to offenses referred to in subparagraph 2 (g) (ii) through (iv) of attached Table 3 before this Decree enters into force shall be disregarded for the purpose of calculating the frequency of offenses under the amended provision of subparagraph 2 (h) (ii) of attached Table 3.

ADDENDA <Presidential Decree No. 25401, Jun. 25, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2014.

Article 2 (Transitional Measures concerning Alteration of Standards for Assessment)

The amended provisions of Article 7 (1) 3 through 5 shall also apply to a person who has applied for approval for long-term care under Article 13 (1) of the Act before this Decree enters into force and on whom procedures for assessment is in progress.

Article 3 (Transitional Measures concerning Standards for Assessment)

- (1) Among recipients assessed as long-term care Rating-III pursuant to the former provisions as at the time this Decree enters into force, a recipient who scores at least 60 but less than 75 points for approval for long-term care shall be deemed a recipient assessed as long-term care Rating-III under the amended provision of Article 7 (1) 3, and a recipient who scores at least 51 but less than 60 points for approval for long-term care shall be deemed a recipient assessed as long-term care Rating-IV under the amended provision of Article 7 (1) 4, respectively.
- (2) The effective period of approval for long-term care of recipients assessed as long-term care Rating-III and long-term care Rating-IV pursuant to paragraph (1) shall be the remaining period of the effective period of approval for long-term care assessed as long-term care Rating-III pursuant to the former provisions.

ADDENDUM <Presidential Decree No. 26805, Dec. 30, 2015>

This Decree shall enter into force on January 1, 2016.

ADDENDUM <Presidential Decree No. 26844, Dec. 31, 2015>

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

ADDENDA <Presidential Decree No. 27575, Nov. 8, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2017: *Provided*, That the amended provisions of Article 9 and subparagraph 2 (d) and (i) shall enter into force on December 30, 2015, and the amended provisions of Article 18-2 shall enter into force on November 30, 2016.

Article 2 (Transitional Measures concerning Effective Period of Approval for Long-Term Care)

Notwithstanding the amended provisions of Article 8 (1), former provisions shall apply to the beneficiaries who had their effective periods of long-term care renewed before this Decree enters into force.

Article 3 (Transitional Measures concerning Renewal of Term of Office of Members of Examination Committee and Adjudication Committee)

For the purpose of applying the amended provisions of the main sentence of Article 23 (3) or of the main sentence of Article 25 (3) to a member of the Examination Committee or the adjudication committee as at the time this Act enters into force, the term of office of the committee member as at the time this Decree enters into force shall be deemed his/her initial term of office.

ADDENDUM <Presidential Decree No. 27960, Mar. 27, 2017>

This Presidential Decree shall enter into force on March 30, 2017. (Proviso Omitted.)

ADDENDUM <Presidential Decree No. 28072, May 29, 2017>

This Presidential Decree shall enter into force on June 3, 2017.

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ADDENDUM <Presidential Decree No. 28496, Dec. 26, 2017>

This Presidential Decree shall enter into force on January 1, 2018.

ADDENDUM <Presidential Decree No. 28924, May 29, 2018>

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

ADDENDUM <Presidential Decree No. 29149, Sep. 11, 2018>

This Decree shall enter into force on September 14, 2018: *Provided*, That the amended provisions of subparagraph 1 (b) of attached Table 2 shall enter into force on the date of its promulgation.

ADDENDUM <Presidential Decree No. 29411, Dec. 24, 2018>

This Decree shall enter into force on January 1, 2019.

ADDENDA <Presidential Decree No. 29833, Jun. 11, 2019>

Article 1 (Enforcement Date)

This Decree shall enter into force on December 12, 2019: *Provided*, That the amended provisions of subparagraph 2 (k) of attached Table 3 shall enter into force on the date of the promulgation; the amended provisions of Article 5 (1) 1 on July 1, 2019; and the amended provisions of Articles 13, 14-3, and 18-2 and subparagraph 1 of attached Table 2 (limited to provisions related to Article 37 (1) 1-2 and 3-4 of the Act) and subparagraph 2 (e) of attached Table 3 on June 12, 2019.

Article 2 (Transitional Measures concerning Types of, and Standards for, Long-Term Care Institutions)

- (1) If a long-term care institution for home care is taking the procedures for establishment and reporting under Article 32 (1) of the previous Long-Term Care Insurance Act (which was in force before being partially amended by Act No. 15881; hereinafter referred to as the "previous Act") as at the time this Decree enters into force and the procedures for establishment and reporting are completed after this Decree enters into force, the long-term care institution for home care shall be deemed to be a long-term care institution eligible for providing benefits for home care service under the amended provisions of subparagraph 1 of Article 10.
- (2) A long-term care institution for home care established and reported under Article 32 of the previous Act before this Decree enters into force shall be deemed to be a long-term care institution eligible for providing benefits for home care service under the amended provisions of subparagraph 1 of Article 10.

Article 3 (Transitional Measures concerning Standards for Imposition of Administrative Fines)

- (1) The standards for imposition of administrative fines for violations committed before this Decree enters into force shall be governed by the previous provisions, notwithstanding the amended provisions of subparagraph 2 (h) and (i) of attached Table 3.
- (2) Administrative fines imposed for violations committed before this Decree enters into force shall be disregarded for the purpose of counting the number of violations under the amended provisions of subparagraph 2 (h) and (i) of attached Table 3.

ADDENDUM <Presidential Decree No. 29950, Jul. 2, 2019>

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

ADDENDUM <Presidential Decree No. 30289, Dec. 31, 2019>

This Decree shall enter into force on January 1, 2020.