

2021  
National  
Health  
Insurance Act

2021 National Health Insurance Act

**h·well**  
National Health  
Insurance Service



National Health Insurance Service  
Geongang-ro 32, Gangwon-do, 26464, Republic of Korea

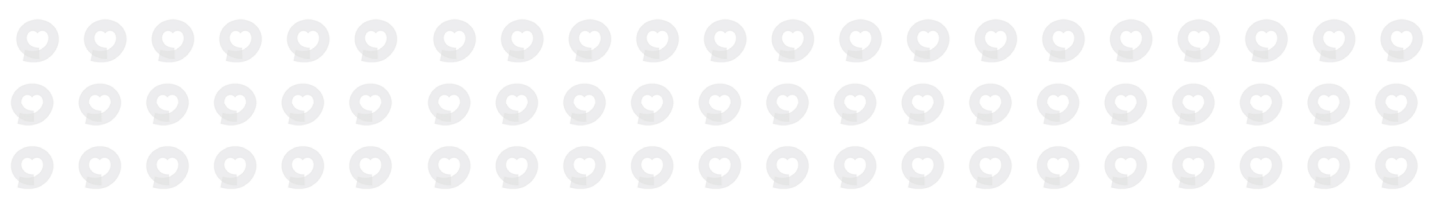
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**NATIONAL  
HEALTH  
INSURANCE ACT**

# NATIONAL HEALTH INSURANCE ACT

Wholly Amended by Act No. 11141, Dec. 31, 2011  
Amended by Act No. 11787, May 22, 2013  
Act No. 12176, Jan. 1, 2014  
Act No. 12615, May 20, 2014  
Act No. 12844, Nov. 19, 2014  
Act No. 13985, Feb. 3, 2016  
Act No. 14084, Mar. 22, 2016  
Act No. 14183, May 29, 2016  
Act No. 14557, Feb. 8, 2017  
Act No. 14776, Apr. 18, 2017  
Act No. 14839, Jul. 26, 2017  
Act No. 15348, Jan. 16, 2018  
Act No. 15535, Mar. 27, 2018  
Act No. 15874, Dec. 11, 2018  
Act No. 16238, Jan. 15, 2019  
Act No. 16366, Apr. 23, 2019  
Act No. 16652, Nov. 26, 2019  
Act No. 16728, Dec. 3, 2019  
Act No. 17196, Apr. 7, 2020



## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to improve citizens' health and promote social security by providing citizens with insurance benefits for the prevention, diagnosis, and medical treatment of and rehabilitation from diseases and injury, for childbirth and death, and for improvement of health.

## Article 2 (Charge)

The Minister of Health and Welfare shall administer the national health insurance program prescribed by this Act.

## Article 3 (Definitions)

The definitions of the terms used in this Act shall be as follows:

1. The term "worker" means a person who, regardless of a type of his/her occupation, lives on remuneration received in return for his/her work (including a director or other executive officers of a corporation), except for a public official or a school employee;
2. The term "employer" means a person who falls under any of the following items:
  - (a) The owner of the workplace at which a worker is employed;
  - (b) The head of the organ by which a public official is employed, who is determined by Presidential Decree;
  - (c) The person who establishes and operates a private school (referring to a private school referred to in Article 3 of the Pension for Private School Teachers and Staff Act; hereafter the same shall apply in this Article) by which a school employee is employed;
3. The term "workplace" means a place of business or office;
4. The term "public official" means a person who is a regular employee of the State or a local government providing civil service;
5. The term "school employee" means a teacher at, or an employee of, a private school or an organization that manages the school.

## Article 3-2 (Formulation of Comprehensive National Health Insurance Plans)

- (1) To operate the health insurance under this Act (hereinafter referred to as "health insurance") in a sound manner, the Minister of Health and Welfare shall formulate a comprehensive national health insurance plan (hereinafter referred to as "comprehensive plan") every five years, after deliberation by the Health Insurance Policy Deliberative Committee under Article 4 (hereafter referred to as the "Health Insurance Policy Deliberative Committee" in this Article). The same shall also apply to any modification to a comprehensive plan already formulated.

- (2) A comprehensive plan shall include the following:
  1. Basic objectives of, and direction-setting for, health insurance policies;
  2. Plans and methods for expanding health insurance coverage;
  3. Medium- and long-term prospects for, and operation of, health insurance finance;
  4. Matters concerning a system to impose insurance contributions;
  5. Matters concerning the costs of health care benefits;
  6. Matters concerning health promotion program;
  7. Matters concerning support for the vulnerable;
  8. Matters concerning the management of statistics and information on the health insurance;
  9. Any other matters prescribed by Presidential Decree, which are necessary to improve the health insurance.
- (3) The Minister of Health and Welfare shall formulate and implement an annual implementation plan (hereinafter referred to as "implementation plan") in accordance with a comprehensive plan each year, after deliberation by the Health Insurance Policy Deliberative Committee.
- (4) The Minister of Health and Welfare shall evaluate performance results according to the relevant implementation plan each year.
- (5) Where any of the following causes arises, the Minister of Health and Welfare shall prepare a report on the relevant matter and report it to the competent Standing Committee of the National Assembly without delay:
  1. Formulation or modification of a comprehensive plan referred to in paragraph (1);
  2. Formulation of an implementation plan referred to in paragraph (3);
  3. Evaluation of performance results according to an implementation plan referred to in paragraph (4).
- (6) If deemed necessary for formulating a comprehensive plan, formulating and executing an implementation plan, or evaluating performance results according to an implementation plan, the Minister of Health and Welfare may request the head of a relevant agency to submit data. In such cases, the person so requested shall respond to such request, except in extenuating circumstances.

- (7) Matters necessary to formulate and modify a comprehensive plan under paragraph (1), formulate and execute an implementation plan under paragraph (3), and evaluate performance results according to an implementation plan under paragraph (4), and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13985, Feb. 3, 2016]

#### **Article 4 (Health Insurance Policy Deliberative Committee)**

- (1) The Health Insurance Policy Deliberative Committee (hereinafter referred to as the "Deliberative Committee") shall be established under the control of the Minister of Health and Welfare to deliberate on and resolve any of the following matters concerning health insurance: <Amended by Act No. 13985, Feb. 3, 2016>
1. Matters concerning a comprehensive plan provided for in Article 3-2 (1) and an implementation plan provided for in Article 3-2 (3) (limited to deliberation thereon);
  2. The standards for health care benefits provided for in Article 41 (3);
  3. Matters concerning the costs of health care benefits provided for in Articles 45 (3) and 46;
  4. The insurance contribution rates of the employee insured provided for in Article 73 (1);
  5. The monetary value per contribution point of the self-employed insured provided for in Article 73 (3);
  6. Other important matters prescribed by Presidential Decree concerning health insurance.
- (2) The Deliberative Committee shall be comprised of 25 members, including one Chairperson and one Vice Chairperson.
- (3) The Chairperson of the Deliberative Committee shall be the Vice Minister of Health and Welfare and the Vice Chairperson shall be nominated by the Chairperson from among the members referred to in paragraph (4) 4.
- (4) The following persons shall be appointed or commissioned by the Minister of Health and Welfare as members of the Deliberative Committee:
1. Two persons each recommended by workers' organizations and employers' organizations;



2. One person each recommended by the civic group (referring to the non-profit, non-government organization provided for in Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act; hereinafter the same shall apply), consumers' organization, organization of farmers and fishermen, and organization of self-employed persons;
3. Eight persons who are recommended by the organizations representing the medical profession and the organizations representing the medicine manufacturers;
4. Eight persons falling under each of the following items:
  - (a) Two public officials who belong to central administrative agencies prescribed by Presidential Decree;
  - (b) One person each recommended by the president of the National Health Insurance Service and the president of the Health Insurance and Assessment Service;
  - (c) Four persons with profound learning and experience in health insurance.
- (5) The term of office of the members of the Deliberative Committee (excluding any member falling under paragraph (4) 4 (a)) shall be three years: Provided, That the term of office of any member newly appointed to fill a vacancy of a resigned member or due to other reasons shall be the remainder of the term of office for his/her predecessor.
- (6) Matters necessary for the operation, etc. of the Deliberative Committee, shall be prescribed by Presidential Decree.

## CHAPTER II THE INSURED

### Article 5 (Eligible Persons)

- (1) Korean nationals who reside within Korea shall become the insured of the health insurance (hereinafter referred to as "the insured") or their dependents: Provided, That this shall not apply to any of the following persons: <Amended by Act No. 13985, Feb. 3, 2016>
  1. Persons who receive medical aid under the Medical Care Assistance Act (hereinafter referred to as "eligible recipient");

2. Persons who receive medical care under the Act on the Honorable Treatment of Persons of Distinguished Service to Independence or the Act on the Honorable Treatment of and Support for Persons of Distinguished Service to the State (hereinafter referred to as "persons eligible for medical care for distinguished service"): Provided, That any of the following persons shall be the insured or a dependent:
  - (a) A person, from among persons eligible for medical care for distinguished service, who requests the insurer to provide him/her with health insurance cover;
  - (b) A person who does not request the insurer that he/she be excluded from health insurance cover, despite a change in his/her status from a person under the coverage of the health insurance to a person eligible for medical care for distinguished service.
- (2) Dependents of the insured referred to in paragraph (1) refers to any of the following persons who are supported mainly by the employee insured and whose income or property falls below the standards prescribed by Ordinance of the Ministry of Health and Welfare: <Amended by Act No. 14776, Apr. 18, 2017>
  1. Spouses of the employee insured;
  2. Lineal ascendants of the employee insured (including lineal ascendants of their spouses);
  3. Lineal descendants (including lineal descendants of their spouses) and their spouses of the employee insured;
  4. Siblings of the employee insured.
- (3) The standards to determine the eligibility of the dependent referred to in paragraph (2), date of acquisition or loss of such eligibility, and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

## Article 6 (Categories of the Insured)

- (1) The insured shall be divided into the employee insured and the self-employed insured.

- (2) Workers and employers of all workplaces and public officials and school employees shall become the employee insured: Provided, That any of the following persons shall be excluded herefrom: <Amended by Act No. 14183, May 29, 2016>
1. Daily-paid workers who are employed for a period of less than one month;
  2. Soldiers in active service under the Military Service Act (including staff sergeants appointed without volunteering), secondment personnel, and candidates for military officers;
  3. Public officials who assume office by winning an election, and who do not receive monthly remuneration or salary equivalent thereto;
  4. Workers and employers of workplaces prescribed by Presidential Decree, in light of the characteristics of workplace, forms of employment, types of business and other matters, and public officials and school employees.
- (3) Persons who are neither the employee insured nor their dependents shall be the self-employed insured.
- (4) Deleted. <By Act No. 15874, Dec. 11, 2018>

## Article 7 (Reporting on Workplace)

Where an employer of a workplace falls under any of the following subparagraphs, he/she shall report such fact to an insurer, as prescribed by Ordinance of the Ministry of Health and Welfare within 14 days thereafter. This shall also apply where any matter reported to the insurer is changed because he/she falls under subparagraph 1:

1. Where his/her workplace becomes a workplace using employees, public officials, and school employees who become the employee insured pursuant to Article 6 (2) (hereinafter referred to as "workplace of eligible persons");
2. Where a cause prescribed by Ordinance of the Ministry of Health and Welfare exists, such as suspension or closure of business.

## Article 8 (Date of Acquisition of Eligibility)

- (1) The insured shall become eligible as the employee insured or the self-employed insured on the day he/she takes residence in the country: Provided, That a person who falls under any of the following subparagraphs shall become eligible for each on the applicable day:

1. For a former eligible recipient, on the day when he/she becomes excluded from such eligibility;
  2. For a former dependent of the employee insured, on the day when he/she loses his/her eligibility;
  3. For a person formerly eligible for medical care for distinguished service, on the day when he/she is excluded from such eligibility;
  4. For a person eligible for medical care for distinguished service who requests the insurer for coverage under the health insurance under Article 5 (1) 2 (a), on the day when the request is made.
- (2) If a person becomes eligible pursuant to paragraph (1), the employer of the relevant employee insured or the head of the household of the relevant self-employed insured shall report the particulars to the insurer, as prescribed by Ordinance of the Ministry of Health and Welfare, within 14 days after the date of acquisition of the eligibility.

### **Article 9 (Date of Change in Eligibility)**

- (1) The eligibility of the insured shall change on the date when he/she falls under any of the following subparagraphs:
1. On the date the self-employed insured becomes an employer of a workplace of eligible persons or is employed as an employee, public official, or school employee (hereinafter referred to as "employee, etc.");
  2. On the date the employee insured becomes an employer of another workplace of eligible persons or is employed as an employee, etc.;
  3. On the date immediately following the date of expiration of employment relationship of employer, etc. who is the employee insured;
  4. On the date immediately following the date on which any cause under subparagraph 2 of Article 7 occurs at the workplace of eligible persons;
  5. On the date on which the self-employed insured moves into another household.
- (2) Where the eligibility of the insured changes under paragraph (1), the employer of the employee insured or the head of a household of the self-employed insured shall report the particulars to the insurer according to the following classifications, as prescribed by Ordinance of the Ministry of Health and Welfare, within 14 days from the date on which the eligibility changes:
1. Where eligibility changes pursuant to paragraph (1) 1 and 2: Employer of the employee insured;

2. Where there is a change in eligibility pursuant to paragraph (1) 3 through 5: The head of a household of the self-employed insured.
- (3) Where the employee insured or the self-employed insured falls under subparagraph 3 or 4 of Article 54, the Minister of Justice and the Minister of National Defense shall inform the insurer as provided by Ordinance of the Ministry of Health and Welfare within one month from the date of such change.

### **Article 9-2 (Notice of Acquisition and Change of Eligibility)**

Upon confirmation of the acquisition or change of eligibility of the insured through the data received pursuant to Article 96 (1), the NHIS shall give notice of the acquisition or change of the eligibility, as prescribed by Ordinance of the Ministry of Health and Welfare, when the billing of contribution is made to the person obligated to pay it under Article 79 for the first time after the acquisition or change of the eligibility.

[This Article Newly Inserted by Act No. 16238, Jan. 15, 2019]

### **Article 10 (Date of Loss of Eligibility)**

- (1) The insured shall lose his/her eligibility on the day he/she falls under any of the following subparagraphs:
  1. The day immediately following the date of his/her death;
  2. The day immediately following the day he/she loses his/her nationality;
  3. The day immediately following the day he/she ceases to reside within the country;
  4. The day he/she becomes a dependent of the employee insured;
  5. The day he/she becomes an eligible recipient;
  6. The day a person formerly covered by health insurance makes a request for exclusion from coverage of the health insurance as he/she became a person eligible for medical care for distinguished service.
- (2) If eligibility is lost pursuant to paragraph (1), the employer of the relevant employee insured or the head of a household of the self-employed insured concerned shall report the particulars to the insurer, as prescribed by Ordinance of the Ministry of Health and Welfare, within 14 days after the date of loss of the eligibility.

### **Article 11 (Confirmation of Acquisition of Eligibility)**

- (1) Acquisition, change, or loss of the eligibility of the insured shall take effect retrospectively from the date of acquisition, change, or loss of the eligibility referred to in Articles 8 through 10. In such cases, the insurer may confirm the fact thereof.
- (2) The insured or the former insured, or a dependent or a former dependent may request the confirmation referred to in paragraph (1).

### **Article 12 (Health Insurance Card)**

- (1) The National Health Insurance Service shall issue a health insurance card upon application by the insured or his/her dependent. <Amended by Act No. 15874, Dec. 11, 2018>
- (2) When the insured or his/her dependent receives health care benefits, he/she shall present the insurance card referred to in paragraph (1) to a health care institution referred to in Article 42 (1) (hereinafter referred to as "health care institution"): Provided, That this shall not apply if an unavoidable circumstance such as a natural disaster exists.
- (3) Notwithstanding the main sentence of paragraph (2), if it is possible for a health care institution to ascertain his/her eligibility using his/her resident registration certificate, driver's license, passport, or other identification cards prescribed by Ordinance of the Ministry of Health and Welfare (hereinafter referred to as "identification cards") to verify his/her identity, the insured or a dependent need not submit his/her health insurance card.
- (4) Neither the insured nor his/her dependent may receive insurance benefits after losing his/her eligibility under Article 10 (1) using a document that had been used to certify his/her eligibility before. <Newly Inserted by Act No. 11787, May 22, 2013>
- (5) No person is allowed to arrange another person to receive insurance benefits by transferring or lending his/her health insurance card or identification card. <Newly Inserted by Act No. 11787, May 22, 2013>
- (6) No person is allowed to receive insurance benefits by transferring, borrowing, or fraudulently using another person's health insurance card or identification card.

- (7) Matters necessary for the procedures and methods for application and the form for the health insurance card referred to in paragraph (1) and issuing and using it shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 15874, Dec. 11, 2018>

## CHAPTER III NATIONAL HEALTH INSURANCE SERVICE

### Article 13 (Insurer)

The insurer of national health insurance shall be the National Health Insurance Service (hereinafter referred to as the "NHIS").

### Article 14 (Services)

- (1) The NHIS shall administer the following affairs: <Amended by Act No. 14557, Feb. 8, 2017>
1. Supervision of the eligibility of the insured and their dependents;
  2. Imposition and collection of insurance contributions and other fees provided for in this Act;
  3. Administration of insurance benefits;
  4. Preventive programs prescribed by Presidential Decree, which are conducted by utilizing information on the current state of providing health care benefits and the results of medical examination for the purpose of early detection and prevention of diseases and health management of the insured and their dependents;
  5. Payment of insurance benefit costs;
  6. Programs for managing, operating, and increasing its assets;
  7. Operation of medical facilities;
  8. Education and training and public relation in connection with health insurance;
  9. Investigative research and international cooperation in connection with health insurance;
  10. Matters prescribed by this Act as the service of the NHIS;
  11. Operations entrusted under the National Pension Act, the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance, the Wage Claim Guarantee Act, and the Asbestos Injury Relief Act (hereinafter referred to as "applicable Acts to the entrustment of collection");

12. Other services entrusted under this Act or other statutes;
  13. Others determined by the Minister of Health and Welfare as being necessary in connection with health insurance.
- (2) Programs for managing, operating, and increasing assets under paragraph (1) 6 shall be conducted in accordance with each of the following methods, taking the stability and profitability into consideration:
1. Making deposits or setting up trust at postal service offices or banks established under the Banking Act;
  2. Purchase of securities issued directly, or of which fulfillment of the obligation is guaranteed, by the State, local governments, or banks established under the Banking Act;
  3. Purchase of securities issued by a corporation established under any Special Act;
  4. Purchase of securities issued by trust business entities established under the Financial Investment Services and Capital Markets Act or collective investment business entities established under the same Act;
  5. Acquisition of real estates for use in operating the NHIS or partial lease thereof;
  6. Other programs prescribed by Presidential Decree as necessary to increase the assets of the NHIS.
- (3) If a service is provided, or the use of the facilities of the NHIS is allowed to, a specific person, the NHIS may collect a service charge or a use fee for the provision of the service or the use of the facilities, as prescribed by the NHIS' articles of incorporation.
- (4) The NHIS shall disclose to the public the information that it maintains and manages in connection with health insurance as prescribed by the Official Information Disclosure Act.

### **Article 15 (Legal Personality of NHIS)**

- (1) The NHIS shall be a juristic person.
- (2) The NHIS shall be established upon registering its establishment at the seat of its main office.

### **Article 16 (Office)**

- (1) Location of the main office of the NHIS shall be determined by its articles of incorporation.



- (2) If necessary, the NHIS may establish branch offices as prescribed by its articles of incorporation.

### **Article 17 (Articles of Incorporation)**

- (1) The articles of incorporation of the NHIS shall state the following matters:
1. Objectives;
  2. Its name;
  3. Seat of office;
  4. Matters concerning its executive officers and employees;
  5. Management of board of directors;
  6. Matters concerning the Financial Operation Committee;
  7. Matters concerning insurance contributions and insurance benefits;
  8. Matters concerning its budget and settlement of accounts;
  9. Matters concerning its assets and accounting;
  10. Services and execution thereof;
  11. Matters concerning the amendment of the articles of incorporation;
  12. Matters concerning public announcements.
- (2) When the NHIS intends to modify its articles of incorporation, it shall obtain authorization from the Minister of Health and Welfare.

### **Article 18 (Registration)**

The registration of incorporation of the NHIS shall include the following matters:

1. Objectives;
2. Its name;
3. Seat of the main office and branch offices;
4. Name, address, and resident registration number of the president.

### **Article 19 (Dissolution)**

Matters regarding the dissolution of the NHIS shall be prescribed by Acts.

## Article 20 (Executive Officers)

- (1) The NHIS shall have one president, 14 directors, and one auditor, as its executive officers. In such cases, the president, five directors, and the auditor shall be standing.
- (2) The president shall be appointed by the President of the Republic of Korea upon recommendation of the Minister of Health and Welfare from among several persons recommended by the Committee for Recommendation of Executive Officers established under Article 29 of the Act on the Management of Public Institutions (hereinafter referred to as the "Committee for Recommendation of Executive Officers").
- (3) Full-time directors shall be appointed by the president following the recommendation procedures prescribed by Ordinance of the Ministry of Health and Welfare.
- (4) As part-time directors, following persons shall be appointed by the Minister of Health and Welfare:
  1. Persons, each one of whom is recommended respectively by a labor union, employer organization, civil organization, consumer organization, agricultural and fisheries organization, and a senior citizens' organization;
  2. Three relevant public officials recommended as prescribed by Presidential Decree.
- (5) The auditor shall be appointed by the President of the Republic of Korea upon recommendation by the Minister of Economy and Finance from among several persons recommended by the Committee for Recommendation of Executive Officers.
- (6) Part-time directors prescribed in paragraph (4) may receive reimbursement for actual expenses, as prescribed by the articles of incorporation.
- (7) The term of the office of the president shall be three years, and that of directors (excluding directors who are public officials) and auditor shall be two years, respectively.

## Article 21 (Collection Director)

- (1) Among standing directors, a director who has extensive knowledge and experience in management, economy, and social insurance and who meets the qualification determined by Ordinance of the Ministry of Health and Welfare shall be appointed as a director in charge of the affairs provided for Article 14 (1) 2 and 11 (hereinafter referred to as "collection director").

- (2) The NHIS shall have a committee, having directors as its members, for nominating collection directors (hereinafter referred to as the "Nomination Committee") in order to nominate candidates for a collection director. In such cases, a director nominated by the president shall be the Chairperson of the Nomination Committee.
- (3) The Nomination Committee shall publicly announce recruitment advertisement for a collection director on major daily newspapers, and in addition, may examine a candidate who is regarded as qualified, or request a specialized organization to examine such candidate.
- (4) The Nomination Committee shall screen persons recruited pursuant to paragraph (3) according to the candidate screening criteria for a collection director determined by Ordinance of the Ministry of Health and Welfare, and consult on the contractual terms with the collection director nominee.
- (5) The president shall conclude a contract with the candidate for a collection director in accordance with the result of screening and consultation conducted under paragraph (4), and in such case, a standing director shall be deemed appointed under Article 20 (3).
- (6) Matters necessary for the consultation on contractual terms under paragraph (4), contract conclusion, etc. under paragraph (5), shall be prescribed by Ordinance of the Ministry of Health and Welfare.

## **Article 22 (Duties of Executive Officer)**

- (1) The president shall represent the NHIS, exercise overall control over its services, and take responsibility for the management performance of the NHIS.
- (2) The standing directors shall perform the affairs of the NHIS under the order of the president.
- (3) Where the president is unable to perform his/her duties due to any unavoidable cause, a standing director determined by the articles of incorporation shall act on behalf of the president, and where no standing director exists or a standing director is unable to perform such duties, an executive officer determined by articles of incorporation shall act on behalf of the president.

(4) The auditor shall audit the services, accounting, and assets status of the NHIS.

### **Article 23 (Disqualification of Executive Officers)**

No person who falls under any of the following subparagraphs may become an executive officer of the NHIS:

1. A person who is not a national of the Republic of Korea;
2. A person falling under any subparagraph of Article 34 (1) of the Act on the Management of Public Institutions.

### **Article 24 (Obligatory Retirement and Dismissal of Executive Officers)**

- (1) If an executive officer falls under any of the subparagraphs of Article 23, or is confirmed to fall thereunder at the time of his/her appointment, he/she shall be obligated to retire.
- (2) If an executive officer falls under any of the following subparagraphs, the person with the power to appoint may dismiss him/her:
  1. Where he/she is deemed unable to perform his/her duties due to a physical or mental disability;
  2. Where he/she breaches an official duty;
  3. Where he/she causes loss to the NHIS by intention or gross negligence;
  4. Where he/she commits an act that damages his/her dignity, regardless of whether on or off duty;
  5. Where he/she violates an order of the Minister of Health and Welfare issued under this Act.

### **Article 25 (Prohibition of Concurrent Offices of Executive Officers)**

- (1) Standing executive officers and employees of the NHIS shall not engage in another business for the purpose of making profit, in addition to the duties assigned to them.
- (2) Where a standing executive officer of the NHIS obtains permission from the person with the power to appoint or recommend, or where an employee of the NHIS obtains permission from the president thereof, such executive officer or employee may concurrently perform the affairs for non-profit purpose.

## **Article 26 (Board of Directors)**

- (1) The NHIS shall have a board of directors in order to deliberate on and resolve important matters (referring to matters prescribed in Article 17 (1) of the Act on the Management of Public Institutions) of the NHIS.
- (2) The board of directors shall be comprised of the president and directors.
- (3) The auditor may appear before the board of directors to speak.
- (4) Matters necessary for the issues to be resolved by the board of directors and the operation of the board of directors shall be prescribed by Presidential Decree.

## **Article 27 (Appointment and Dismissal of Employees)**

The president shall appoint and dismiss employees as prescribed by the articles of incorporation.

## **Article 28 (Legal Fiction as Public Officials in Application of Penalty Provisions)**

The executive officers and employees of the NHIS shall be deemed to be public officials in applying Articles 129 through 132 of the Criminal Act.

## **Article 29 (Rules)**

Rules relevant to the organization, personnel management, remunerations, and accounting of the NHIS shall be determined with approval from the Minister of Health and Welfare after undergoing a resolution by the board of directors.

## **Article 30 (Selection and Appointment of Agent)**

The president may select and appoint an agent, from among the directors or employees of the NHIS, in order to have the agent act on behalf of him/her in all judicial or extra-judicial acts relevant to the services of the NHIS.

## **Article 31 (Limitation on Representation)**

- (1) In connection with the matters with regard to which the interests of the NHIS and the interests of the president are in conflict, the president is not allowed to represent the NHIS. In such cases, the auditor shall represent the NHIS.

- (2) Paragraph (1) shall apply mutatis mutandis to any litigation between the NHIS and the president.

### **Article 32 (Delegation of Authority of President)**

From among the authority of the president referred to in this Act, those prescribed by Presidential Decree, including restriction of benefits and notice to pay insurance contributions, may be delegated to the head of a branch offices pursuant to the articles of incorporation.

### **Article 33 (Financial Operation Committee)**

- (1) The NHIS shall have the Financial Operation Committee to deliberate on and resolve the matters related to insurance finance, such as contracts on the costs of health care benefits provided for in Article 45 (1) and the deficit disposal provided for in Article 84.
- (2) The Chairperson of the Financial Operation Committee shall be elected by the Committee from among the members referred to in Article 34 (1) 3.

### **Article 34 (Composition of Financial Operation Committee)**

- (1) The Financial Operation Committee shall be comprised of the following members:
1. Ten members representing the employee insured;
  2. Ten members representing the self-employed insured;
  3. Ten members representing the public interest.
- (2) As the members referred to in paragraph (1), the Minister of Health and Welfare shall appoint or commission the following persons:
1. For members referred to in paragraph (1) 1, five recommended by the labor union and the other five by the employers' organization;
  2. For members referred to in paragraph (1) 2, persons recommended by the agricultural and fishery organization, the urban self-employed persons' organization, and the civic group, as prescribed by Presidential Decree;
  3. For members referred to in paragraph (1) 3, relevant public officials or persons with extensive knowledge on and experience in health insurance who are prescribed by Presidential Decree.

- (3) The term of office of the Financial Operation Committee members (excluding the members who are public officials) shall be two years: Provided, That the term of office of any member newly appointed to fill the vacancy of a resigned member, etc. shall be the remaining term of his/her predecessor.
- (4) Matters necessary for the operation etc. of the Financial Operation Committee, shall be prescribed by Presidential Decree.

### **Article 35 (Accounting)**

- (1) The fiscal year of the NHIS shall be based on the fiscal year of the Government.
- (2) The NHIS shall administer the finance of the employee insured and the self-employed insured in an integrated manner.
- (3) The NHIS shall, separately from its other accounting, make accounting treatment for the health insurance program, as well as for the national pension program, employment insurance program, industrial accident compensation insurance program, and wage claim guarantee program entrusted pursuant to Acts authorizing the entrustment of collection, independently from one another. <Amended by Act No. 15348, Jan. 16, 2018>

### **Article 36 (Budget)**

The NHIS shall compile a budget bill for each fiscal year and obtain approval therefor from the Minister of Health and Welfare after a resolution by the board of directors. This shall also apply where it intends to modify the budget. <Amended by Act No. 14084, Mar. 22, 2016>

### **Article 37 (Loans)**

The NHIS may borrow funds where a shortage of cash exists in making reimbursement: Provided, That it shall obtain approval from the Minister of Health and Welfare for any long-term loan with a term of at least one year.

### **Article 38 (Reserve Fund)**

- (1) Out of the fund remaining after the settlement of accounts for each fiscal year, the NHIS shall accumulate, as its reserve fund, an amount equivalent to at least 5/100 of the expenses required for cost of insurance benefits for that fiscal year until the fund reaches 50/100 of the expenses required for that fiscal year.
- (2) The reserve fund referred to in paragraph (1) may not be used except where it is used to meet shortages in the expenses incurred in paying insurance benefits or where a shortage of cash exists in making reimbursement; where the shortage of cash in making reimbursement is met out of the reserve funds, the amount shall be made up for within the fiscal year concerned.
- (3) Matters necessary for the method of management, operation, etc. of the reserve funds referred to in paragraph (1), shall be prescribed by the Minister of Health and Welfare.

### **Article 39 (Settlement of Accounts)**

- (1) The NHIS shall prepare a report on the statement of accounts and a report on business performance for each fiscal year and report to the Minister of Health and Welfare thereon by the end of February in the following year.
- (2) When the NHIS reports to the Minister of Health and Welfare on its report on statement of accounts and business report pursuant to paragraph (1), it shall publicly announce the contents thereof as prescribed by Ordinance of the Ministry of Health and Welfare.

### **Article 39-2 (Contribution to Projects for Supporting Disastrous Medical Expenses)**

The NHIS may contribute fund within its budgetary limits every year to be appropriated for the expenses used for the project for supporting disastrous medical expenses under the Act on Support of Disastrous Medical Expenses. In such case, matters necessary for the upper limit amount of such contribution shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 15348, Jan. 16, 2018]

### **Article 40 (Application Mutatis Mutandis of Civil Act)**

Except as otherwise expressly prescribed by this Act and the Act on the Management of Public Institutions, the provisions of the Civil Act that are relevant to an incorporated foundation shall apply mutatis mutandis to the NHIS.



## CHAPTER IV INSURANCE BENEFITS

### Article 41 (Health Care Benefits)

- (1) Health care benefits referred to in the following subparagraphs shall be provided for diseases, injuries, childbirths, etc. of the insured and their dependents:
  1. Diagnosis and medical examinations;
  2. Supply of medicines and materials for medical treatment;
  3. Treatment, surgery, or other types of medical care;
  4. Prevention and rehabilitation;
  5. Hospitalization;
  6. Nursing;
  7. Transfer.
- (2) The scope (hereinafter referred to as "health care benefit item") of health care benefits under paragraph (1) (hereinafter referred to as "health care benefits") shall be as follows: <Newly Inserted by Act No. 13985, Feb. 3, 2016>
  1. Health care benefits specified in each subparagraph of paragraph (1) (excluding medicines under paragraph (1) 2): All except for the items determined to be non-benefit by the Minister of Health and Welfare under paragraph (4);
  2. Medicines under paragraph (1) 2: Medicines determined and publicly notified by the Minister of Health and Welfare as items eligible for health care benefits pursuant to Article 41-3.
- (3) Criteria for the method, procedure, scope, and upper limit of health care benefits shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 13985, Feb. 3, 2016>
- (4) In prescribing the criteria for health care benefits under paragraph (3), the Minister of Health and Welfare may determine medical treatment for ailments that do not cause difficulties at work or in daily life and other items determined by Ordinance of the Ministry of Health and Welfare, as items excluded from the items eligible for health care benefits (hereinafter referred to as "non-benefit item"). <Amended by Act No. 13985, Feb. 3, 2016>

**Article 41-2 (Reduction of Upper Limit Amount of Costs of Health Care Benefits for Medicines)**

- (1) The Minister of Health and Welfare may reduce the upper limit amount (referring to the amount set as the upper limit of each kind of medicine pursuant to Article 41 (3); hereinafter the same shall apply) of costs of health care benefits for the medicines referred to in Article 41 (1) 2 as are involved in a violation of Article 47 (2) of the Pharmaceutical Affairs Act within the extent not exceeding 20/100 of such amount. <Newly Inserted by Act No. 15353, Mar. 27, 2018>
- (2) Where any medicine for which the upper limit amount of costs of health care benefits is reduced pursuant to paragraph (1) again becomes subject to the reduction of amount under paragraph (1) within the period determined by Presidential Decree within the extent of five years from the date when the upper limit amount of such medicine was reduced, the Minister of Health and Welfare may partially reduce the upper limit amount of costs of health care benefits for such medicine within the extent not exceeding 40/100 of such upper limit amount. <Newly Inserted by Act No. 15353, Mar. 27, 2018>
- (3) Where any medicine for which the upper limit amount of costs of health care benefits is reduced pursuant to paragraph (2) is again involved in a violation of Article 47 (2) of the Pharmaceutical Affairs Act within the period determined by Presidential Decree within the scope of five years from the date when the upper limit amount of costs of health care benefits for such medicine is reduced, the Minister of Health and Welfare may suspend the application of health care benefits for a fixed period not exceeding one year. <Amended by Act No. 15353, Mar. 27, 2018>
- (4) Standards and procedures for reducing the upper limit amount of costs of health care benefits and suspending the application of health care benefits pursuant to paragraphs (1) through (3), and other matters therefor shall be prescribed by Presidential Decree. <Amended by Act No. 15353, Mar. 27, 2018>

[This Article Newly Inserted by Act No. 12176, Jan. 1, 2014]

**Article 41-3 (Determination of Whether Acts, Materials for Medical Treatment, or Medicines Are Health Care Benefit Items)**

- (1) A health care institution referred to in Article 42, a manufacturer or importer of materials for medical treatment, and other persons prescribed by Ordinance of the Ministry of Health and Welfare shall request the Minister of Health and Welfare to determine whether an act relating to health care benefits under Article 41 (1) 1, 3, or 4 or a material for medical treatment under Article 41 (1) 2 (hereinafter referred to as "act or material for medical treatment"), which has not been determined to be a health care benefit item or non-benefit item, is a benefit or non-benefit item.
- (2) A manufacturer or importer of medicines under the Pharmaceutical Affairs Act and other persons prescribed by Ordinance of the Ministry of Health and Welfare may request the Minister of Health and Welfare to determine whether a medicine under Article 41 (1) 2 (hereafter referred to as "medicine" in this Article), which is not included into health care benefit item, is a health care benefit item.
- (3) Upon receipt of a request under paragraph (1) or (2), the Minister of Health and Welfare shall determine whether the relevant item is benefit or non-benefit item, and then notify the applicant of his/her determination, within a period prescribed by Ordinance of the Ministry of Health and Welfare, except in extenuating circumstances.
- (4) Even if no request is made under paragraph (1) or (2), the Minister of Health and Welfare may determine, ex officio, whether any act, material for medical treatment, or medicine is a benefit or non-benefit item, in cases prescribed by Ordinance of the Ministry of Health and Welfare where such determination is necessary to treat patients.
- (5) Matters necessary for the timing, procedures, and method for requesting a determination of a benefit or non-benefit item under paragraphs (1) and (2), entrustment with relevant business, etc. and matters concerning the procedures, method, etc. for determining a benefit or non-benefit item under paragraphs (3) and (4), shall be prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 13985, Feb. 3, 2016]

#### **Article 41-4 (Selective Benefits)**

- (1) Where economic feasibility, medical treatment effects, etc. are uncertain in determining health care benefits and thus additional grounds are required to verify them, where potential benefits exist for the recovery of health of the insured or their dependents despite low economic feasibility, or where Presidential Decree prescribes, the Minister of Health and Welfare may designate and provide selective benefits as preliminary health care benefits.
- (2) The Minister of Health and Welfare shall regularly assess the appropriateness of health care benefits in relation to selective benefits under paragraph (1) (hereinafter referred to as "selective benefits") according to the procedures and methods prescribed by Presidential Decree, thereby redetermining whether to provide health care benefits therefor and adjusting the criteria for health care benefits under Article 41 (3).

[This Article Newly Inserted by Act No. 14084, Mar. 22, 2016]

#### **Article 41-5 (Home Health Care Benefits)**

Where the insured or his/her dependent has difficulty moving on his/her own due to illness or injury or otherwise falls under any case prescribed by Ordinance of the Ministry of Health and Welfare, health care benefits pursuant to Article 41 may be provided by directly visiting the insured or dependent.

[This Article Newly Inserted by Act No. 15874, Dec. 11, 2018]

#### **Article 42 (Health Care Institution)**

- (1) Health care benefits (excluding nursing and transfers) shall be provided by the health care institutions referred to in the following subparagraphs. In such cases, the Minister of Health and Welfare may exclude medical facilities, etc. determined by Presidential Decree, which are unfit as health care institutions for the public interest or for national policy reasons, from among health care institutions: <Amended by Act No. 15553, Mar. 27, 2018>
  1. Medical institutions established under the Medical Service Act;
  2. Pharmacies registered under the Pharmaceutical Affairs Act;
  3. The Korea Orphan and Essential Drug Center established under Article 91 of the Pharmaceutical Affairs Act;
  4. Public health clinics, public health and health care centers, and branches of public health clinics referred to in the Regional Public Health Act;

5. Public health clinics established under the Act on Special Measures for Health and Medical Services in Agricultural and Fishing Villages.
- (2) If necessary for efficiently providing health care benefits, the Minister of Health and Welfare may recognize health care institutions meeting the standards prescribed by Ordinance of the Ministry of Health and Welfare, such as facilities, equipment, human resources, and medical departments, as specialized health care institutions, as prescribed by Ordinance of the Ministry of Health and Welfare. In such cases, he/she shall issue a written recognition for each of the relevant specialized health care institutions.
- (3) If a health care institution recognized under paragraph (2) falls under any of the following cases, the Minister of Health and Welfare shall revoke such recognition:
  1. Where it fails to meet the standards for recognition referred to in the former part of paragraph (2);
  2. Where it returns the written recognition received under the latter part of paragraph (2).
- (4) Health care institutions recognized to be specialized health care institutions under paragraph (2) or tertiary hospitals under Article 3-4 of the Medical Service Act may set the procedure for health care benefits referred to in Article 41 (3) and the costs of health care benefits referred to in Article 45 differently from other health care institutions. <Amended by Act No. 13985, Feb. 3, 2016>
- (5) Health care institutions referred to in paragraphs (1), (2), and (4) may not refuse to provide health care benefits without any justifiable ground.

**Article 42-2 (Management of Provision of Selective Benefits by Health Care Institutions)**

- (1) Where any selective benefits require data accumulation or medical use and management, the Minister of Health and Welfare may predetermine the requirements for the provision of relevant selective benefits and only the health care institutions that satisfy such requirements may provide relevant selective benefits, notwithstanding Article 42 (1).
- (2) A health care institution which provides selective benefits pursuant to paragraph (1) shall submit data necessary to assess relevant selective benefits under Article 41-4 (2).

- (3) Where a health care institution fails to satisfy the requirements for the provision of selective benefits referred to in paragraph (1) or fails to submit data referred to in paragraph (2), the Minister of Health and Welfare may restrict the health care institution from providing relevant selective benefits.
- (4) The requirements for the provision of selective benefits referred to in paragraph (1), the submission of data referred to in paragraph (2), restrictions on the provision of selective benefits referred to in paragraph (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 14084, Mar. 22, 2016]

### **Article 43 (Reports on Current Status of Health Care Institutions)**

- (1) At the time a health care institution makes the first claim for reimbursement of costs of health care benefits under Article 47, the institution shall report on the current status of its facilities, equipment, human resources, etc. to the Health Insurance and Assessment Service (hereinafter referred to as the "Review and Assessment Service") established under Article 62.
- (2) Where any matter reported under paragraph (1) (limited to any matter related to the increase or reduction of the costs of health care benefits under Article 45) is changed, the health care institution shall report thereon to the Review and Assessment Service within 15 days from the date on which such change is made, as prescribed by Ordinance of the Ministry of Health and Welfare.
- (3) Matters necessary for the scope, subject, method, and procedure, etc. of the reporting prescribed in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

### **Article 44 (Co-Payment of Expenses)**

- (1) A person who receives health care benefits shall personally bear part of such expenses (hereinafter referred to as "co-payment"), as prescribed by Presidential Decree. In such cases, a higher share of co-payment may be applied to selective benefits than to other health care benefits. <Amended by Act No. 14084, Mar. 22, 2016>

- (2) Where the total amount of annual co-payment borne by the insured pursuant to paragraph (1) exceeds the amount prescribed by Presidential Decree (hereafter referred to as "co-payment ceiling" in this Article), the NHIS shall bear such excess amount. <Newly Inserted by Act No. 14084, Mar. 22, 2016>
- (3) The co-payment ceiling referred to in paragraph (2) shall be determined in consideration of the income levels, etc. of the insured. <Newly Inserted by Act No. 14084, Mar. 22, 2016>
- (4) The method of calculating the co-payment ceiling, paying an amount in excess of the co-payment ceiling under paragraph (2), or determining the co-payment ceiling based on income levels of the insured and others under paragraph (3), and other necessary matters shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 14084, Mar. 22, 2016>

#### **Article 45 (Calculation of Costs of Health Care Benefits)**

- (1) The costs of health care benefits shall be determined by contract between the president of the NHIS and persons determined by Presidential Decree who represent the medical and pharmaceutical communities. In such cases, the term of the contract shall be one year.
- (2) If a contract is concluded under paragraph (1), it shall be deemed concluded between the NHIS and each individual health care institution.
- (3) A contract under paragraph (1) shall be concluded by May 31 of the year in which the expiration date of the term of the immediately preceding contract falls; if no contract is concluded within that period, the costs of health care benefits shall be determined by the Minister of Health and Welfare by no later than June 30 of the year in which the expiration date of the term of the immediately preceding contract falls after reaching a resolution thereon by the Deliberative Committee. In such cases, the costs of health care benefits determined by the Minister of Health and Welfare shall be deemed the costs of health care benefits determined by contract under paragraphs (1) and (2). <Amended by Act No. 11787, May 22, 2013>
- (4) If the costs of health care benefits are determined under paragraph (1) or (3), the Minister of Health and Welfare shall give a public notice of the particulars of the costs of health care benefits without delay.

- (5) The president of the NHIS shall conclude a contract under paragraph (1) after undergoing the deliberation and resolution by the Financial Operation Committee under Article 33.
- (6) When the president of the NHIS requests for materials necessary to conclude a contract under paragraph (1), the Review and Assessment Service shall sincerely comply therewith.
- (7) Details of a contract concluded under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 46 (Calculation of Costs of Health Care Benefits for Medicines and Materials for Medical Treatment)**

Notwithstanding Article 45, the costs of health care benefits for medicines and materials for medical treatment referred to in Article 41 (1) 2 (hereinafter referred to as "medicines and materials for medical treatment") may be calculated as prescribed by Presidential Decree, taking into consideration the purchase prices, etc. of the medicines and materials for medical treatment paid by the health care institutions.

#### **Article 47 (Claims for and Payment of Costs of Health Care Benefits)**

- (1) A health care institution may claim the costs of health care benefits from the NHIS. In such cases, a request for review referred to in paragraph (2) shall be deemed a claim to the NHIS for the costs of health care benefits.
- (2) A health care institution which intends to claim the costs of health care benefits under paragraph (1) shall request the Review and Assessment Service for a review of the costs of health care benefits, and the Review and Assessment Service in receipt of the request, shall review the matter and immediately notify the NHIS and the health care institution of the details of its review.
- (3) Upon receipt of the notification of the review details under paragraph (2), the NHIS shall immediately pay the costs of health care benefits to the health care institution in accordance with such details. In such cases, where the co-payment already paid is in excess of the amount notified under paragraph (2), the difference of the excess payment shall be subtracted from the amount to be paid to the health care institution and paid to the relevant insured.



- (4) For accounting purposes, the NHIS may offset the amount to be paid to the insured under paragraph (3) against the insurance contributions and other collections under this Act which the relevant insured should pay (hereinafter referred to as "insurance contributions, etc.").
- (5) Where the Review and Assessment Service evaluates the appropriateness of health care benefits referred to in Article 63 and notifies it to the NHIS, the NHIS shall adjust the payment by increasing or reducing the costs of health care benefits in accordance with the results of the evaluation. In such cases, the standards for increased or reduced payment of the costs of health care benefits shall be prescribed by Ordinance of the Ministry of Health and Welfare.
- (6) A health care institution may authorize any of the following organizations to claim for a review referred to in paragraph (2) on its behalf:
  1. The association of medical doctors, the association of dentists, the association of oriental medical doctors, and the association of midwives provided for in Article 28 (1) of the Medical Service Act or a branch office or a branch of each of those associations, each of which files a report pursuant to paragraph (6) of the same Article;
  2. The organization of medical institutions provided for in Article 52 of the Medical Service Act;
  3. The association of pharmacists provided for in Article 11 of the Pharmaceutical Affairs Act or a branch office or a branch of the association, which files a report pursuant to Article 14 of the same Act.
- (7) Matters necessary for the method and procedure for making the claim, review, payment, etc. of the costs of health care benefits referred to in paragraphs (1) through (6), shall be prescribed by Ordinance of the Ministry of Health and Welfare.

#### **Article 47-2 (Withholding of Payment of Costs of Health Care Benefits)**

- (1) Notwithstanding Article 47 (3), if the NHIS confirms the fact that a health care institution that claims the payment of the costs of health care benefits has violated Article 33 (2) of the Medical Service Act or Article 20 (1) of the Pharmaceutical Affairs Act, as the result of an investigation by an investigation agency, it may withhold the payment of costs of health care benefits claimed by the relevant health care institution.

- (2) Before withholding the payment of the costs of health care benefits under paragraph (1), the NHIS shall provide the relevant health care institution with an opportunity to submit its opinion.
- (3) Where the suspicion that a health care institution under paragraph (1) has violated Article 33 (2) of the Medical Service Act or Article 20 (1) of the Pharmaceutical Affairs Act is not substantiated, due to grounds prescribed by Presidential Decree such as final verdict of acquittal, the NHIS shall pay the relevant health care institution the interest for the period the payment of the costs of health care benefits is withheld in addition to the amount of health care benefit cost of which the payment is withheld.
- (4) Matters necessary for the procedure for withholding the payment, the procedure for submission of opinions, etc. under paragraphs (1) and (2), and matters necessary for the payment procedure of the health care benefit cost of which the payment is withheld and its interest, the calculation of interest, etc. under paragraph (3), shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 12615, May 20, 2014]

#### **Article 48 (Verification of Eligibility for Health Care Benefits)**

- (1) The insured or the dependent may request the Review and Assessment Service to verify whether part of the medical expenses he/she has borne, other than co-payment, is excluded from health care benefit items in accordance with Article 41 (4). <Amended by Act No. 13985, Feb. 3, 2016>
- (2) The Health Insurance and Assessment Service, in receipt of a request for verification under paragraph (1), shall notify the person who requested the verification of its result. In such cases, if part of the medical expenses for which the verification is requested is verified to be entitled to health care benefits, the Review and Assessment Service shall notify the NHIS and the relevant health care institution of such facts.

- (3) A health care institution in receipt of notice under the latter part of paragraph (2), shall refund, without delay, the amount it has collected in excess of the amount it should have collected to the person who requested the verification (hereinafter referred to as "over-paid co-payment"): Provided, That where the relevant health care institution fails to refund the over-paid co-payment, the NHIS may refund such over-paid co-payment to the person who requests for verification after deducting them from the health care benefits it is liable to pay to such health care institution.

### Article 49 (Health Care Costs)

- (1) Where the insured or dependent, due to emergency or other unavoidable reasons determined by Ordinance of the Ministry of Health and Welfare, receives health care for a disease, injury, childbirth, etc. at an institution determined by Ordinance of the Ministry of Health and Welfare and performs functions similar to those of a health care institution (including a health care institution placed under a period of suspension of operation under Article 98 (1)) or undergoes a childbirth at a place other than a health care institution, the NHIS shall disburse an amount equivalent to the health care benefits concerned to the insured or dependent as the health care costs, as prescribed by Ordinance of the Ministry of Health and Welfare.
- (2) An institution that has provided health care under paragraph (1) shall issue to the recipient of health care a detailed health care cost statement or a receipt stating the particulars of the health care, as prescribed by the Minister of Health and Welfare, and the person who has received the health care shall submit such statement or receipt to the NHIS.

### Article 50 (Additional Benefits)

In addition to the health care benefits prescribed in this Act, the NHIS may provide benefits for medical expenses for pregnancy and childbirth, funeral costs, sickness allowances, and other allowances, as prescribed by Presidential Decree. <Amended by Act No. 11787, May 22, 2013>

## Article 51 (Special Cases concerning Persons with Disabilities)

- (1) The NHIS may provide insurance benefits for assistive devices pursuant to subparagraph 2 of Article 3 of the Act on the Support for Assistive Devices for Persons with Disabilities, Senior Citizens, Etc. and Promotion of Use Thereof (hereafter referred to as "assistive devices" in this Article) for the disabled insured and dependents registered under the Act on Welfare of Persons with Disabilities. <Amended by Act No. 16366, Apr. 23, 2019>
- (2) The scope and method of, and procedure for the insurance benefits for assistive devices referred to in paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 16366, Apr. 23, 2019>

## Article 52 (Health Checkups)

- (1) The NHIS shall provide health checkups for the insured and their dependents in order to facilitate early detection of diseases and provide subsequent health care benefits.
- (2) The types of and candidates for health checkups under paragraph (1) are as follows:  
<Newly Inserted by Act No. 15874, Dec. 11, 2018>
  1. General health checkups: The employee insured, the self-employed insured who is the head of a household, the self-employed insured of 20 years of age and over, and a dependent of 20 years of age and over;
  2. Cancer checkups: A person who meets a checkup cycle, age standard, etc. by type of cancer under Article 11 (2) of the Cancer Control Act;
  3. Infant health checkups: The insured and a dependent under the age of six.
- (3) The items of health checkups under paragraph (1) shall be designed based on personal characteristics, such as gender and age, and life cycle. <Newly Inserted by Act No. 15874, Dec. 11, 2018>
- (4) Frequency of and procedures for the health checkup referred to in paragraph (1), and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 15874, Dec. 11, 2018>

## Article 53 (Restriction of Benefits)

- (1) If a person eligible to receive insurance benefits falls under any of the following subparagraphs, the NHIS shall not provide any insurance benefit:
  1. Where he/she has caused criminal conduct by intention or gross negligence or caused an accident by intention;
  2. Where he/she has failed to follow health care-related instructions of the NHIS or the health care institution by intention or gross negligence;
  3. Where he/she has refused to submit the documents referred to in Article 55 or other items or evaded questions or medical checkups by intention or gross negligence;
  4. Where he/she receives or is eligible to receive insurance benefits or compensations under other statutes due to a disease, injury, or disaster incurred relating to his/her business or in the line of duty.
  
- (2) When a person eligible for health care benefits has received, from the State or a local government, benefits equivalent to the health care benefits or expenses equivalent to the costs of health care benefits under the provisions of other statutes, the NHIS shall not provide insurance benefits up to the limit of such amount.
  
- (3) Where the insured fails to pay any of the following insurance contributions for a period prescribed by Presidential Decree, the NHIS may not provide insurance benefits to the insured or his/her dependents until the delinquent insurance contributions are paid in full: Provided, That this shall not apply where the total number of failure to pay monthly insurance contributions (delinquent insurance contributions which have already been paid shall be excluded in calculating the total number of failure, and the period of delinquency in paying insurance contributions shall not be taken into consideration) is below the number prescribed by Presidential Decree, or the income and property of the insured and his/her dependents are below the standard prescribed by Presidential Decree: <Amended by Act No. 15874, Dec. 11, 2018>
  1. Insurance contributions based on monthly income referred to in Article 69 (4) 2;
  2. Insurance contributions per household referred to in Article 69 (5).

- (4) Where an employer liable to pay insurance contributions under Article 77 (1) 1 is delinquent in paying the insurance contributions based on monthly remuneration referred to in Article 69 (4) 1, paragraph (3) shall apply only if such delinquency is attributable to the employee insured himself/herself. In such cases, the dependents of the relevant employee insured shall also be subject to paragraph (3). <Amended by Act No. 16366, Apr. 23, 2019>
- (5) Notwithstanding the provisions of paragraphs (3) and (4), where approval for the installment payment from the NHIS pursuant to the provisions of Article 82 is obtained and the approved insurance contributions are paid at least once, the insurance benefits may be provided: Provided, That the same shall not apply where anyone who has obtained approval for the installment payment pursuant to the provisions of Article 82 fails to pay the approved insurance contributions at least five times (if the number of installments approved under paragraph (1) of the same Article is less than five times, it means the number of installments; hereafter the same shall apply in this Article) without any justifiable grounds therefor. <Amended by Act No. 16366, Apr. 23, 2019>
- (6) The insurance benefits received in the period during which no insurance benefits are to be provided pursuant to paragraphs (3) and (4) (hereafter referred to as "benefit suspension period" in this paragraph) shall be recognized as insurance benefits only in the following cases: <Amended by Act No. 16366, Apr. 23, 2019>
1. Where the insurance contributions in arrears are fully paid by the due date for its payment in the month to which the date two months lapse from the date when the NHIS has served notice that insurance benefits were received during the benefit suspension period belongs;
  2. Where the insurance contributions for which installment payment is approved pursuant to Article 82 are paid at least once by the due date for its payment in the month to which the date two months lapse from the date when the NHIS has served notice that insurance benefits were paid during the benefit suspension period belongs: Provided, That where anyone who has obtained approval for the installment payment pursuant to Article 82 fails to pay the approved insurance contributions on at least five times without justifiable grounds therefor, his/her eligibility for insurance benefits shall be denied.

## Article 54 (Suspension of Benefits)

When a person eligible to receive insurance benefits falls under any of the following subparagraphs, no insurance benefit shall be provided during the relevant period: Provided, That in cases falling under subparagraphs 3 and 4, the health care benefits under Article 60 shall be provided: <Amended by Act No. 17196, Apr. 7, 2020>

1. Deleted; <by Act No. 17196, Apr. 7, 2020>
2. When he/she is staying abroad;
3. When he/she falls under Article 6 (2) 2;
4. When he/she is committed to a correctional institution or equivalent facilities.

## Article 55 (Verification of Benefits)

If it is deemed necessary when providing insurance benefits, the NHIS may demand a person who receives insurance benefits to submit documents and other items or have such person be questioned or diagnosed by relevant personnel.

## Article 56 (Reimbursement of Health Care Costs)

When there is a claim for reimbursement of health care costs or for additional benefits the NHIS is obligated to provide under this Act, the NHIS shall pay or provide them without delay.

### Article 56-2 (Accounts for Receipt of Health Care Costs)

- (1) Where a recipient of health care costs who is paid in cash for insurance benefits under this Act (hereinafter referred to as "health care costs, etc.") requests, the NHIS shall pay the health care costs, etc. into an account opened in the name of the recipient of health care (hereinafter referred to as "account for receipt of health care costs, etc."): Provided, That where an account transfer is impossible due to an information and communications problem or any other inevitable cause prescribed by Presidential Decree, it may pay the health care costs, etc., as prescribed by Presidential Decree, such as direct cash payment.
- (2) A financial institution at which an account for receipt of health care costs is opened shall ensure that only the health care costs, etc. are deposited into such account, and shall manage it.

- (3) Matters necessary for the methods of and procedures for application for, and the management of, an account for receipt of health care costs, etc. under paragraphs (1) and (2), shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 12615, May 20, 2014]

### **Article 57 (Collection of Unjust Enrichment or Unjust Profit)**

- (1) The NHIS shall collect all or part of an amount equivalent to the insurance benefits or the insurance benefit costs from a person who has received insurance benefits or a health care institution that has received insurance benefit costs by fraud or other improper means.
- (2) Where a health care institution that has received insurance benefit costs by fraud or other improper means under paragraph (1) falls under any of the following subparagraphs, the NHIS may require the person who has established such health care institution to pay the money collectable under paragraph (1), severally or jointly with such health care institution: <Newly Inserted by Act No. 11787, May 22, 2013>
1. A medical institution established and operated by a person ineligible to establish the institution due to the violation of Article 33 (2) of the Medical Service Act, by borrowing the license of a medical specialist or the name of a medical corporation, etc.;
  2. A pharmacy established and operated by a person ineligible to establish the pharmacy due to the violation of Article 20 (1) of the Pharmaceutical Affairs Act, by borrowing the license of a pharmacist, etc.
- (3) Where insurance benefits have been provided based on a false report or false testimony (including arranging another person to receive insurance benefits by transferring or lending one's own health insurance card or identification card in violation of Article 12 (5)) of the employer or the insured, or false diagnosis by a health care institution, the NHIS may require payment of the money collectable under paragraph (1) from such person or institution jointly with the person who received the insurance benefits. <Amended by Act No. 15874, Dec. 11, 2018>



- (4) The NHIS may require payment of the money collectable under paragraph (1) from the insured who belongs to the same household as the person who has received insurance benefits by fraud or other improper means (referring to the employee insured if the person who has received the insurance benefits by fraud or other improper means is a dependent) severally or jointly with the person who has received the insurance benefits by fraud or other improper means. <Amended by Act No. 11787, May 22, 2013>
- (5) Where a health care institution has received the costs of health care benefits from the insured or his/her dependent by fraud or other improper means, the NHIS shall collect the amount thereof from the health care institution concerned and disburse it to the insured or his/her dependent without delay. In such cases, the NHIS may offset the amount payable to the insured or his/her dependent against the insurance contributions, etc. to be paid by such insured or his/her dependent. <Amended by Act No. 11787, May 22, 2013>

**Article 57-2 (Disclosure of Personal Details on Defaulters Who are in Arrears with Unjust Enrichment or Unjust Profit Collectable)**

- (1) Where a health care institution liable to pay the money collectable under Article 57 (1) or (2), falling under any of the subparagraphs of paragraph (2) of the same Article, or a person who has established such health care institution, fails to pay at least 100 million won in the money collectable for one year from the date immediately following its payment deadline specified in the billing under Article 79 (1), the NHIS may disclose the violation that has given rise to the money collectable, personal details on the defaulter, the amount in arrears, and other information prescribed by Presidential Decree (hereafter in this Article referred to as "personal details, etc."): Provided, That this shall not apply if an objection under Article 87 or a request for trial under Article 88 is filed, or an administrative litigation is pending with respect to the amount in arrears, or if there is a compelling ground prescribed by Presidential Decree not to do so, such as partial payment of the amount in arrears.
- (2) A Deliberative Committee on Disclosure of Information on Unjust Enrichment and Unjust Profit in Arrears shall be established under the jurisdiction of the NHIS to deliberate on whether to disclose personal details, etc. under paragraph (1).

- (3) The NHIS shall issue a written notice to persons whose personal details, etc. is subject to disclosure after deliberation by the Deliberative Committee on Disclosure of Information on Unjust Enrichment and Unjust Profit in Arrears that their personal details, etc. is subject to disclosure so as to provide them with an opportunity to explain their situations, and then select defaulters whose personal details, etc. is subject to disclosure, considering the status of their payment, after six months from the date on which such notice is issued.
- (4) Disclosure of personal details, etc. under paragraph (1) shall be made by publishing or posting it in the Official Gazette or on the website of the NHIS.
- (5) Except as provided in paragraphs (1) through (4), matters necessary for the procedures for disclosure of personal details, etc., and for the organization and operation of the Deliberative Committee on Disclosure of Information on Unjust Enrichment and Unjust Profit in Arrears, shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 16728, Dec. 3, 2019]

### **Article 58 (Rights to Demand Reimbursement)**

- (1) When the NHIS has provided an insurance benefit to the insured or dependent because the grounds for the insurance benefit have arisen due to the act of a third party, the NHIS shall have the right to claim compensation from the third party up to the amount of the expenses incurred for the benefit concerned.
- (2) Where the person who receives the insurance benefit has already received compensation for the loss from the third party under paragraph (1), the NHIS shall withhold the insurance benefit, up to the amount of such compensation.

### **Article 59 (Protection of Entitlement to Benefits)**

- (1) Entitlement to receive insurance benefits shall be unalienable and unseizable.
- (2) Health care costs, etc. paid into an account for receipt of health care costs under Article 56-2 (1) shall not be seized. <Newly Inserted by Act No. 12615, May 20, 2014>

## Article 60 (Payment of Costs of Health Care Benefits to Soldiers in Active Service)

- (1) Where any person who falls under subparagraphs 3 and 4 of Article 54 has received medical care, etc. prescribed by Presidential Decree (hereafter referred to as "health care benefits" in this Article) at an health care institution, the NHIS may pay the costs necessary therefor (hereafter referred to as "costs of health care benefits" in this Article) and the health care costs pursuant to Article 49 to be borne by it, after receiving a deposition from the Minister of Justice, the Minister of National Defense, the Commissioner of the National Police Agency, the Administrator of the National Fire Agency, or the Commissioner of the Korea Coast Guard. In such cases, as prescribed by Presidential Decree, the Minister of Justice, the Minister of National Defense, the Commissioner of the National Police Agency, the Administrator of the National Fire Agency, or the Commissioner of the Korea Coast Guard shall pre-deposit the annual costs of health care benefits and health care costs anticipated, except for the inevitable cases in their budgets. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017; Act No. 15874, Dec. 11, 2018>
- (2) Articles 41, 41-4, 42, 42-2, 44 through 47, 47-2, 48, 49, 55, 56, 56-2, and 59 (2) shall apply mutatis mutandis to the matters concerning the health care benefits, costs of health care benefits, and health care costs. <Amended by Act No. 14084, Mar. 22, 2016; Act No. 15874, Dec. 11, 2018>

## Article 61 (Settlement of Costs of Health Care Benefits)

Where the Korea Workers' Compensation and Welfare Service under Article 10 of the Industrial Accident Compensation Insurance Act claims costs of health care benefits for the health care benefits already paid pursuant to Article 40 of the Industrial Accident Compensation Insurance Act to a person eligible to receive the health care benefits pursuant to this Act because of the cancellation of the decision to pay the relevant health care benefits, the NHIS may pay an amount equivalent to the health care benefits on the condition that the health care benefits are recognized as an amount equivalent to health care benefits providable pursuant to this Act.

## **CHAPTER V** HEALTH INSURANCE REVIEW AND ASSESSMENT SERVICE

### **Article 62 (Establishment)**

In order to review the costs of health care benefits and evaluate the appropriateness of health care benefits, the Health Insurance Review and Assessment Service shall be established.

### **Article 63 (Services)**

- (1) The Review and Assessment Service shall be in charge of the services referred to in the following subparagraphs:
1. Review of the costs of health care benefits;
  2. Evaluation of the appropriateness of health care benefits;
  3. Development of criteria for review and evaluation;
  4. Investigative research and international cooperation related to the services referred to in subparagraphs 1 through 3;
  5. Services delegated to it in connection with review of the costs of benefits or evaluation of the appropriateness of medical care that are provided for under the provisions of other statutes;
  6. Services determined by the Minister of Health and Welfare to be necessary in connection with the health insurance program;
  7. Other services prescribed by Presidential Decree in connection with review of the costs of insurance benefits and evaluation of the appropriateness of insurance benefits.
- (2) The criteria, procedures, methods, etc. relevant to the evaluation of the appropriateness of health care benefits referred to in paragraph (1) 2 and 7, and other necessary matters shall be determined and publicly notified by the Minister of Health and Welfare.

### **Article 64 (Legal Personality)**

- (1) The Review and Assessment Service shall be a juristic person.
- (2) The Review and Assessment Service shall come into existence with the registration of its establishment at the seat of its main office.

## Article 65 (Executive Officers)

- (1) The Review and Assessment Service shall have the president, 15 directors, and one auditor as its executive officers. In such cases, the president, four directors, and the auditor shall be standing. <Amended by Act No. 13985, Feb. 3, 2016>
- (2) The president shall be appointed by the President of the Republic of Korea upon recommendation of the Minister of Health and Welfare from among the plural number of persons recommended by the Committee for Recommendation of Executive Officers.
- (3) Standing directors shall be appointed by the president following the recommendation procedures prescribed by Ordinance of the Ministry of Health and Welfare.
- (4) As non-standing directors, ten persons from among the persons falling under the following subparagraphs and one relevant public official recommended as prescribed by Presidential Decree shall be appointed by the Minister of Health and Welfare:
  1. One person recommended by the NHIS;
  2. Five persons recommended by a medicine related organization;
  3. Persons, each one of whom is recommended respectively by a labor unions' group, an employers' organization, a consumer organization, and an agricultural and fishing organization.
- (5) The auditor shall be appointed by the President upon recommendation of the Minister of Economy and Finance from among the plural number of persons recommended by the Committee for Recommendation of Executive Officers.
- (6) Non-standing directors prescribed in paragraph (4) may receive reimbursement for actual expenses, as prescribed by the articles of incorporation.
- (7) The term of office of the president shall be three years, and that of directors (excluding a director who is a public official) and the auditor shall be two years, respectively.

## Article 66 (Medical Treatment Review Committee)

- (1) In order to efficiently conduct the services of the Review and Assessment Service, the Medical Treatment Review Committee (hereinafter referred to as the "Review Committee") shall be established under the Review and Assessment Service.

- (2) The Review Committee shall be comprised of not more than 90 full-time review members, including the Chairperson of the Committee, and not more than 1,000 part-time review members, and it may establish a subcommittee for each area of medical specialization. <Amended by Act No. 13985, Feb. 3, 2016>
- (3) Full-time review members referred to in paragraph (2) shall be appointed by the president of the Review and Assessment Service from among the persons prescribed by Ordinance of the Ministry of Health and Welfare.
- (4) Part-time review members referred to in paragraph (2) shall be commissioned by the president of the Review and Assessment Service from among the persons prescribed by Ordinance of the Ministry of Health and Welfare.
- (5) If a review member falls under any of the following subparagraphs, the president of the Review and Assessment Service may dismiss or remove him/her:
  1. Where he/she is deemed incapable of performing his/her duties due to a physical or mental disability;
  2. Where he/she breaches or neglects an official duty;
  3. Where he/she causes loss to the Review and Assessment Service by intention or gross negligence;
  4. Where he/she does an act that causes injury to his/her dignity, regardless of whether on or off duty.
- (6) Except as provided in paragraphs (1) through (5), necessary matters concerning the qualifications and the term of office of the members of the Review Committee, the organization and operation of the Review Committee, etc., shall be prescribed by Ordinance of the Ministry of Health and Welfare.

## **Article 67 (Fundraising)**

- (1) The Review and Assessment Service may collect charge from the NHIS to provide the service referred to in Article 63 (1) (excluding the service referred to in Article 63 (1) 5).
- (2) Where services related to review of the costs of benefits or evaluation of the appropriateness of medical care are entrusted to the Review and Assessment Service under Article 63 (1) 5, the Review and Assessment Service may collect a fee from the delegator.

- (3) The amount and collecting method of the charge and fee referred to in paragraphs (1) and (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

## **Article 68 (Provisions Applicable Mutatis Mutandis)**

@Articles 14 (3) and (4), 16, 17 (excluding Article 17 (1) 6 and 7), 18, 19, 22 through 32, 35 (1), 36, 37, 39 and 40 shall apply mutatis mutandis in regard to the Review and Assessment Service. In such cases, the "NHIS" shall be deemed the "Review and Assessment Service" and the "president of the NHIS" shall be deemed the "president of the Review and Assessment Service," respectively. <Amended by Act No. 11787, May 22, 2013>

## **CHAPTER VI INSURANCE CONTRIBUTIONS**

### **Article 69 (Insurance Contributions)**

- (1) To meet the expenses incurred in relation to the health insurance program, the NHIS shall collect insurance contributions from the persons obligated to pay insurance contributions under in Article 77.
- (2) The insurance contributions referred to in paragraph (1) shall be collected from the month following that in which the date the insured becomes eligible falls until the month in which the date before the date the insured loses his/her eligibility falls: Provided, That where the eligibility of the insured is obtained on the first day of any month or upon his/her request for health insurance cover under Article 5 (1) 2 (a), the insurance contributions shall be collected from the relevant month. <Amended by Act No. 16728, Dec. 3, 2019>
- (3) In collecting insurance contributions pursuant to paragraphs (1) and (2), where the eligibility of the insured has been altered, the insurance contributions of the month whereto belongs the altered day shall be collected on the basis of eligibility prior to such alteration: Provided, That where the eligibility of the insured is altered on the first day of any month, it shall be collected on the basis of the altered eligibility.

- (4) The amount of the monthly insurance contributions for the employee insured shall be the amount calculated as follows: <Amended by Act No. 14776, Apr. 18, 2017>
1. The amount of insurance contributions based on monthly remuneration: The amount obtained by multiplying the amount of monthly remuneration calculated under Article 70 by the insurance contribution rate under Article 73 (1) or (2);
  2. The amount of insurance contributions based on the monthly income: The amount obtained by multiplying the amount of monthly income calculated under Article 71 by the insurance contribution rate under Article 73 (1) or (2).
- (5) The amount of the monthly insurance contributions for the self-employed insured shall be calculated per unit of household, but the insurance contributions per month for the household to which the self-employed insured belongs shall be the amount obtained by multiplying the monetary value per contribution point under Article 73 (3) by the contribution points calculated under Article 72.
- (6) The upper limit and lower limit of the amount of the monthly insurance contributions under paragraphs (4) and (5) shall be set in accordance with the standards prescribed by Presidential Decree, based on the amount equivalent to a specified ratio of the average insurance contribution of the insured. <Newly Inserted by Act No. 14776, Apr. 18, 2017>

### **Article 70 (Amount of Monthly Remuneration)**

- (1) The amount of monthly remuneration of the employee insured provided for in Article 69 (4) 1 shall be calculated on the basis of the amount of remuneration received by each of the employee insured. <Amended by Act No. 14776, Apr. 18, 2017>
- (2) Insurance contributions based on monthly remuneration for the insured to whom a part or all of his/her remuneration is not paid due to a leave of absence from office or other circumstances (hereinafter referred to as "person temporarily retiring from office, etc.") shall be calculated on the basis of the monthly remuneration amount for the month before the occurrence of the circumstance in question.



- (3) Remunerations referred to in paragraph (1) shall mean money and other valuables (excluding anything in the nature of reimbursement for expenses) that workers, etc. receive from employers, the State or local governments for providing their labor, which are determined by Presidential Decree. In such cases, if it falls under the cases prescribed by Presidential Decree, such as there are no data relating to the remunerations or they are indistinct, the amount determined and publicly notified by the Minister of Health and Welfare shall be regarded as the remunerations.
- (4) Matters necessary for calculation, etc., of the amount of monthly remuneration referred to in paragraph (1) and calculation, etc., of the amount of monthly remuneration for unremunerated employers, shall be prescribed by Presidential Decree.

### **Article 71 (Amount of Monthly Income)**

- (1) Where the amount of income of the employee insured excluding the amount of remuneration included in the calculation of the amount of monthly remuneration under Article 70 (hereinafter referred to as "extra income other than remuneration") exceeds the amount prescribed by Presidential Decree, the amount of monthly income shall be calculated according to the following formula: <Amended by Act No. 14776, Apr. 18, 2017>

(Annual extra income other than remuneration - Amount prescribed by Presidential Decree) × 1/12

- (2) Matters necessary for calculating the amount of monthly income, including the standards for and method of the calculation, shall be prescribed by Presidential Decree.

### **Article 72 (Contribution Point)**

- (1) The contribution point provided for in Article 69 (5) shall be calculated based on the income and property of each of the self-employed insured. <Amended by Act No. 14776, Apr. 18, 2017>
- (2) In determining the method and criteria for calculating the contribution point under the provisions of paragraph (1), assets in relation to which exercise of property rights is restricted under statutes may be treated differently from other assets.
- (3) Methods and criteria for calculating contribution points and other necessary matters shall be prescribed by Presidential Decree.

## Article 72 (Contribution Point)

- (1) The contribution point provided for in Article 69 (5) shall be calculated based on the income and property of each of the self-employed insured: Provided, That where the self-employed insured, as prescribed by Presidential Decree, receives a loan from a financial company, etc. pursuant to subparagraph 1 of Article 2 of the Act on Real Name Financial Transactions and Confidentiality (hereinafter referred to as "financial company, etc.") to purchase or rent a house that does not exceed the standards prescribed by Presidential Decree for the purpose of actual residence, and then gives notice to the NHIS of such fact, the loan shall be excluded when calculating the contribution point, subject to assessment pursuant to Presidential Decree. <Amended by Act No. 14776, Apr. 18, 2017; Act No. 16728, Dec. 3, 2019>
- (2) In determining the method and criteria for calculating the contribution point under paragraph (1), assets in relation to which exercise of property rights is restricted under statutes may be treated differently from other assets.
- (3) When giving notice to the NHIS under the proviso of paragraph (1), the self-employed insured shall submit to the NHIS data and information prescribed by Presidential Decree (hereinafter referred to as "financial information"), including the amount of loans, among the data and information related to financial assets and financial transactions pursuant to subparagraphs 2 and 3 of Article 2 of the Act on Real Name Financial Transactions and Confidentiality, along with a document indicating his/her consent to providing the NHIS with the financial information necessary for calculating the contribution point under the proviso of paragraph (1). <Newly Inserted by Act No. 16728, Dec. 3, 2019>
- (4) Methods and criteria for calculating contribution points under paragraphs (1) and (2), and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 16728, Dec. 3, 2019>

[Enforcement Date: July 1, 2022] Article 72 (1), Article 72 (2), Article 72 (3)

## Article 72-2 (Committee on Improvement of Insurance Contribution Imposition System)

- (1) To improve a system related to the imposition of insurance contributions, a Committee on Improvement of the Insurance Contribution Imposition System (hereinafter referred to as the "System Improvement Committee"), consisting of public officials of relevant central administrative agencies and private experts, shall be established under the jurisdiction of the Minister of Health and Welfare.

- (2) The System Improvement Committee shall deliberate on the following matters:
  1. Surveys and research on the actual conditions of income of the insured ascertained;
  2. Improvement plans to ascertain income of the insured and to strengthen the imposition of insurance contributions on such income;
  3. Any other matters brought to the System Improvement Committee by the Chairperson, in connection with the improvement of a system related to the imposition of insurance contributions.
- (3) The Minister of Health and Welfare shall report results of the operation of the System Improvement Committee established under paragraph (1), to the National Assembly.
- (4) Matters necessary for the organization, operation, etc. of the System Improvement Committee, shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 14776, Apr. 18, 2017]

### **Article 72-3 (Evaluating Appropriateness of Insurance Contribution Imposition System)**

- (1) The Minister of Health and Welfare shall evaluate the appropriateness of the standards for determination of the dependent eligibility referred to in Article 5 (hereafter referred to as "determination standards" in this Article) and that of the criteria, method, etc. for calculating the insurance contributions, amount of monthly remuneration of the employee insured, amount of income of the employee insured, and contribution point under Articles 69 through 72 (hereafter referred to as "calculation criteria" in this Article); and adjust them four years after this Act enters into force.
- (2) Where the Minister of Health and Welfare evaluates the appropriateness under paragraph (1), he/she shall comprehensively take account of the following matters:
  1. Status of income of the insured ascertained and improvement plans therefor, which have undergone deliberation by the System Improvement Committee pursuant to Article 72-2 (2) 2;
  2. Status of income-related data owned by the NHIS;
  3. Taxation status of global income referred to in Article 4 of the Income Tax Act (including global income subject to global taxation and global income subject to separate taxation);
  4. Balance between insurance contributions imposed on the employee insured and those imposed on the self-employed insured;

5. Changes in insurance contributions caused by adjustment of the determination standards and calculation criteria referred to in paragraph (1);
  6. Other matters prescribed by the Minister of Health and Welfare, which may be subject to the evaluation of the appropriateness.
- (3) The procedures and method for evaluating the appropriateness under paragraph (1) and other necessary matters, shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 14776, Apr. 18, 2017]

### **Article 73 (Insurance Contribution Rate)**

- (1) Insurance contribution rates for the employee insured shall be determined by Presidential Decree, within the limit of 80/1,000 after undergoing a resolution by the Deliberative Committee.
- (2) Insurance contribution rates for the employee insured who is engaged outside of Korea for business operations shall be 50/100 of the insurance contribution rate determined under the provisions of paragraph (1).
- (3) The monetary value per contribution point for each of the self-employed insured shall be determined by Presidential Decree after undergoing deliberation by the Deliberative Committee.

### **Article 74 (Exemption from Insurance Contributions)**

- (1) Where the employee insured falls under any of subparagraphs 2 through 4 of Article 54 (in cases falling under subparagraph 2 of the same Article, limited to where he/she is staying abroad for a period of at least one month prescribed by Presidential Decree: hereafter in this Article the same shall apply), the NHIS shall exempt him/her from payment of insurance contributions: Provided, That the employee insured falling under subparagraph 2 of Article 54 shall be exempted from paying insurance contributions only if he/she does not have any dependent who resides within Korea. <Amended by Act No. 17196, Apr. 7, 2020>
- (2) Where the self-employed insured falls under any of subparagraphs 2 through 4 of Article 54, contribution points referred to in Article 72 shall be excluded from calculation of the insurance contributions for the household to which such insured belongs.

- (3) For the exemption of insurance contributions under paragraph (1) or the contribution point to be excluded from the computation of insurance contributions under paragraph (2), it shall apply from the month following the month whereto belongs the day on which the grounds for suspension of benefits falling under any of subparagraphs 2 through 4 of Article 54 occur to the month whereto belongs the day on which the grounds cease to exist: Provided, That where any of the following subparagraphs applies, the insurance contributions of relevant month shall not be exempted, or the contribution point shall not be exempted from the computation of insurance contributions: <Amended by Act No. 17196, Apr. 7, 2020>
1. Where the grounds for suspension of benefits cease to exist on the first day of each month;
  2. Where the insured or his/her dependent falling under subparagraph 2 of Article 54 enters Korea and receives insurance benefits in the month whereto belongs the date of entry, and then leaves Korea in the month.

## Article 75 (Reduction of Insurance Contributions)

- (1) Regarding the insured prescribed by Ordinance of the Ministry of Health and Welfare from among the following insured, part of the insurance contributions of the insured or the households to which the insured belongs may be reduced:
1. Persons who reside on islands, or in remote areas or agricultural and fishery communities, etc. prescribed by Presidential Decree;
  2. Persons who are at least 65 years old;
  3. Disabled persons who are registered pursuant to the Act on Welfare of Persons with Disabilities;
  4. Persons who have rendered distinguished service for the State, provided for in Article 4 (1) 4, 6, 12, 15, or 17 of the Act on the Honorable Treatment of and Support for Persons of Distinguished Service to the State;
  5. Persons who take a leave of absence from office;
  6. Other persons determined and publicly notified by the Minister of Health and Welfare as the persons whose insurance contributions need to be reduced on the grounds of the economic hardship and natural disaster, etc.

- (2) Where a person obligated to pay insurance contributions under Article 77 falls under any of the following, he/she may be granted such financial benefits as reduction of insurance contributions, as prescribed by Presidential Decree: <Newly Inserted by Act No. 11787, May 22, 2013; Act No. 16366, Apr. 23, 2019>
  1. Where he/she receives a billing of insurance contributions by means of an electronic document under Article 79 (2);
  2. Where he/she pays insurance contributions by means of automatic transfer from bank account or credit card.
- (3) Methods of and procedures for reducing insurance contributions under paragraph (1) and other necessary matters shall be determined and publicly notified by the Minister of Health and Welfare.

### **Article 76 (Burden of Insurance Contributions)**

- (1) The insurance contributions for the employee insured shall be borne, 50/100 each, by the employee insured and the person referred to in the following classifications: Provided, That where the employee insured is a school employee working for a private school, 50/100, 30/100, and 20/100 of the amount of the insurance contributions shall be borne by the said employee insured, the person prescribed in subparagraph 2 (c) of Article 3, and the State, respectively: <Amended by Act No. 12176, Jan. 1, 2014>
  1. Where the employee insured is a worker: The employer prescribed in subparagraph 2 (a) of Article 3;
  2. Where the employee insured is a public official: The State or the local government to which that public official belongs;
  3. Where the employee insured is a school employee (excluding school employees working for private schools): The employer prescribed in subparagraph 2 (c) of Article 3.
- (2) Insurance contributions based on monthly income of the employee insured shall be borne by the employee insured.
- (3) The insurance contributions for the self-employed insured shall be borne jointly by all the self-employed insured who reside in the same household as the said insured does.

- (4) Where the employee insured is a school employee, and if an employee prescribed in subparagraph 2 (c) of Article 3 is unable to bear the whole amount to be borne, the deficiency may be made to be borne from the account of the school. <Newly Inserted by Act No. 12176, Jan. 1, 2014>

## **Article 77 (Obligation for Payment of Contributions)**

- (1) Insurance contributions of the employee insured shall be paid by the person as follows pursuant to the following classifications:
1. Insurance contributions based on monthly remuneration: In such cases, where the workplace has more than two employers, the employers of the workplace shall jointly pay the insurance contributions of the relevant employee insured;
  2. Insurance contributions based on monthly income: The employee insured.
- (2) Insurance contributions of the self-employed insured shall be paid jointly by all the self-employed insured of a household to which the insured belong: Provided, That minors who have no income or property and minors who meet the criteria prescribed by Presidential Decree in consideration of income, property, etc., shall not be liable to pay insurance contributions. <Amended by Act No. 14776, Apr. 18, 2017>
- (3) An employer shall pay the portion of the insurance contributions for the month to be borne by the employee insured out of the insurance contributions based on monthly remuneration by deducting it from his/her remunerations. In such cases, the employer shall inform the employee insured of the amount of deduction.

## **Article 77-2 (Secondary Payment Obligation)**

- (1) Where any deficit exists even after a corporation's property has been used to cover insurance contributions, arrears, and expenses for disposition on default to be paid by the corporation, a partner with unlimited liability or oligopolistic stockholder as of the date obligation for payment of the insurance contributions was imposed on the corporation (referring to a person falling under any subparagraph of Article 39 of the Framework Act on National Taxes) shall have secondary payment obligation for such deficit: Provided, That in cases of an oligopolistic stockholder, the amount of payment shall not exceed an amount obtained by dividing the deficit either by the total number of stocks (excluding nonvoting stocks) issued or by the total amount of investment made by the corporation, and then by multiplying the resulting amount either by the number of stocks (excluding nonvoting stocks) or the investment amount over which the oligopolistic stockholder exercises the substantial rights.

- (2) Where business has been transferred or acquired by transfer, and any deficit exists even after the transferor's property has been used to cover insurance contributions, arrears, and expenses for disposition on default the payment obligation for which was imposed on the transferor before the transfer date, the business transferee shall have secondary payment obligation for such deficit, within the value of property acquired by transfer. In such cases, the scope of the transferee and the value of property acquired by transfer shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13985, Feb. 3, 2016]

### **Article 78 (Due Date for Payment of Insurance Contributions)**

- (1) A person who is liable to pay insurance contributions under Article 77 (1) and (2) shall pay the insured's insurance contributions for the applicable month by the tenth day of the following month: Provided, That insurance contributions based on monthly income of the employee insured and insurance contributions of the self-employed insured may be paid quarterly, as prescribed by Ordinance of the Ministry of Health and Welfare.
- (2) Where any cause or event prescribed by Ordinance of the Ministry of Health and Welfare, such as delay in the delivery of billing of payment, occurs, the NHIS may extend the payment due date up to one month from the payment due date provided for in paragraph (1) at the request of the person obligated to make such payment, notwithstanding paragraph (1). In such cases, matters relating to the method and procedures for applying for the extension of payment due date and other relevant matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.  
<Newly Inserted by Act No. 11787, May 22, 2013>

### **Article 78-2 (Additional Charge)**

- (1) Where an employer of a workplace falsely reports to the insurer a person, who constitutes the grounds prescribed by Presidential Decree and is therefore ineligible to be the employee insured, as the employee insured, in violation of Article 8 (2) or 9 (2), the NHIS shall impose, on the employer, and collect additional charge equivalent to 10/100 of the amount obtained by subtracting the amount referred to in subparagraph 2 from the amount referred to in subparagraph 1:
1. The total amount of insurance contributions to be paid by the insured who was reported by the employer as the employee insured in the period during which the insured was managed as the employee insured, pursuant to Article 69 (5);



2. The total amount of insurance contributions calculated pursuant to Article 69 (4) and imposed by the NHIS on the relevant insured during the period referred to in subparagraph 1.
- (2) Notwithstanding paragraph (1), the NHIS may not collect additional charge, in cases prescribed by Presidential Decree, such as where additional charge are small sums or where it is deemed inappropriate to collect additional charge.

[This Article Newly Inserted by Act No. 14084, Mar. 22, 2016]

## Article 79 (Billing of Contributions)

- (1) When the NHIS intends to collect insurance contributions, etc., it shall determine the amount thereof and make a billing to each person who is obligated to pay it by means of written notice wherein the following matters are stated:
  1. Types of insurance contributions, etc. to be collected;
  2. Amount to be paid;
  3. Due date for and place of payment.
- (2) If requested by a person obligated to pay the insurance contributions, when a billing is to be made under paragraph (1), the NHIS may notify it by means of an electronic document, such as exchange of electronic messages. In such cases, matters necessary for the method of, procedures for, etc. to apply for notice by means of an electronic document, shall be prescribed by Ordinance of the Minister of Health and Welfare. <Amended by Act No. 13985, Feb. 3, 2016>
- (3) Where the NHIS makes a billing by means of an electronic document under paragraph (2), it shall be deemed received by the person obligated to make payment at the time it is saved on the information and communications network prescribed by Ordinance of the Ministry of Health and Welfare or entered into the address of an electronic mail designated by the person obligated to make payment.
- (4) Where the employers of the employee insured are two or more persons or where a household of the self-employed insured consists of two or more persons, notice made to any one of them shall be deemed to take effect to all other employers of the relevant workplace or all the other the self-employed insured who are the relevant household members.

- (5) The billing made to a person taking leave of absence etc. may be postponed until the time the reason for leave of absence, etc. disappears, as prescribed by Ordinance of the Ministry of Health and Welfare.
- (6) Where the NHIS makes a billing to a person who has secondary payment responsibility under Article 77-2, it shall notify such fact to the employer that is the relevant corporation or to the business transferor. <Amended by Act No. 13985, Feb. 3, 2016>

#### **Article 79-2 (Payment of Contributions by Credit Card)**

- (1) The person who pays insurance contributions, etc., the billing of which is made by the NHIS may pay them by credit card, debit card, etc. (hereafter referred to as "credit card, etc." in this Article) through an institution, etc. prescribed by Presidential Decree for vicarious payment of insurance contributions, etc. (hereafter referred to as "institution for vicarious payment of insurance contributions, etc." in this Article). <Amended by Act No. 14557, Feb. 8, 2017>
- (2) Where payment is made by credit card, etc. pursuant to paragraph (1), the date the institution for vicarious payment of insurance contributions, etc. approves it shall be deemed the date of payment.
- (3) An institution for vicarious payment of insurance contributions, etc. may collect fees from payers of insurance contributions, etc. in return for its vicarious payment of insurance contributions, etc.
- (4) Matters necessary for designating and operating institutions for vicarious payment of insurance contributions, etc., fees, etc., shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 12615, May 20, 2014]

#### **Article 80 (Arrears)**

- (1) If a person obligated to pay insurance contributions, etc. fails to pay insurance contributions, etc. by the payment due date, the NHIS shall collect the following arrears each day from the date payment thereof becomes overdue: <Amended by Act No. 13985, Feb. 3, 2016; Act No. 16238, Jan. 15, 2019>
  1. Where he/she fails to pay insurance contributions pursuant to Article 69 or collections related to insurance benefits received during the period of insurance benefit suspension pursuant to Article 53 (3): An amount equivalent to 1/1,500 of the amount in arrears. In such cases, the arrears shall not exceed 20/1,000 of the amount in arrears;

2. Where he/she fails to pay collections pursuant to this Act, other than those referred to in subparagraph 1: An amount equivalent to 1/1,000 of the amount in arrears. In such cases, the arrears shall not exceed 30/1,000 of the amount in arrears.
- (2) If a person obligated to pay insurance contributions, etc. fails to pay insurance contributions, etc. in arrears, the NHIS shall collect another additional charge falling under any of the following subparagraphs in addition to the arrears under paragraph (1) each day from the date 30 days elapse after the payment due date: <Amended by Act No. 13985, Feb. 3, 2016; Act No. 16238, Jan. 15, 2019>
1. Where he/she fails to pay insurance contributions pursuant to Article 69 or collections related to insurance benefits received during the period of insurance benefit suspension pursuant to Article 53 (3): An amount equivalent to 1/6,000 of the amount in arrears. In such cases, the arrears shall not exceed 50/1,000 of the amount in arrears;
  2. Where he/she fails to pay collections pursuant to this Act, other than those referred to in subparagraph 1: An amount equivalent to 1/3,000 of the amount in arrears. In such cases, the arrears shall not exceed 90/1,000 of the amount in arrears.
- (3) If any natural disaster occurs or any other extenuating circumstance prescribed by Ordinance of Ministry of Health and Welfare exists, collection of arrears referred to paragraphs (1) and (2) may be forgone, notwithstanding paragraphs (1) and (2).

## **Article 81 (Overdue Notice of Insurance Contributions and Disposition on Default)**

- (1) Where a person who is liable to pay insurance contributions, etc. pursuant to Articles 57, 77, 77-2, 78-2, and 101 fails to pay the insurance contributions, etc., the NHIS may make overdue notice by the specified period. In such cases, where the number of employers of the employee insured is at least two, or the household of the self-employed insured consists of at least two members, overdue notice made to any of the employers or any of the household members shall be deemed effective regarding the other employers of the relevant workplace or the other self-employed insured who are the members of the household. <Amended by Act No. 13985, Feb. 3, 2016; Act No. 14084, Mar. 22, 2016>

- (2) Where overdue notice is made under paragraph (1), a payment period of at least 10 days, but not more than 15 days shall be determined and a letter of overdue notice shall be issued.
- (3) Where a person who receives overdue notice referred to in paragraph (1) fails to pay the insurance contributions, etc. by the payment deadline, the NHIS may collect it in the same manner as national taxes in arrears are collected, after obtaining approval from the Minister of Health and Welfare.
- (4) The NHIS shall, before taking a disposition on delinquency pursuant to paragraph (3), send a written notice containing the details of payment in arrears of the insurance contributions, etc., the kinds of seizable property, the fact of planned seizure, and the fact of prohibition of the seizure of small financial property under subparagraph 14 of Article 31 of the National Tax Collection Act: Provided, That this shall not apply in cases determined by Presidential Decree where it is necessary to urgently take a disposition on delinquency, such as in cases of dissolution of a corporation. <Newly Inserted by Act No. 15535, Mar. 27, 2018>
- (5) Where the NHIS determines that an asset seized in the same manner as national taxes in arrears are collected under paragraph (3) is not appropriate to be auctioned directly by it because expert knowledge is necessary for the public auction or because of other special circumstances, the NHIS may have the Korea Asset Management Corporation established under the Act on the Establishment of Korea Asset Management Corporation (hereinafter referred to as the "Korea Asset Management Corporation") conduct the auction on behalf of the NHIS, and in which case the auction shall be deemed to have been conducted by the NHIS. <Amended by Act No. 16652, Nov. 26, 2019>
- (6) Where the Korea Asset Management Corporation conducts an auction on behalf of the NHIS under paragraph (5), the NHIS may pay a fee, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 15535, Mar. 27, 2018>

### **Article 81-2 (Provision of Data concerning Disposition on Default or Deficits)**

- (1) Where any centralized credit information collection agency provided for in Article 25 (2) 1 of the Credit Information Use and Protection Act requests data concerning the personal details, amount in arrears, or amount written off, of any of the following defaulters or persons whose amount in arrears is written off (hereafter referred to as "data concerning default, etc." in this Article), the NHIS may provide such data, if necessary for the collection of insurance contributions or for public interest: Provided, That this shall not apply where any administrative appeal or administrative litigation is pending in connection with the insurance contributions in arrears or any other amount collectable under this Act, or where any other cause or event prescribed by Presidential Decree occurs:
  1. A person in whose case the total amount of insurance contributions remaining unpaid for a period exceeding one year from the following day of the due date for payment under this Act, other amount to be paid, and the disposition fee for arrears under this Act is not less than five million won;
  2. A person in whose case the total amount written off pursuant to Article 84 is not less than five million won.
- (2) Matters relating to the procedures for the provision of data concerning arrear, etc. shall be prescribed by Presidential Decree.
- (3) No person who is provided with data concerning arrear, etc. under paragraph (1) shall divulge or use them for any purpose other than for performing his/her official duties.

[This Article Newly Inserted by Act No. 11787, May 22, 2013]

### **Article 81-3 (Certification of Payment of Insurance Contributions)**

- (1) Where a person obligated to pay insurance contributions pursuant to Article 77 (hereafter referred to as "person obligated to make payment" in this Article) receives the price for a construction project, manufacture, purchase, service, or any other contract prescribed by Presidential Decree from the State, a local government, or a public institution referred to in Article 4 of the Act on the Management of Public Institutions (hereafter referred to as "public institution" in this Article), the person shall certify the fact that he/she has paid insurance contributions, subsequent arrears and expenses for disposition on default: Provided, That the same shall not apply to cases prescribed by Presidential Decree, including where a person obligated to make payment intends to pay all or some of the price for a contract with insurance contributions in arrear.

- (2) Where a person obligated to make payment needs to certify that he/she has made payment under paragraph (1), the competent government agency or public institution in charge of a contract under paragraph (1) may inquire with the NHIS to confirm whether the person has paid the insurance contributions, subsequent arrears and expenses for disposition on default after obtaining consent from the person, instead of certifying payment under paragraph (1).

[This Article Newly Inserted by Act No. 13985, Feb. 3, 2016]

#### **Article 81-4 (Service of Documents)**

The provisions of Articles 8 (excluding the proviso of paragraph (2) of the same Article) through 12 of the Framework Act on National Taxes shall apply mutatis mutandis to the service of documents pertaining to Articles 79 and 81: Provided, That when the service is made by mail, the method shall be as prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 16366, Apr. 23, 2019]

#### **Article 82 (Installment Payments of Insurance Contributions in Arrears)**

- (1) Where a person who has been in arrear with insurance contributions at least three times applies for the payment of insurance contributions in installments, the NHIS may grant approval therefor, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 15535, Mar. 27, 2018>
- (2) Before taking a disposition on delinquency under Article 81 (3) against a person who has been in arrear with insurance contributions three times or more, the NHIS shall inform such person that he/she can apply for payment of insurance contributions in installments under paragraph (1), and guide the matters concerning procedures and methods for applying for payment of insurance contributions in installments, as prescribed by Ordinance of the Ministry of Health and Welfare. <Newly Inserted by Act No. 15353, Mar. 27, 2018>
- (3) Where a person who obtains approval for the payment of insurance contributions in installments pursuant to paragraph (1) fails to pay the approved insurance contributions at least five times (if the number of installments approved under paragraph (1) is less than five times, it means the number of installments) without any justifiable grounds therefor, the NHIS shall revoke its approval for payment of his/her insurance contributions in installments. <Amended by Act No. 16366, Apr. 23, 2019>

- (4) Necessary matters concerning procedures for, methods of and standards for, etc. approval, and the revocation of approval to pay insurance contributions in installments shall be prescribed by Ordinance of the Ministry of Health and Welfare.

### **Article 83 (Disclosure of Personal Details of Payers in Arrear with Large Amount or in Habitual Arrears)**

- (1) Where a person who has defaulted in the payment of insurance contributions, arrears, and expenses for disposition on default (including insurance contributions, arrears and expenses for disposition on default which have been written off under Article 84 but the extinctive prescription for which has not run out) which have been in arrears for more than one year from the day following the payment due date under this Act in the amount of not less 10 million won in total despite the fact that he/she has the ability to pay them, the NHIS may disclose his/her personal details, amount in arrears, etc. (hereafter referred to as "personal details, etc." in this Article): Provided, That this shall not apply where an objection pursuant to Article 87 or a request for trial pursuant to Article 88 is filed, or an administrative litigation is pending, in regard to insurance contributions in arrears, arrears, or expenses for disposition on default or where any cause prescribed by Presidential Decree, such as partial payment of the amount in arrears, exists. <Amended by Act No. 16366, Apr. 23, 2019>
- (2) The Deliberative Committee on Disclosure of Insurance Contribution Information shall be established in the NHIS in order to deliberate on whether to disclose personal details, etc. under paragraph (1) of persons in arrear.
- (3) The Deliberative Committee on Disclosure of Insurance Contribution Information shall provide persons who are subject to disclosure of personal details, etc. an opportunity to defend themselves by notifying in writing that they shall be subject to the disclosure, and select the persons subject to the disclosure after six months lapse from the date of such notification taking into consideration the fulfillment, etc. of their obligation to pay the amount in arrears.
- (4) Personal details, etc. of persons in arrear under paragraph (1) shall be disclosed by means of publication in the Official Gazette or posting on the website of the NHIS.

- (5) Matters necessary for the criteria for the ability to make payment, procedures for disclosure, organization, and operation of the Committee, etc. concerning the disclosure of personal details, etc. of persons in arrear under paragraphs (1) through (4) shall be prescribed by Presidential Decree.

#### **Article 84 (Dispositions on Deficit)**

- (1) Where any of the following grounds occurs, the NHIS may write off insurance contributions, etc. as deficit after obtaining a resolution by the Financial Operation Committee:
  1. Where the disposition on default is concluded and the portion to be appropriated for the amount in arrears is insufficient for meeting the amount in arrears;
  2. Where the extinctive prescription for the claim concerned has run out;
  3. Cases determined by Presidential Decree where the possibility of collection is recognized nonexistent.
- (2) Where the NHIS discovers the existence of other seizable assets after the disposition on loss under paragraph (1) 3, it shall immediately cancel the disposition and effect a disposition on default.

#### **Article 85 (Precedence of Collection of Insurance Contributions)**

Insurance contributions, etc. shall be collected preferentially before other claims except for national taxes and local taxes: Provided, That this shall not apply to the claims guaranteed by a right to lease on a deposit basis, a pledge right, a mortgage, or a security right pursuant to the Act on Security over Movable Property and Claims where an asset of which the registration of establishment of a right to lease on a deposit basis, a pledge right, a mortgage, or a security right pursuant to the Act on Security over Movable Property and Claims has been verified is sold prior to the due date for the payment of the insurance contributions, and the insurance contributions are collected from the proceeds from sale of such asset.

#### **Article 86 (Appropriation for and Return of Insurance Contributions)**

- (1) Where any insurance contributions, etc., arrears, or expenses for disposition on default are overpaid or erroneously paid by a person liable to make such payment, the NHIS shall appropriate the overpayment or erroneous payment first for the insurance contributions, etc., arrears, or expenses for disposition on default, as prescribed by Presidential Decree. <Amended by Act No. 16728, Dec. 3, 2019>



- (2) The NHIS shall refund any balance remaining after the appropriation pursuant to paragraph (1) to the person liable to make payment, as prescribed by Presidential Decree. <Amended by Act No. 16728, Dec. 3, 2019>
- (3) In cases falling under paragraphs (1) and (2), interest prescribed by Presidential Decree shall be added to the overpayment or erroneous payment. <Newly Inserted by Act No. 16728, Dec. 3, 2019>

## **CHAPTER VII** FILING OF OBJECTIONS AND REQUESTS FOR TRIAL

### **Article 87 (Raising Objection)**

- (1) A person not satisfied with the decisions of the NHIS on the eligibility, insurance contributions, etc., insurance benefits, and insurance benefit costs for the insured or his/her dependents, may formally raise an objection to the NHIS.
- (2) The NHIS, a health care institution, or other entity not satisfied with the decisions of the Review and Assessment Service on evaluation, etc. of the appropriateness of the costs of health care benefits and health care benefits may formally raise an objection to the Review and Assessment Service.
- (3) Any objection referred to in paragraphs (1) and (2) (hereinafter referred to as "filing of objection") shall be filed in writing within 90 days after the date the person became aware of such decision and shall not be filed after 180 days from the date the decision is made: Provided, That this shall not apply where an explanation is made that the objection within the relevant period could not be raised due to a legitimate reason.
- (4) Notwithstanding the main sentence of paragraph (3), where a health care institution intends to file an objection to the verification of the Health Insurance Review and Assessment Service referred to in Article 48, it shall do so within 30 days from the date it receives notice referred to in paragraph (2) of the same Article.
- (5) Except as provided in paragraphs (1) through (4), matters necessary for the method of raising an objection and decision thereon, and notice of the decision, etc., shall be prescribed by Presidential Decree.

### Article 88 (Requests for Trial)

- (1) A person who appeals against a decision on an objection filed may request the Health Insurance Dispute Mediation Committee for a trial pursuant to Article 89. In such cases, Article 87 (3) shall apply mutatis mutandis to a request for trial.
- (2) A person who intends to request a trial pursuant to paragraph (1) shall submit a request for trial prescribed by Presidential Decree to the NHIS or the Review and Assessment Service, whichever of the two made a decision pursuant to Article 87 (1) or (2) or with the Health Insurance Dispute Mediation Committee under Article 89.
- (3) Except as provided in paragraphs (1) and (2), matters necessary for the procedure and method for filing a request for trial, decision, notification of such decision, etc., shall be prescribed by Presidential Decree.

### Article 89 (Health Insurance Dispute Mediation Committee)

- (1) The Health Insurance Dispute Mediation Committee (hereinafter referred to as the "Dispute Mediation Committee") shall be established under the Ministry of Health and Welfare to deliberate on and resolve requests for trial pursuant to Article 88.
- (2) The Dispute Mediation Committee shall be comprised of up to 60 members, including one Chairperson, and one member, excluding the Chairperson, shall be an ex officio member. In such cases, members who are not public officials shall comprise a majority of the total members of the Committee. <Amended by Act No. 12176, Jan. 1, 2014; Act No. 15874, Dec. 11, 2018>
- (3) The meetings of the Dispute Mediation Committee shall have a total of nine members, including the Chairperson, one ex officio member, and seven members as designated by the Chairperson each time a meeting is held, whose majority shall be those who are not public officials. <Amended by Act No. 15874, Dec. 11, 2018>
- (4) Resolutions of the Dispute Mediation Committee shall be passed by the attendance of a majority of the members under paragraph (3) and the concurring vote of at least a majority of those present.
- (5) A secretariat shall be established under the Dispute Mediation Committee to provide assistance at working level. <Newly Inserted by Act No. 12176, Jan. 1, 2014>

- (6) Except as provided in paragraphs (1) through (5), matters necessary for the composition and operation, etc. of the Dispute Mediation Committee and the secretariat shall be prescribed by Presidential Decree. <Amended by Act No. 12176, Jan. 1, 2014>
- (7) In applying Articles 129 through 132 of the Criminal Act, a member of the Dispute Mediation Committee who is not a public official shall be deemed a public official. <Newly Inserted by Act No. 13985, Feb. 3, 2016>

## Article 90 (Administrative Litigation)

A person who has any objection to a decision of the NHIS or the Review and Assessment Service or a person who protests against a decision on the objection raised under Article 87 or a request for trial filed under Article 88 may institute an administrative action pursuant to the Administrative Litigation Act.

## CHAPTER VIII SUPPLEMENTARY PROVISIONS

### Article 91 (Prescription)

- (1) The extinctive prescription of the following rights shall become complete if not exercised for three years: <Amended by Act No. 14084, Mar. 22, 2016>
1. Entitlement to collect insurance contributions, arrears, and additional charges;
  2. Entitlement to be refunded any excessive or mistaken amount paid as insurance contributions, arrears, or additional charges;
  3. Entitlement to receive an insurance benefit;
  4. Entitlement to receive reimbursement of insurance benefit costs;
  5. Entitlement to receive a refund of excess individual co-payment under the latter part of Article 47 (3);
  6. A right of the Korea Workers' Compensation and Welfare Service under Article 61.
- (2) The prescription referred to in paragraph (1) shall be interrupted by an occurrence of any of the following events:
1. A notice or overdue notice of insurance contributions;
  2. A claim for insurance benefit or insurance benefit costs.
- (3) The extinctive prescription of the right to collect insurance contributions from a person who takes a leave of absence, etc. shall not, if notification is suspended pursuant to Article 79 (5), proceed until the reason for leave of absence, etc. ceases to exist.

- (4) Except as provided in this Act, the term of extinctive prescription pursuant to paragraph (1), interruption of prescription pursuant to paragraph (2), and suspension of prescription pursuant to paragraph (3) shall be governed by the Civil Act.

### **Article 92 (Calculation of Periods)**

Except as provided in this Act, the provisions of the Civil Act that are relevant to periods shall apply mutatis mutandis to the calculation of the periods prescribed by this Act or by orders under this Act.

### **Article 93 (Protection of Rights and Interests of Workers)**

An employer who employs workers at all places of business who do not fall under any subparagraph of Article 6 (2) shall not prevent the workers he/she has employed from becoming the employee insured under this Act or take a measure that is injurious to the workers, such as denial of a worker's promotion or wage increase or the dismissal of a worker, for the purpose of evading an increase of the employer's share to be borne by the employer in question and without any justifiable ground therefor.

### **Article 94 (Reporting)**

- (1) The NHIS may require an employer, the employee insured, or the head of a household to report the following matters or to submit relevant documents (including those recorded by an electronic method; hereinafter the same shall apply): <Amended by Act No. 11787, May 22, 2013>
1. The change of residence of the insured;
  2. The remuneration and income of the insured;
  3. Other matters necessary for the health insurance program.
- (2) Where the NHIS recognizes a necessity for factual verification of the materials reported or submitted under paragraph (1), the NHIS may require employees under its charge to investigate the matters in question.
- (3) The NHIS's employees who conduct an investigation under paragraph (2) shall carry documents indicating their authority and produce them to related persons.

## Article 95 (Forwarding of Data on Reduction or Omission of Income)

- (1) Where the NHIS recognizes that remuneration, income, etc. reported under Article 94 (1) is reduced or omitted, it may forward in writing the matters on income reduction or omission to the Commissioner of the National Tax Service through the Minister of Health and Welfare.
- (2) Where the Commissioner of the National Tax Service conducts any tax investigation under related Acts, such as the Framework Act on National Taxes, on the matters forwarded under paragraph (1), he/she shall forward the matters on the remuneration or income, from among the results of relevant investigation to the NHIS.
- (3) Matters necessary for forwarding procedures under paragraphs (1) and (2) and other necessary matters, shall be prescribed by Presidential Decree.

## Article 96 (Furnishing of Materials)

- (1) The NHIS may request the State, local governments, health care institutions, insurance companies, and actuarial organizations under the Insurance Business Act, public institutions under the Act on the Management of Public Institutions, other public organizations, etc. to furnish the data prescribed by Presidential Decree on resident registration, family relation registration, national taxes, local taxes, land, buildings, immigration control, etc. to perform the following: <Amended by Act No. 12615, May 20, 2014>
  1. Implementation of health insurance programs, such as supervision of eligibility of the insured and their dependents, imposition and collection of insurance contributions, and administration of insurance benefits;
  2. Services referred to in Article 14 (1) 11.
- (2) The Review and Assessment Service may request the State, local governments, health care institutions, insurance companies, and actuarial organizations under the Insurance Business Act, public institutions under the Act on the Management of Public Institutions, other public organizations, etc. to furnish the data prescribed by Presidential Decree on resident registration, immigration control, medical records, supply of medicine and medical supplies, etc. to examine the costs of health care benefits and to assess the appropriateness of health care benefits. <Amended by Act No. 12615, May 20, 2014>

- (3) The Minister of Health and Welfare may request the head of the relevant administrative agency to submit data necessary for reducing the upper limit amount of costs of health care benefits for medicines and suspending the application of health care benefits pursuant to Article 41-2. <Newly Inserted by Act No. 15535, Mar. 27, 2018>
- (4) Those in receipt of a request to submit materials under paragraphs (1) through (3) shall sincerely comply therewith. <Amended by Act No. 15535, Mar. 27, 2018>
- (5) Where the NHIS or the Review and Assessment Service requests health care institutions, insurance companies or actuarial organizations under the Insurance Business Act to furnish the data referred to in paragraph (1) or (2), it shall forward a written request for the furnishing of data which states the grounds and reasons for the request for the data, persons and period subject to the furnishing of the data, time limit for furnishing the data, data to be furnished, etc. <Newly Inserted by Act No. 14084, Mar. 22, 2016>
- (6) Fees, commissions, etc. shall be exempted for the materials furnished to the NHIS or the Review and Assessment Service by the State, local governments, health care institutions, insurance contribution rate computing organizations under the Insurance Business Act and other public institutions and public organizations under paragraphs (1) and (2).

#### **Article 96-2 (Preservation of Documents)**

- (1) A health care institution shall store the documents related to any claim for costs of health care benefits under Article 47 for five years from the date of the end of provision of such health care benefits, as prescribed by Ordinance of the Ministry of Health and Welfare: Provided, That pharmacies and other health care institutions prescribed by Ordinance of the Ministry of Health and Welfare shall store prescriptions for three years from the date the relevant costs of health care benefits are claimed.
- (2) An employer shall store documents related to health insurance including management of the eligibility requirements and calculation of insurance contributions for three years, as prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 11787, May 22, 2013]

### **Article 96-2 (Provision of Financial Information)**

- (1) If necessary for calculating the contribution point of the self-employed insured under the proviso of Article 72 (1), the NHIS may request, with a written consent, converted to an electronic form, submitted by the self-employed insured pursuant to Article 72 (3), that the head of the relevant financial company, etc. provide financial information, notwithstanding Article 4 (1) of the Act on Real Name Financial Transactions and Confidentiality.
- (2) Notwithstanding Article 4 of the Act on Real Name Financial Transactions and Confidentiality, the head of a financial company, etc. requested to provide financial information pursuant to paragraph (1) shall provide financial information on the holder of a title deed.
- (3) The head of a financial company, etc. who provides financial information pursuant to paragraph (2) shall notify the holder of a title deed of such provision of financial information: Provided, That he/she need not notify the relevant fact upon consent of the holder of the title deed, notwithstanding Article 4-2 (1) of the Act on Real Name Financial Transactions and Confidentiality.
- (4) Except as provided in paragraphs (1) through (3), matters necessary for requests and procedures for the provision of financial information shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 16728, Dec. 3, 2019]

[Previous Article 96-2 moved to Article 96-3]

[Enforcement Date: July 1, 2022] Article 96-2

### **#Article 96-3 (Preservation of Documents)**

- (1) A health care institution shall retain the documents related to any claim for costs of health care benefits under Article 47 for five years from the date of the end of provision of such health care benefits, as prescribed by Ordinance of the Ministry of Health and Welfare: Provided, That pharmacies and other health care institutions prescribed by Ordinance of the Ministry of Health and Welfare shall retain prescriptions for three years from the date the relevant costs of health care benefits are claimed.
- (2) An employer shall retain documents related to health insurance including management of the eligibility requirements and calculation of insurance contributions for three years, as prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Act No. 11787, May 22, 2013]

[Enforcement Date: July 1, 2022] Article 96-2

## Article 97 (Reports and Inspections)

- (1) The Minister of Health and Welfare may order an employer, the employee insured, or the head of a household to report or submit materials on the relocation, remuneration, income, and other necessary matters of the insured or require public officials under his/her charge to question relevant persons or inspect relevant documents.
- (2) The Minister of Health and Welfare may require a health care institution (including any institution that has provided health care under Article 49) to report on the matters relevant to insurance benefits, such as the provision of health care and medicine, or submit relevant documents or require public officials under his/her charge to question relevant persons or inspect relevant documents.
- (3) The Minister of Health and Welfare may require a person who has received an insurance benefit to report on the details of the relevant insurance benefit or require public officials under his/her charge to question the person.
- (4) The Minister of Health and Welfare may order an organization that is assigned to vicariously file claims for examining costs of health care benefits pursuant to Article 47 (6) (hereinafter referred to as "vicarious claim organization") to submit necessary materials or require public officials under his/her charge to investigate and verify the materials, etc. pertaining to the vicarious claims.
- (5) If necessary for reducing the upper limit amount of costs of health care benefits for medicines and suspending the application of health care benefits pursuant to Article 41-2, the Minister of Health and Welfare may order a drug provider under Article 47 (2) of the Pharmaceutical Affairs Act to make a report of, or submit materials concerning, any such violation of the sale order of drugs as is caused by providing cash, goods, convenience, labor, entertainment or other economic benefits, or may direct a public official of the Ministry of Health and Welfare to inquire of the related person or inspect the related documents. <Newly Inserted by Amended by Act No. 15535, Mar. 27, 2018>
- (6) Public officials who conduct an investigation under paragraphs (1) through (5) shall carry documents indicating their authority and produce them to related persons. <Amended by Act No. 15353, Mar. 27, 2018>



## Article 98 (Suspension of Operation)

- (1) Where a health care institution falls under any of the following subparagraphs, the Minister of Health and Welfare may order the health care institution to suspend its operation by specifying a period of within one year: <Amended by Act No. 13985, Feb. 3, 2016>
1. Where it places the burden of bearing costs of health care benefits on the insurer, the insured, or dependent by fraud or other improper means;
  2. Where it violates the order referred to in Article 97 (2), files a false report, or rejects, interferes with, or evades an inspection or questioning by a public official belonging to competent authorities;
  3. Where it performs or uses an act or material for medical treatment for the insured or their dependents by fraud or other improper means and then places the burden of costs on the insured or their dependents, without applying for the determination under Article 41-3 (1) without any justifiable grounds.
- (2) A person who has been ordered to suspend operation under the provisions of paragraph (1) shall not provide health care benefits during the period of suspension of the operations in question.
- (3) The effect of the disposition of suspension of operation under paragraph (1) shall be succeeded by a person who takes over the health care institution for which such disposition has been made, a corporation which survives after a merger, or a corporation established by a merger, and where any procedure of the disposition of suspension of operation is pending, it may proceed regarding the transferee, the corporation which continues to exist after a merger or the corporation established by a merger: Provided, That the same shall not apply to a transferee or corporation surviving a merger where he/she or it proves that he/she or it was unaware of such disposition or the fact of violation.
- (4) A person who is subject to the disposition of the suspension of operation under paragraph (1) or a person for whom the procedure of the disposition of suspension of operation is under way shall notify, without delay, a transferee, a corporation surviving a merger or a corporation incorporated in the course of a merger of the fact that it is subject to an administrative disposition or the fact that the procedure of an administrative disposition is under way under the conditions as prescribed by Presidential Decree as prescribed by Ordinance of the Ministry of Health and Welfare.

- (5) The standards of administrative disposition by the type, degree, etc. of violating acts which are subject to the suspension of operation under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

### Article 99 (Penalty Surcharges)

- (1) Where a health care institution is subject to the disposition of suspension of operation by falling under Article 98 (1) 1 or 3, if such disposition causes a serious inconvenience to persons who use a health care institution or if any special causes prescribed by the Minister of Health and Welfare are deemed to exist, the Minister of Health and Welfare may impose and collect a penalty surcharge of the amount not exceeding five times the amount to be imposed on conducts by fraud or other improper means in lieu of the disposition of suspension of operation. In such cases, the Minister of Health and Welfare may have it paid in installments within 12 months. <Amended by Act No. 13985, Feb. 3, 2016>
- (2) Where the Minister of Health and Welfare deems there exists a special ground on worries on that the suspension of any medicine from health care benefits under Article 41-2 (3) may cause serious hazard to national health, he/she may impose and collect a penalty surcharge up to 60/100 of the total amount of health care benefits for the relevant medicine, in lieu of the suspension thereof from the health care benefits, as prescribed by Presidential Decree. In such cases, the Minister of Health and Welfare may have it paid in installments within 12 months. <Newly Inserted by Act No. 12176, Jan. 1, 2014; Act No. 15535, Mar. 27, 2018>
- (3) Where any medicine subject to the imposition of a penalty surcharge pursuant to the former part of paragraph (2) becomes again subject to the imposition of a penalty surcharge pursuant to the former part of paragraph (2) within the period determined by Presidential Decree to the extent of five years from the date when a penalty surcharge is imposed, the Minister of Health and Welfare may impose and collect a penalty surcharge within the extent not exceeding 100/100 of the total amount of costs of health care benefits for the relevant medicine, as prescribed by Presidential Decree. <Newly Inserted by Act No. 15535, Mar. 27, 2018>
- (4) The total amount of costs of health care benefits for the relevant medicine to be prescribed by Presidential Decree under paragraphs (2) and (3) shall not exceed the total amount of health care benefits paid for one year taking into consideration the record, etc. of health care benefits for the relevant medicine paid in the past. <Newly Inserted by Act No. 12176, Jan. 1, 2014; Act No. 15535, Mar. 27, 2018>

- (5) Where a person liable to pay a penalty surcharge under paragraph (1) fails to pay it by the time-limit, the Minister of Health and Welfare shall revoke the disposition of imposing the penalty surcharge in accordance with the procedures prescribed by Presidential Decree, and then shall take a disposition of suspending operation under Article 98 (1) or collect the penalty surcharge in the same manner as delinquent national taxes are collected: Provided, That if it is impossible to take a disposition of suspending operation under Article 98 (1), due to discontinuance, etc. of business of the relevant health care institution, the penalty surcharge shall be collected in the same manner as delinquent national taxes are collected. <Amended by Act No. 14084, Mar. 22, 2016>
- (6) Where a person liable to pay a penalty surcharge under paragraph (2) or (3) fails to make such payment by a due date thereof, the Minister of Health and Welfare shall collect it in the same manner as delinquent national taxes are collected. <Newly Inserted by Act No. 14084, Mar. 22, 2016; Act No. 15535, Mar. 27, 2018>
- (7) If necessary for collecting a penalty surcharge, the Minister of Health and Welfare may file a written request to furnish tax information with the head of the tax office or the head of the relevant local government wherein following matters are stated:
1. Personal details of a taxpayer;
  2. Purpose of use;
  3. Grounds and standards for imposition of the penalty surcharge.
- (8) No penalty surcharges collected under paragraphs (1) through (3) shall be used for any purpose, other than the following: <Amended by Act No. 12176, Jan. 1, 2014; Act No. 15348, Jan. 16, 2018; Act No. 15535, Mar. 27, 2018>
1. Funds that the NHIS provides as costs of health care benefits pursuant to Article 47 (3);
  2. Support for the emergency medical service fund referred to in the Emergency Medical Service Act;
  3. Support for projects for supporting disastrous medical expenses under the Act on Support of Disastrous Medical Expenses.
- (9) Necessary matters concerning the amount of penalty surcharges under paragraphs (1) through (3) and the payment thereof, and necessary matters concerning the scales of, and procedures for, support by purpose granted from penalty surcharges referred to in paragraph (8) shall be prescribed by Presidential Decree. <Amended by Act No. 12176, Jan. 1, 2014; Act No. 14084, Mar. 22, 2016; Act No. 15535, Mar. 27, 2018>

## Article 100 (Publication of Fact of Violation)

- (1) If a health care institution which has received an administrative disposition under Article 98 or 99 because of claims for costs of health care benefits in falsehood by falsifying or forging relevant documents falls under any of the following subparagraphs, the Minister of Health and Welfare may publish the act of violation, details of disposition, the name and address of the relevant health care institution, the name of the representative of the relevant health care institution, and other matters prescribed by Presidential Decree which are necessary to distinguish it from other health care institutions. In such cases, the motive, degree, frequency, results, etc. of the violation shall be taken into consideration in deciding whether to make such publication:
  1. Where the amount claimed in falsehood is 15 million won or more;
  2. The rate of amount claimed in falsehood is 20/100 or more of the total amount of costs of health care benefits.
- (2) The Minister of Health and Welfare shall establish and operate the Health Insurance Publication Deliberation Committee (hereafter referred to as the "Publication Deliberation Committee" in this Article) to deliberate on whether to make a publication, etc. under paragraph (1).
- (3) The Minister of Health and Welfare shall notify a health care institution which becomes subject to publication, undergoing the deliberation by the Publication Deliberation Committee of the fact that it is subject to publication, in order to provide it with an opportunity to submit explanatory materials or appear to make a statement of opinion.
- (4) The Minister of Health and Welfare shall select health care institutions to become subject to publication after the Publication Deliberation Committee re-deliberates health care institutions to be subject to publication, taking into account explanatory materials or statements of opinion referred to in paragraph (3).
- (5) Except as provided in paragraphs (1) through (4), matters necessary for the procedure for and method of publication, organization and operation, etc. of the Publication Deliberation Committee shall be prescribed by Presidential Decree.

## Article 101 (Prohibited Acts of Manufacturers)

- (1) No manufacturer, operator of a manufacture by entrustment and sale business, importer, and distributor of drugs under the Pharmaceutical Affairs Act nor a manufacturer, importer, repairer, distributor, and lessor of medical devices under the Medical Devices Act (hereinafter referred to as "manufacturer, etc.") shall cause any loss to the insurer, the insured or his/her dependent by committing any of the following acts, in determining items eligible for health care benefits pursuant to Article 41-3 or in calculating the costs of health care benefits pursuant to Article 46, in relation to medicines and materials for medical treatment: <Amended by Act No. 13985, Feb. 3, 2016>
1. Engaging in an act of a health care institution referred to in Article 98 (1) 1;
  2. Submitting false data to the Ministry of Health and Welfare, the NHIS, or the Review and Assessment Service;
  3. Exercising influence over the determination of items eligible for health care benefits and the calculation of the costs of health care benefits, by fraud or other improper means prescribed by Ordinance of the Ministry of Health and Welfare.
- (2) In order to ascertain whether a manufacturer, etc. has committed any violation of paragraph (1), the Minister of Health and Welfare may conduct a necessary investigation, such as issuing an order to the relevant manufacturer, etc. to submit the relevant documents, or assigning public officials under his/her control to ask questions to the related persons or inspect the relevant documents. In such cases, the competent public officials shall carry documents indicating their authority and produce them to related persons.
- (3) Where a manufacturer, etc. commits an act causing any loss to the insurer, the insured, or his/her dependent, in violation of paragraph (1), the NHIS shall collect an amount equivalent to the loss (hereafter referred to as "amount equivalent to the loss" in this Article) from such manufacturer, etc. <Newly Inserted by Act No. 13985, Feb. 3, 2016>
- (4) The NHIS shall pay the insured or his/her dependent an amount corresponding to the loss he/she has sustained, out of the amount equivalent to the loss collected pursuant to paragraph (3). In such cases, the NHIS may offset the amount to be paid to the insured or his/her dependent by the insurance contributions, etc. to be paid by him/her. <Newly Inserted by Act No. 13985, Feb. 3, 2016>

- (5) The procedures for calculating, imposing, and collecting the amount equivalent to the loss referred to in paragraph (3), the payment method therefor, and other necessary matters shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 13985, Feb. 3, 2016>

### Article 102 (Maintaining Information)

No person who has been or is engaged in the services of the NHIS, the Review and Assessment Service, or a vicarious claim organization shall do any of the following acts: <Amended by Act No. 14084, Mar. 22, 2016; Act No. 16366, Apr. 23, 2019>

1. Divulging personal information (referring to personal information defined in subparagraph 1 of Article 2 of the Personal Information Protection Act; hereinafter referred to as "personal information") of the insured or their dependents, using such information for any purpose other than performing his/her duties, or providing such information to a third party without any justifiable grounds;
2. Divulging any information learned in the course of performing his/her duties (excluding personal information referred to in subparagraph 1), using such information for any purpose other than performing his/her duties, or providing such information to a third party.

### Article 103 (Supervision of NHIS)

- (1) In order for the NHIS and the Review and Assessment Service to achieve their management goals, the Minister of Health and Welfare may supervise them, such as ordering them to report on the following programs or services or inspecting the conditions of their programs, services, or property:
1. Services of the NHIS set forth in Article 14 (1) 1 through 13, and services of the Review and Assessment Service set forth in Article 63 (1) 1 through 7;
  2. Projects related to satisfying the management guidelines under Article 50 of the Act on the Management of Public Institutions;
  3. Services entrusted to the NHIS and the Review and Assessment Service under this Act or other statutes or regulations;
  4. Other projects related to the matters prescribed by related statutes.
- (2) Where necessary for supervision under paragraph (1), the Minister of Health and Welfare may order to amend the articles of incorporation or regulations, or order other necessary dispositions.

## Article 104 (Payment of Monetary Rewards)

- (1) The NHIS may pay a monetary award to a person who reports an individual who has received insurance benefits or a health care institution that has been paid costs of health care benefits by fraud or other improper means. <Amended by Act No. 15874, Dec. 11, 2018>
- (2) The NHIS may provide an incentive to a health care institution that has contributed to the efficient financial management of health insurance. <Newly Inserted by Act No. 11787, May 22, 2013>
- (3) Matters necessary for the criteria for and scope of payment of a reward and incentive, procedure and method of payment, and other necessary matters pertaining to paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 11787, May 22, 2013>

## Article 105 (Prohibition from Use of Similar Names)

- (1) No person, other than the NHIS or the Review and Assessment Service, shall use such names as the National Health Insurance Service, Health Insurance Review and Assessment Service, or other names similar thereto.
- (2) A person, other than one who conducts a health insurance program prescribed by this Act, shall be prohibited from using the term "national health insurance" in an insurance contract or in the name of an insurance contract.

## Article 106 (Disposal of Small Sums)

Where an amount to be collected or returned is less than 2,000 won in one case (excluding any individual co-payment refund and any amount to be paid to the insured or his/her dependent, which may be disposed of by offsetting under Article 47 (4), the latter part of Article 57 (5), and the latter part of Article 101 (4)), the NHIS shall not collect or return such amount. <Amended by Act No. 11787, May 22, 2013; Act No. 13985, Feb. 3, 2016>

## Article 107 (Disposal of Fractional Sum)

In calculating the expenses related to insurance contributions, etc. and insurance benefits, fractional sums under Article 47 of the Management of the National Funds Act shall be excluded from the calculation.

## Article 108 (Government's Subsidies for Insurance Finance)

- (1) The State shall subsidize an amount equivalent to 14/100 of the amount of anticipated revenues from insurance contributions for the relevant year to the NHIS from the National Treasury each year within budgetary limits.
- (2) The National Health Promotion Fund under the National Health Promotion Act may provide funds to the NHIS, as prescribed by the same Act.
- (3) The NHIS shall appropriate financial resources provided pursuant to paragraph (1) for the following purposes: <Amended by Act No. 11787, May 22, 2013>
  1. Insurance benefits for the insured and their dependents;
  2. Operational expenses for the health insurance business;
  3. Subsidies needed to reduce insurance contributions pursuant to Articles 75 and 110 (4).
- (4) The NHIS shall use the funds provided pursuant to paragraph (2) for the following businesses:
  1. Projects undertaken to enhance health, such as health checkup;
  2. Insurance benefits paid to treat diseases suffered by the insured and their dependents that are caused by smoking;
  3. Insurance benefits paid to senior citizens who are at least 65 years old, from among the insured and their dependents.

[By Article 2 of the Addenda of the Act No. 11141 on December 31, 2011,  
this Article shall remain effective until December 31, 2022]

## Article 109 (Special Cases concerning Foreigners)

- (1) The Government may arrange for separate health insurance for the workers at a workplace where a foreign government is the employer, in consultation with the foreign government.
- (2) An overseas Korean national or a foreigner residing in the Republic of Korea (hereinafter referred to as "foreigner, etc. residing in Korea") who is an employee, public official, or school employee of a workplace of eligible persons shall become the employee insured, notwithstanding Article 5, if he/she does not fall under any subparagraph of Article 6 (2) but falls under any of the following: <Amended by Act No. 14084, Mar. 22, 2016>
  1. A person who is registered pursuant to Article 6 (1) 3 of the Resident Registration Act;



2. A person who has reported on his/her place of residence in Korea pursuant to Article 6 of the Act on the Immigration and Legal Status of Overseas Koreans;
  3. A person who has filed for alien registration pursuant to Article 31 of the Immigration Act.
- (3) Where a foreigner, etc. residing in Korea who does not fall under the employee insured referred to in paragraph (2) satisfies all the following requirements, he/she shall become the self-employed insured, notwithstanding Article 5: <Newly Inserted by Act No. 14084, Mar. 22, 2016; Act No. 16238, Jan. 15, 2019>
1. The relevant person shall fall under the ground prescribed by Ordinance of the Ministry of Health and Welfare that he/she resided in Korea during the period prescribed by Ordinance of the Ministry of Health and Welfare or is expected to reside therein continuously during the relevant period;
  2. The relevant person shall fall under any of the following:
    - (a) A person specified in paragraph (2) 1 or 2;
    - (b) A person who has filed for alien registration pursuant to Article 31 of the Immigration Act and holds the status of sojourn prescribed by Ordinance of the Ministry of Health and Welfare.
- (4) Where a foreigner, etc. residing in Korea who falls under any subparagraph of paragraph (2) satisfies all the following requirements, he/she may become a dependent, notwithstanding Article 5, if he/she files an application with the NHIS: <Newly Inserted by Act No. 14084, Mar. 22, 2016>
1. The relevant person's relationship with the employee insured shall fall under any subparagraph of Article 5 (2);
  2. The relevant person shall meet the standards for determination of the dependent eligibility referred to in Article 5 (3).
- (5) Notwithstanding paragraphs (2) through (4), no foreigner, etc. residing in Korea shall become the insured or a dependent if he/she falls under any of the following cases: <Newly Inserted by Act No. 14084, Mar. 22, 2016; Act No. 16238, Jan. 15, 2019>
1. Where the relevant person's stay in Korea violates any Act and any ground prescribed by Presidential Decree exists;
  2. Where a foreigner, etc. residing in Korea is eligible for medical guarantee equivalent to health care benefits referred to in Article 41 in accordance with foreign statutes, a foreign insurance or a contract concluded with his/her employer, and thus the employer or insured requests the exclusion of him/her from the insured, as prescribed by Ordinance of the Ministry of Health and Welfare.

- (6) Articles 5 through 11 shall apply mutatis mutandis to matters necessary for the timing, procedures, etc. for acquisition and loss of the eligibility of the insured or dependents by foreigners, etc. residing in Korea, except as otherwise expressly provided for in paragraphs (2) through (5): Provided, That matters to be expressly provided for in consideration of the nature of foreigners, etc. residing in Korea may be otherwise prescribed by Presidential Decree. <Newly Inserted by Act No. 14084, Mar. 22, 2016>
- (7) Where a foreigner, etc. residing in Korea who is the insured acquires the eligibility of the self-employed insured after the second day of any month and loses the eligibility in the month in which the date he/she acquired the eligibility falls, due to any ground publicly notified by the Minister of Health and Welfare, the insurance contributions for the month in which the date the eligibility was acquired falls shall be imposed and collected, notwithstanding the main sentence of Article 69 (2). <Newly Inserted by Act No. 14084, Mar. 22, 2016>
- (8) The insurance contributions for the self-employed insured who fall under foreigners, etc. residing in Korea (limited to those subject to the proviso of paragraph (9)) shall be paid by the 25th day of the immediately preceding month, notwithstanding the main sentence of Article 78 (1): Provided, That in any of the following cases, the insurance contributions shall be paid as determined by the NHIS: <Newly Inserted by Act No. 14084, Mar. 22, 2016; Act No. 16238, Jan. 15, 2019>
1. Where the insurance contributions for the month in which the date the eligibility is acquired falls are collected;
  2. Where the eligibility is acquired during the period from the 26th day to the end of any month.
- (9) Except as provided in paragraphs (7) and (8), Articles 69 through 86 shall apply mutatis mutandis to matters on the imposition and collection of insurance contributions for foreigners, etc. residing in Korea who are the insured: Provided, That matters on the imposition and collection of insurance contributions for foreigners, etc. residing in Korea prescribed by Presidential Decree may be otherwise determined and publicly notified by the Minister of Health and Welfare, taking into account their nature. <Newly Inserted by Act No. 14084, Mar. 22, 2016>

(10) Where a foreigner, etc. residing in Korea (limited to those subject to the proviso of paragraph (9)) who is the self-employed insured fails to pay insurance contributions, the NHIS shall not provide insurance benefits until the delinquent insurance contributions are paid in full, beginning with the date the foreigner, etc. falls into arrears, notwithstanding Article 53 (3). In such cases, the proviso of Article 53 (3), with the exception of its subparagraphs, and paragraphs (5) and (6) of the same Article shall not apply. <Newly Inserted by Act No. 16238, Jan. 15, 2019>

### Article 110 (Special Cases concerning the Unemployed)

- (1) From among the persons whose employment relationship has expired, those whose total period of having retained eligibility for the employee insured is not less than one year during the period determined by Ordinance of the Ministry of Health and Welfare may file an application with the NHIS for retaining his/her eligibility as the employee insured by the date two months elapse after the due date for the payment of the insurance contributions stated in the first notice he/she receives as the self-employed insured under Article 79. <Amended by Act No. 11787, May 22, 2013; Act No. 15348, Jan. 16, 2018>
- (2) Notwithstanding Article 9, the insured who files an application with the NHIS under paragraph (1) (hereinafter referred to as "voluntarily continuous insured person") shall retain his/her eligibility during the period prescribed by Presidential Decree: Provided, That where he/she fails to pay the first insurance contributions of the employee insured to be paid after the filing of an application under paragraph (1) until two months elapse after the due date therefor, his/her eligibility shall be suspended. <Newly Inserted by Act No. 11787, May 22, 2013>
- (3) The amount of monthly remuneration of a voluntarily continuous insured person shall be the average amount of his/her monthly remuneration in recent 12 months during which the amounts of insurance contributions based on monthly remuneration have been calculated <Amended by Act No. 11787, May 22, 2013; Act No. 15348, Jan. 16, 2018>
- (4) Part of the insurance contributions of a voluntarily continuous insured person may be reduced, as publicly notified by the Minister of Health and Welfare.

- (5) Total amount of the insurance contributions of voluntarily continuous insured persons shall be borne and paid by them notwithstanding Articles 76 (1) and 77 (1) 1.
- (6) Where a voluntarily continuous insured person fails to pay the insurance contributions by a payment due date, Article 53 (3), (5) and (6) of shall apply mutatis mutandis. In such cases, the terms, "per household insurance contributions referred to in Article 69 (5)" shall be construed as "insurance contributions pursuant to Article 110 (5)".  
<Amended by Act No. 11787, May 22, 2013>
- (7) Matters relating to the methods of and procedures for filing applications to become a voluntarily continuous insured person and other relevant matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

### **Article 111 (Assignment and Entrustment of Authority)**

- (1) The authority of the Minister of Health and Welfare under this Act may be partially delegated to the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors, or the Special Self-Governing Province Governor, as prescribed by Presidential Decree.
- (2) The authority of the Minister of Health and Welfare under Article 97 (2) may be entrusted to the NHIS or the Review and Assessment Service, as prescribed by Presidential Decree.

### **Article 112 (Entrustment of Services)**

- (1) The NHIS may entrust each of the following services to postal service agencies, financial institutions, or other persons prescribed by Presidential Decree:
1. Receipt of insurance contributions and verifying payment of insurance contributions;
  2. Payment of insurance benefit costs;
  3. Receipt of pension insurance contributions, employment insurance contributions, employment insurance and industrial accident compensation insurance contributions, contributions, and other charges (hereinafter referred to as "insurance contributions, etc. entrusted for collection") collected according to the entrustment of the applicable Acts to the entrustment of collection, or verification of payment of insurance contributions.

- (2) The NHIS may entrust part of its services to state agencies, local governments, corporations that provide social insurance programs under other statutes, or other persons: Provided, That the same shall not apply to collection including insurance contributions and insurance contributions entrusted for collection. <Amended by Act No. 13985, Feb. 3, 2016>
- (3) The scope of the operations the NHIS may entrust under paragraph (2) and of the persons to whom they may be entrusted shall be prescribed by Ordinance of the Ministry of Health and Welfare.

### **Article 113 (Allocation, Payment of Insurance Contributions Entrusted with Collection)**

- (1) Where the amount of insurance contributions collected by the NHIS, subsequent fees, or insurance contributions, etc. entrusted with collection is smaller than the amount the NHIS has to collect, it shall collect the payment in installments according to the criteria and means prescribed by Presidential Decree: Provided, That where a person liable to make such payment states otherwise, the NHIS shall comply therewith.
- (2) Where the NHIS has collected insurance contributions, etc. entrusted with collection, it shall immediately pay such to the relevant funds by insurance.

### **Article 114 (Purposes of Contributions)**

- (1) For the expenses incurred in conducting services under Article 14 (1) 11, the NHIS shall use contributions received respectively from the National Pension Fund, the Industrial Accident Compensation Insurance Fund, the Employment Insurance Fund, and the Wage Claim Guarantee Fund under the National Pension Act, the Industrial Accident Compensation Insurance Act, the Employment Insurance Act, and the Wage Claim Guarantee Act.
- (2) Matters necessary for the management, operation, etc. of contributions received under paragraph (1), shall be prescribed by Presidential Decree.

### **Article 114-2 (Legal Fiction as Public Officials in Application of Penalty Provisions)**

Non-public official members of the Deliberative Committee under Article 4 (1) and of the Health Insurance Publication Deliberation Committee under Article 100 (2) shall be deemed to be public officials in applying Articles 127 and 129 through 132 of the Criminal Act.

[This Article Newly Inserted by Act No. 16238, Jan. 15, 2019]

**CHAPTER IX** PENALTY PROVISIONS**Article 115 (Penalty Provisions)**

- (1) A person who divulges personal information of the insured or their dependents, uses such information for any purpose other than to perform his/her duties or provides such information to a third party without any justifiable grounds in violation of subparagraph 1 of Article 102 shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding 50 million won. <Newly Inserted by Act No. 14084, Mar. 22, 2016; Act No. 16366, Apr. 23, 2019>
- (2) Any of the following persons shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won: <Amended by Act No. 14084, Mar. 22, 2016; Act No. 16366, Apr. 23, 2019>
  1. A person who works for a claim processing agency and files a claim for costs of health care benefits by fraud or other improper means;
  2. A person who divulges any information learned in the course of performing his/her duties, uses such information for any purpose other than to perform his/her duties or provides such information to a third party, in violation of subparagraph 2 of Article 102.
- (3) A person who receives or arranges another person to receive insurance benefits by fraud or other improper means shall be punished by imprisonment with labor for not more than two years, or by a fine not exceeding 20 million won. <Newly Inserted by Act No. 16366, Apr. 23, 2019>
- (4) 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. 11787, May 22, 2013; Act No. 14084, Mar. 22, 2016; Act No. 16366, Apr. 23, 2019>
  1. The founder of a health care institution who provides selective benefit, in violation of Article 42-2 (1) or (3);
  2. A person who permits any other person who is not a claim processing agency to vicariously examine such claims, in violation of Article 47 (6);
  3. An employer who violates Article 93;
  4. The founder of a health care institution, who violates Article 98 (2);
  5. Deleted. <by Act No. 16366, Apr. 23, 2019>

## Article 116 (Penalty Provisions)

A person who fails to report or submit documents, a person who makes a false report or submits false documents, or a person who refuses, interferes with, or evades inspection or questioning in violation of Article 97 (2) shall be punished by a fine not exceeding 10 million won.

## Article 117 (Penalty Provisions)

A person who violates Article 42 (5) or a person who fails to issue a detailed statement of health care costs or a receipt stating the particulars of the health care in violation of Article 49 (2) shall be punished by a fine not exceeding five million won.

## Article 118 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent, employee or any other person working for the corporation or an individual commits any act which violates Articles 115 through 117 in connection with the business of the corporation or the individual, not only shall such violator be punished accordingly, but the corporation or the individual shall be punished by a fine prescribed in the relevant provisions: Provided, That the same shall not apply where the corporation or the individual has not been negligent in paying due attention and supervision to the relevant business in order to prevent such violation.

## Article 119 (Administrative Fines)

(1) and (2) Deleted. <by Act No. 11787, May 22, 2013>

(3) Any of the following persons shall be punished by an administrative fine not exceeding five million won: <Amended by Act No. 14084, Mar. 22, 2016; Act No. 15535, Mar. 27, 2018>

1. An employer who fails to make a report or makes a false report, in violation of Article 7;
2. A person who fails to file a report or to submit documents without any justifiable grounds, or files a false report or submits false documents, in violation of Article 94 (1);
3. A person who fails to make a report or to submit documents without any justifiable grounds, or makes a false report or submits false documents, in violation of Article 97 (1), (3), (4), or (5);

4. A person who fails to notify, without delay, the fact that he/she is subject to an administrative disposition or the fact that the procedure of an administrative disposition is under way, in violation of Article 98 (4);
  5. A person who fails to submit documents or submits false documents without any justifiable grounds, in violation of Article 101 (2).
- (4) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 11787, May 22, 2013>
1. Deleted; <by Act No. 14084, Mar. 22, 2016>
  2. Deleted; <by Act No. 15874, Dec. 11, 2018>
  3. Deleted; <by Act No. 14084, Mar. 22, 2016>
  4. A person who fails to preserve documents in violation of Article 96-2;
  5. A person who violates an order issued under Article 103;
  6. A person who violates Article 105.
- (5) Administrative fines under paragraphs (3) and (4) shall be imposed and collected by the Minister of Health and Welfare, as prescribed by Presidential Decree. <Amended by Act No. 11787, May 22, 2013>

## #Article 119 (Administrative Fines)

- (1) and (2) Deleted. <by Act No. 11787, May 22, 2013>
- (3) Any of the following persons shall be punished by an administrative fine not exceeding five million won: <Amended by Act No. 14084, Mar. 22, 2016; Act No. 15535, Mar. 27, 2018>
1. An employer who fails to make a report or makes a false report, in violation of Article 7;
  2. A person who fails to file a report or to submit documents without any justifiable grounds, or files a false report or submits false documents, in violation of Article 94 (1);
  3. A person who fails to make a report or to submit documents without any justifiable grounds, or makes a false report or submits false documents, in violation of Article 97 (1), (3), (4), or (5);
  4. A person who fails to notify, without delay, the fact that he/she is subject to an administrative disposition or the fact that the procedure of an administrative disposition is under way, in violation of Article 98 (4);



5. A person who fails to submit documents or submits false documents without any justifiable grounds, in violation of Article 101 (2).
- (4) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 11787, May 22, 2013; Act No. 16728, Dec. 3, 2019>
  1. Deleted; <by Act No. 14084, Mar. 22, 2016>
  2. Deleted; <by Act No. 15874, Dec. 11, 2018>
  3. Deleted; <by Act No. 14084, Mar. 22, 2016>
  4. A person who fails to retain documents, in violation of Article 96-3;
  5. A person who violates an order issued under Article 103;
  6. A person who violates Article 105.
- (5) Administrative fines under paragraphs (3) and (4) shall be imposed and collected by the Minister of Health and Welfare, as prescribed by Presidential Decree. <Amended by Act No. 11787, May 22, 2013>

[Enforcement Date: July 1, 2022] Article 119 (4) 4

## ADDENDA

### Article 1 (Enforcement Date)

This Act shall enter into force on September 1, 2012: Provided, That the amended provisions of Article 98 (2), 108, and 115 (2) 3 shall enter into force on the date of its promulgation.

### Article 2 (Term of Validity)

@Article 108 shall remain in force until December 31, 2022. <Amended by Act No. 14084, Mar. 22, 2016; Act No. 14776, Apr. 18, 2017>

### Article 3 (Succession of Rights by Universal Title)

The NHIS shall succeed, by universal title, to the rights and duties of the Medical Insurance Association and the Medical Insurance Federation referred to in the former Medical Insurance Act existing as of July 1, 2000 on which date the National Health Insurance Act (Act No. 5854) entered into force: Provided, That the Review and Assessment Service shall succeed, by universal title, to the rights and duties of the Medical Insurance Federation related with its review operations.

**Article 4 (Applicability to Collection and Exemption of Insurance Contributions)**

The amended provisions of Articles 69 (2) and 74 (3) shall apply from the case where a person obtains qualifications or becomes eligible for the insured or where a ground for suspension of benefits occurs or ceases to exist for the first time on or after November 1, 2006, on which date the partially amended National Health Insurance Act (Act No. 8034) entered into force.

**Article 5 (Applicability to Insurance Contributions)**

The amended provisions of Article 69 (4) 1 and (5) shall apply from the first insurance contributions notified on or after January 1, 2007, on which date the partially amended National Health Insurance Act (Act No. 8153) entered into force.

**Article 6 (Applicability to Exemption of Minors from Obligation of Joint Payment of Insurance Contributions for the Self-Employed Insured and Collection of Additional Amount Added to Additional Dues)**

- (1) The amended provisions of the proviso of Article 77 (2) shall apply from the first insurance contributions, etc. notified on or after September 29, 2008, on which date they entered into force under the proviso of Article 1 of the Addenda of the partially amended National Health Insurance Act (Act No. 9022). <Amended by Act No. 14776, Apr. 18, 2017>
- (2) The amended provisions of Article 80 shall apply from the first insurance contributions, etc. notified on or after July 1, 2008, the date on which they entered into force under the proviso of Article 1 of the Addenda of the partially amended National Health Insurance Act (Act No. 9022).

**Article 7 (Applicability to Addition of Interests to Refunds)**

The amended provisions of the latter part of Article 86 (2) shall apply from the first refund made on or after September 29, 2008, the date on which they entered into force under the proviso of Article 1 of the Addenda of the partially amended National Health Insurance Act (Act No. 9022).

**Article 8 (Applicability to Prescription)**

The amended provisions of Article 91 (1) 6 shall also apply to the rights of the Korea Workers' Compensation and Welfare Service whose prescription is not completed as at the time this Act enters into force.

### **Article 9 (Applicability to Fact of Violation)**

The amended provisions of Article 100 shall apply from the first violation that occurs on or after September 29, 2008, the date on which they entered into force under the proviso of Article 1 of the Addenda of the partially amended National Health Insurance Act (Act No. 9022).

### **Article 10 (Applicability to Government's Subsidies for Insurance Finance)**

The amended provisions of Article 108 shall apply from the budget of fiscal year 2012.

### **Article 11 (Special Cases concerning Retirement Age of Employees Consequential to Integrating Collection Services of Social Insurance Contributions)**

The retirement age of an employee who was transferred from the National Pension Service or the Korea Workers' Compensation and Welfare Service to the NHIS on January 1, 2011, the date on which the partially amended National Health Insurance Act (Act No. 9690) entered into force shall conform to the retirement age of the relevant National Pension Service or Korea Workers' Compensation and Welfare Service at the time he/she was transferred to the NHIS: Provided, That this shall not apply where the retirement age of an employee of the NHIS is higher than that of the relevant Service.

### **Article 12 (Transitional Measures concerning Deliberative Committee and Financial Operation Committee)**

- (1) Members of the Deliberative Committee and the Financial Operation Committee appointed or commissioned under former provisions existing at the time this Act enters into force, shall be deemed appointed or commissioned under this Act, and the their term of office shall be the period remaining pursuant to former provisions.
- (2) Matters which have undergone the deliberation and resolution by the Deliberative Committee and the Financial Operation Committee at the time this Act enters into force shall be deemed to have undergone the deliberation and resolution under this Act.

### **Article 13 (Transitional Measures concerning the NHIS)**

The National Health Insurance Management Corporation under the former National Medical Insurance Act existing as of July 1, 2000 on which date the National Health Insurance Act (Act No. 5854) entered into force shall be deemed the NHIS established under this Act.

**Article 14 (Transitional Measures concerning Executive Officers)**

Notwithstanding the amended provisions of Articles 20 and 65, the term of office of executive officers of the NHIS and the Review and Assessment Service appointed under former provisions at the time this Act enters into force shall continue until the date of completion of their term of office fixed at the time they were appointed.

**Article 15 (Transitional Measures concerning Permission for Executive Officers of the NHIS for Holding Concurrent Offices)**

Where an executive officer or an employee of the NHIS or the Review and Assessment Service has obtained permission from the person with the power to appoint him/her to hold concurrent office under Article 37 (2) of the Act on the Management of Public Institutions at the time this Act enters into force, he/she shall be deemed to have obtained permission for holding concurrent offices under the amended provisions of Article 25 (2) (including the cases of application mutatis mutandis under Article 68).

**Article 16 (Transitional Measures concerning Report on Current Status of Health Care Institutions)**

A health care institution which has filed a report on the current status of its manpower, facilities, equipment, etc. to the Review and Assessment Service at the time this Act enters into force shall be deemed to have filed such report under the amended provisions of Article 43.

**Article 17 (Transitional Measures concerning Collection of Insurance Contributions)**

Collection of insurance contributions, etc. the payment due date of which has passed under the former Medical Insurance Act and National Medical Insurance Act as of July 1, 2000 on which date the National Health Insurance Act (Act No. 5854) entered into force shall be governed by the former provisions.

**Article 18 (Transitional Measures concerning Extinctive Prescription of Previous Insurance Contributions)**

The extinctive prescription of any of the rights to collect or receive insurance contributions, to receive a insurance benefit and to receive a refund of overpaid or erroneously paid individual co-payment which has occurred on or before July 1, 2000, on which date the National Health Insurance Act (Act No. 5854) entered into force shall be governed by the former Medical Insurance Act and the former National Medical Insurance Act.

### **Article 19 (General Transitional Measures concerning Disposition)**

Any act of the NHIS, Review and Assessment Service, Minister of Health and Welfare (hereafter referred to as the "NHIS, etc." in this Article) or any act against the NHIS, etc. done under former provisions at the time this Act enters into force shall be deemed an act corresponding thereto committed by or against the NHIS, etc. under this Act.

### **Article 20 (Transitional Measures concerning Disposition against Previous Offense)**

(1) The disposition against an act in violation of the former Medical Insurance Act or the former National Medical Insurance Act committed on or before July 1, 2000 on which date the National Health Insurance Act (Act No. 5854) entered into force shall be governed by the former Medical Insurance Act and the former National Medical Insurance Act.

(2) The application of penalty provisions and administrative fines against an act committed before this Act enters into force shall be governed by former provisions.

### **Article 21 Omitted.**

### **Article 22 (Relationship with Other Statutes)**

Where any other statute cites the former provisions of the National Medical Insurance Act at the time this Act enters into force, it shall be deemed to have cited the relevant provisions of this Act in lieu of the former provisions, if any provisions corresponding thereto exist in this Act.

## **ADDENDA** <Act No. 11787, May 22, 2013>

### **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 78, 81-2, and 104 shall enter into force six months after the date of its promulgation.

### **Article 2 (Applicability to Collection of Unjust Enrichment or Unjust Profit Obtained by Health Care Institutions)**

The amended provisions of Article 57 (2) shall apply where unjust enrichment or unjust profit is collected on or after the date this Act enters into force.

**Article 3 (Applicability to Extension of Period for Application for Special Cases for Unemployed Persons)**

- (1) The amended provisions of Article 110 (1) and (3) shall apply to persons notified of an insurance contribution as the self-employed insured on or after the date this Act enters into force (including persons notified of an insurance contribution as the self-employed insured before this Act enters into force and the payment due date has not elapsed as of the date this Act enters into force).
- (2) The amended provisions of Article 110 (2) shall also apply to voluntarily continuous insured persons in whose case two months have not elapsed since the due date for payment of the first insurance contributions of the employee insured.

**Article 4 (Transitional Measures concerning Penalty Provisions or Administrative Fines)**

The application of penalty provisions or administrative fines against an act committed before this Act enters into force shall be governed by the former provisions.

**ADDENDA** <Act No. 12176, Jan. 1, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 76 shall enter into force on January 1, 2014.

**Article 2 (Applicability to Insurance Contributions for School Employees of Private Schools)**

The amended provisions of Article 76 shall apply to insurance contributions first notified after this Act enters into force.

**ADDENDA** <Act No. 12615, May 20, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 79-2 shall enter into force on September 25, 2014.

## **Article 2 (Applicability to Payment Methods of Insurance Contributions)**

The amended provisions of Article 79-2 shall begin to apply beginning with the first insurance contributions, etc. of which the billing is made after the same amended provisions enter into force.

## **ADDENDA** <Act No. 12844, Nov. 20, 2014>

### **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That among the Acts amended pursuant to Article 6, the amendments to Acts, which were promulgated before the enforcement date of this Act and of which the enforcement date has not arrived, shall enter into force on the date of the respective enforcement dates of the relevant Acts.

### **Articles 2 through 7 Omitted.**

## **ADDENDA** <Act No. 13985, Feb. 3, 2016>

### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 80 (1) and (2) shall enter into force on June 23, 2016, and the amended provisions of Articles 65 (1) and 66 (2) shall enter into force on the date of its promulgation.

### **Article 2 (Applicability to Reporting to National Assembly)**

The amended provisions of Article 3-2 (5) shall begin to apply from the first comprehensive national health insurance plan and implementation plan formulated after this Act enters into force.

### **Article 3 (Applicability to Secondary Payment Obligation)**

(1) The secondary payment responsibility of a partner with unlimited liability or oligopolistic stockholder of a corporation under the amended provisions of Article 77-2 (1) shall apply from the insurance contributions or any other amount collectable under this Act first notified after this Act enters into force.

(2) The secondary payment obligation of a business transferee under the amended provisions of Article 77-2 (2) shall begin to apply from the first person who acquires business by transfer after this Act enters into force.

#### **Article 4 (Applicability to Arrears)**

The amended provisions of Article 80 (1) and (2) shall apply from the insurance contributions, etc. the due date for payment of which first arrives after the same amended provisions enter into force.

#### **Article 5 (Applicability to Certification of Payment of Insurance Contributions)**

The duty of persons obligated to make payment under Article 77 to certify the payment of insurance contributions under the amended provisions of Article 81-3 (1) shall begin to apply from the first person who receives the price for a contract after this Act enters into force.

#### **Article 6 (Applicability to Collection of Amount Equivalent to Loss Caused by Prohibited Acts of Manufacturers)**

The amended provisions of Articles 81 (1) and 101 shall apply, starting from where a manufacturer, etc. commits an act causing any loss to the insurer, the insured or his/her dependent in violation of Article 101 (1) after this Act enters into force.

## **ADDENDA** <Act No. 14084, Mar. 22, 2016>

#### **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 41-4, 42-2, 44, and 115 (3) 1 shall enter into force one year after the date of its promulgation; the amended provisions of Article 2 of the Addenda to the National Health Insurance Act (Act No. 11141) shall enter into force on the date of its promulgation; and Article 4 of the Addenda shall enter into force on August 4, 2016.

#### **Article 2 (Applicability to Collection of Additional Dues)**

The amended provisions of Article 78-2 shall apply, starting from where a false report is made to the insurer in violation of Article 8 (2) or 9 (2) after this Act enters into force.



### **Article 3 (Applicability to Collection of Insurance Contributions for Foreigners Residing in Korea Who Are the Self-Employed Insured)**

The amended provisions of Article 109 (7) shall apply, starting from persons who acquire the eligibility of the self-employed insured after this Act enters into force.

### **Article 4 Omitted.**

## **ADDENDA** <Act No. 14183, May 29, 2016>

### **Article 1 (Enforcement Date)**

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

### **Articles 2 through 5 Omitted.**

## **ADDENDUM** <Act No. 14557, Feb. 8, 2017>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 14 (1) 4 shall enter into force six months after the date of its promulgation.

## **ADDENDA** <Act No. 14776, Apr. 18, 2017>

### **Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2018: Provided, That the amended provisions of Article 77 (2) and the amended provisions of Articles 2 and 6 (1) of the Addenda to the National Health Insurance Act (Act No. 11141), shall enter into force on the date of its promulgation.

### **Article 2 (Applicability to Calculation Criteria for Insurance Contributions, Amount of Monthly Remuneration, Amount of Monthly Income, and Contribution Point)**

The amended provisions of Articles 69 through 72 shall begin to apply from the insurance contributions for the month in which the enforcement date of this Act falls.

**Article 3 (Applicability to Obligation for Payment of Contributions)**

The amended provisions of Article 77 (2) shall also apply to the insurance contributions, etc. imposed before the same amended provisions enter into force, which is still in arrears.

**Article 4 (Special Cases concerning Adjustment of Insurance Contributions)**

Notwithstanding the amended provisions of Articles 5 and 72, all or some of the insurance contributions may be temporarily reduced for any of the following insured, as prescribed by Presidential Decree:

1. The self-employed insured prescribed by Presidential Decree, whose insurance contributions become higher than that determined under the former provisions, following the enforcement of this Act;
2. The self-employed insured who was a dependent before this Act enters into force but has lost his/her eligibility to become a dependent, following the enforcement of this Act.

**ADDENDA** <Act No. 14839, Jul. 26, 2017>

**Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation: Provided, That among the Acts amended pursuant to Article 5 of the Addenda, the amendments to Acts, which were promulgated before the enforcement date of this Act and of which the enforcement date has not arrived, shall enter into force on the date of the respective enforcement dates of the relevant Acts.

**Articles 2 through 6 Omitted.**

**ADDENDA** <Act No. 15348, Jan. 16, 2018>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2018: Provided, That the amended provisions of Article 35 (3) shall enter into force on the date of its promulgation.

### **Article 2 (Applicability to Special Cases concerning Unemployed Persons)**

The amended provisions of Article 110 (1) and (3) shall apply beginning with the first case of filing an application under paragraphs (1) of that Article after this Act enters into force.

## **ADDENDA** <Act No. 15535, Mar. 27, 2018>

### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 42 (1) 3 shall enter into force on the date of its promulgation.

### **Article 2 (Applicability to Reduction of Upper Limit Amount of Costs for Medical Care Benefits for Medicines)**

The amended provisions of Articles 41-2 and 99 shall apply beginning with the first medicine referred to in Article 41 (1) 2 which is involved in a violation of Article 47 (2) of the Pharmaceutical Affairs Act after this Act enters into force.

### **Article 3 (Applicability to Sending of Written Notice of Planned Attachment)**

The amended provisions of Article 81 (4) shall also apply to cases where payment in arrears of the insurance contributions has been made before this Act enters into force, but a disposition on delinquency under paragraph (3) of that Article has not yet commenced.

### **Article 4 (Applicability to Guide concerning Application for Payment in Installments)**

The amended provisions of Article 82 (2) shall also apply to cases where the payment of insurance contributions has been in arrears at least three times, but a disposition on delinquency under Article 81 (3) has not yet commenced.

**Article 5 (Special Cases concerning Recognition of Disposition of Reducing Upper Limit Amount of Costs for Medical Care Benefits for Medicine)**

Where five years have not yet passed after the date when any person was subjected to a disposition of reducing the upper limit amount of costs for health care benefits or suspending the application of health care benefits (including a disposition of imposing a penalty surcharge in lieu of such suspension) as at the time when this Act enters into force, such person is deemed to have been one time subjected to a disposition of reducing the upper limit amount of costs for health care benefits for medicines pursuant to Article 41-2 (1).

**ADDENDA** <Act No. 15874, Dec. 11, 2018>

**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 6, 89 (2) and (3), and 119 (4) shall enter into force on the date of its promulgation, and the amended provisions of Article 52 (2) through (4) on January 1, 2019.

**Article 2 (Applicability to Persons Exempt from Restriction of Insurance Benefits)**

The amended provisions of Article 53 (3) shall also apply to persons who are subject to restriction of insurance benefits as at the time this Act enters into force.

**Article 3 (Applicability to Collection of Unjust Enrichment or Unjust Profit from Transferors or Lenders of Health Insurance Cards)**

The amended provisions of Article 57 (3) shall apply, beginning with cases where the obligation to pay the unjust profit collected under paragraph (1) of the same Article is imposed after this Act enters into force.

**Article 4 (Applicability to Payment of Health Care Costs)**

The amended provisions of Article 60 shall apply, beginning with cases where the insured or his/her dependent receives health care for a disease, injury, childbirth, etc., or undergoes a childbirth at a place other than a health care institution, pursuant to Article 49 (1) after this Act enters into force.

### **Article 5 (Transitional Measures concerning Membership Composition of Health Insurance Dispute Mediation Committee)**

- (1) In the case of failure to meet the amended provisions of the latter part of Article 89 (2) as at the time of appointing or commissioning members after the amended provisions enter into force, those who are not public officials shall be commissioned as members until the requirements of the amended provisions are satisfied.
- (2) With regard to the membership composition of the Health Insurance Dispute Mediation Committee, the previous provisions shall apply until the amended provisions of the latter part of Article 89 (2) are satisfied under paragraph (1).

## **ADDENDA** <Act No. 16238, 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 Article 80 (1) and (2) shall enter into force one year after the date of its promulgation; and the amended provisions of Article 114-2, three months after the date of its promulgation.

### **Article 2 (Applicability to Notice of Acquisition or Change of Eligibility)**

The amended provisions of Article 9-2 shall apply, beginning with the acquisition or change of the insured's eligibility that is made after this Act enters into force.

### **Article 3 (Applicability to Collection of Arrears)**

The amended provisions of Article 80 (1) and (2) shall apply, beginning with insurance contributions, etc. the payment due date of which arrives after this Act enters into force.

### **Article 4 (Applicability to Acquisition by Foreigners Residing in Korea of Eligibility for Self-Employed Insured)**

The amended provisions of Article 109 (3) shall also apply to those who meet the requirements of the subparagraphs of the same subparagraph as of the enforcement date of this Act as foreigners, etc. entering and residing in Korea before this Act enters into force.

**Article 5 (Applicability to Suspension of Insurance Benefits to Self-Employed Foreigners Insured Residing in Korea)**

The amended provisions of Article 109 (10) shall apply, beginning with self-employed foreigners, etc. insured residing in Korea whose insurance contributions are in arrears after this Act enters into force.

**ADDENDA** <Act No. 16366, Apr. 23, 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 the latter part of Article 53 (4), the proviso of Article 83 (1), and Articles 102 and 115 (1) and (2) shall enter into force on the date of its promulgation.

**Article 2 (Applicability to Restriction of Benefits)**

The amended provisions of Article 53 (5) and (6) shall also apply to cases where approval for installment payment is obtained under Article 82 (1) before this Act enters into force and is not revoked under paragraph (3) of the same Article as at the time this Act enters into force.

**Article 3 (Applicability to Reduction of Insurance Contributions)**

The amended provisions of Article 75 (2) 2 shall apply, beginning with cases where a person obligated to pay insurance contributions under Article 77 pays his/her insurance contributions by means of automatic transfer from credit card after this Act enters into force.

**Article 4 (Applicability to Installment Payments of Insurance Contributions in Arrears)**

The amended provisions of Article 82 (3) shall also apply to cases where approval for installment payment is obtained under paragraph (1) of the same Article before this Act enters into force and is not revoked under paragraph (3) of the same Article as at the time this Act enters into force.

## **ADDENDA** <Act No. 16652, Nov. 26, 2019>

### **Article 1 (Enforcement Date)**

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

### **Articles 2 and 3 Omitted.**

## **ADDENDA** <Act No. 16728, Dec. 3, 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 72 (1), (3) and (4), 96-2, 96-3, and 119 (4) 4 shall enter into force on July 1, 2022.

### **Article 2 (Applicability to Disclosure of Personal Details on Defaulters Who are in Arrears with Unjust Enrichment or Unjust Profit Collectable)**

The amended provisions of Article 57-2 shall apply, beginning with cases where a health care institution liable to pay the money collectable under Article 57 (1) or (2), falling under any of the subparagraphs of paragraph (2) of the same Article, or a person who has established such health care institution, fails to pay the money collectable, after this Act enters into force.

### **Article 3 (Applicability to Collection of Insurance Contributions)**

The amended provisions of Article 69 (2) shall apply, beginning with the insured whose eligibility is obtained upon his/her request for health insurance cover under Article 5 (1) 2 (a) after this Act enters into force.

### **Article 4 (Applicability to Calculation of Contribution Points for Self-Employed Insured)**

The amended provisions of Article 72 (1) and (3) shall apply, beginning with contribution points that are calculated after this Act enters into force, and shall also apply to the self-employed insured who have received loans from a financial company, etc. before this Act enters into force.

## **ADDENDA** <Act No. 17196, Apr. 7, 2020>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Applicability to Exception to Exemption from Insurance Contributions)**

The amended provisions of Article 74 (3) 2 shall apply, beginning with cases where the insured or his/her dependent enters the Republic of Korea in the month where to belongs the enforcement date of this Act.







**ENFORCEMENT  
DECREE OF  
THE NATIONAL  
HEALTH  
INSURANCE ACT**

# ENFORCEMENT DECREE OF THE NATIONAL HEALTH INSURANCE ACT

Wholly Amended by Presidential Decree No. 24077, Aug. 31, 2012

Amended by Presidential Decree No. 24128, Sep. 28, 2012

Presidential Decree No. 24247, Dec. 21, 2012

Presidential Decree No. 24261, Dec. 27, 2012

Presidential Decree No. 24341, Jan. 28, 2013

Presidential Decree No. 24454, Mar. 23, 2013

Presidential Decree No. 24520, May 3, 2013

Presidential Decree No. 24588, Jun. 11, 2013

Presidential Decree No. 24776, Sep. 26, 2013

Presidential Decree No. 25015, Dec. 18, 2013

Presidential Decree No. 25044, Dec. 30, 2013

Presidential Decree No. 25429, Jun. 30, 2014

Presidential Decree No. 25583, Aug. 29, 2014

Presidential Decree No. 25751, Nov. 19, 2014

Presidential Decree No. 25760, Nov. 20, 2014

Presidential Decree No. 26302, Jun. 1, 2015

Presidential Decree No. 26367, Jun. 30, 2015

Presidential Decree No. 26651, Nov. 18, 2015

Presidential Decree No. 26743, Dec. 22, 2015

Presidential Decree No. 26844, Dec. 31, 2015

Presidential Decree No. 27296, Jun. 30, 2016

Presidential Decree No. 27433, Aug. 2, 2016

Presidential Decree No. 27508, Sep. 22, 2016

Presidential Decree No. 27616, Nov. 29, 2016

Presidential Decree No. 27621, Nov. 29, 2016

Presidential Decree No. 27734, Dec. 30, 2016

Presidential Decree No. 27853, Feb. 7, 2017

Presidential Decree No. 27943, Mar. 20, 2017

Presidential Decree No. 27959, Mar. 27, 2017

Presidential Decree No. 27960, Mar. 27, 2017

Presidential Decree No. 28107, Jun. 13, 2017

Presidential Decree No. 28206, Jul. 24, 2017

Presidential Decree No. 28211, Jul. 26, 2017

## ENFORCEMENT DECREE OF THE NATIONAL HEALTH INSURANCE ACT

Presidential Decree No. 28222, Aug. 1, 2017  
Presidential Decree No. 28317, Sep. 19, 2017  
Presidential Decree No. 28348, Sep. 29, 2017  
Presidential Decree No. 28551, Dec. 29, 2017  
Presidential Decree No. 28602, Jan. 23, 2018  
Presidential Decree No. 28693, Mar. 6, 2018  
Presidential Decree No. 28710, Mar. 20, 2018  
Presidential Decree No. 28861, May 1, 2018  
Presidential Decree No. 29002, Jun. 26, 2018  
Presidential Decree No. 29163, Sep. 18, 2018  
Presidential Decree No. 29196, Sep. 28, 2018  
Presidential Decree No. 29383, Dec. 18, 2018  
Presidential Decree No. 29409, Dec. 24, 2018  
Presidential Decree No. 29545, Feb. 12, 2019  
Presidential Decree No. 29675, Apr. 2, 2019  
Presidential Decree No. 29830, Jun. 11, 2019  
Presidential Decree No. 29950, Jul. 2, 2019  
Presidential Decree No. 29985, Jul. 16, 2019  
Presidential Decree No. 30013, Jul. 30, 2019  
Presidential Decree No. 30143, Oct. 22, 2019  
Presidential Decree No. 30287, Dec. 31, 2019



## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Decree is to prescribe matters mandated by the National Health Insurance Act and those necessary for the enforcement thereof.

## Article 2 (Head of Organ Who is Employer)

"Who is determined by Presidential Decree" in subparagraph 2 (b) of Article 3 of the National Health Insurance Act (hereinafter referred to as the "Act") means heads of organizations referred to in attached Table 1: *Provided*, That when deemed necessary for efficiently dealing with the health insurance service, the National Health Insurance Service referred to in Article 13 of the Act (hereinafter referred to as the "NHIS") may separately designate the head of an organ that belongs to the head of an institution set forth in attached Table 1 as the head of an organ who is an employer, in consideration of the location of the organization, the number of its personnel and other conditions.

### Article 2-2 (Formulation of Comprehensive National Health Insurance Plans)

- (1) Where the Minister of Health and Welfare formulates a comprehensive national health insurance plan under the former part of Article 3-2 (1) of the Act (hereinafter referred to as "comprehensive plan") and an annual implementation plan under paragraph (3) of the same Article (hereinafter referred to as "implementation plan"), he/she shall do so by the time classified as follows:
  1. Comprehensive plan: By September 30 of the year immediately preceding the enforcement year;
  2. Implementation plan: By December 31 of the year immediately preceding the enforcement year.
  
- (2) Where the Minister of Health and Welfare formulates or modifies a comprehensive plan or implementation plan, he/she shall publish it by either of the following methods, whichever is relevant:
  1. Comprehensive plan: Providing public notice in the Official Gazette;
  2. Implementation plan: Posting it on the official website of the Ministry of Health and Welfare.
  
- (3) Where the Minister of Health and Welfare formulates or modifies a comprehensive plan or implementation plan, he/she shall notify the details thereof to the heads of related central administrative agencies, the president of the NHIS, and the president of the Health Insurance Review and Assessment Service referred to in Article 62 of the Act (hereinafter referred to as the "Review and Assessment Service").

## ENFORCEMENT DECREE OF THE NATIONAL HEALTH INSURANCE ACT

- (4) Where the Minister of Health and Welfare evaluates performance results according to an implementation plan, pursuant to Article 3-2 (4) of the Act, he/she shall reflect results of the evaluation in both the comprehensive plan and implementation plan to be formulated thereafter.
- (5) Except as provided in paragraphs (1) through (4), detailed matters necessary for the formulation, implementation, evaluation, etc. of comprehensive plans or implementation plans, shall be determined and publicly notified by the Minister of Health and Welfare.

[This Article Newly Inserted by Presidential Decree No. 27433, Aug. 2, 2016]

### **Article 2-3 (Matters to Be Included into Comprehensive Plans)**

"Matters prescribed by Presidential Decree" in Article 3-2 (2) 9 of the Act means any of the following:

1. Matters concerning the establishment of an institutional foundation for the health insurance;
2. Matters concerning international cooperation on the health insurance;
3. Any other matters that the Minister of Health and Welfare particularly deems necessary to improve the health insurance.

[This Article Newly Inserted by Presidential Decree No. 27433, Aug. 2, 2016]

### **Article 3 (Matters Subject to Deliberation and Resolution by Deliberative Committee)**

"Matters prescribed by Presidential Decree" in Article 4 (1) 6 of the Act means any of the following matters: <Amended by Presidential Decree No. 27433, Aug. 2, 2016>

1. The relative point value of each item of health care benefits provided for in Article 21 (2);
2. The upper-limit on the costs of the health care benefits of each medicine and materials for medical treatment provided for in Article 22;
3. Other important matters concerning health insurance under Article 5 (1) of the Act including the matters concerning additional benefits under Article 23, which are placed on the agenda of the meetings of the Health Insurance Policy Deliberative Committee provided for in Article 4 of the Act (hereinafter referred to as the "Deliberative Committee") by its Chairperson.

## Article 4 (Members Who Are Public Officials)

"Public officials who belong to central administrative agencies prescribed by Presidential Decree" in Article 4 (4) 4 (a) of the Act means public officials, each one of whom is nominated by the head of an administrative agency for which he/she works, from among the public officials of Grade III who belong to the Ministry of Economy and Finance, or the Ministry of Health and Welfare or the public officials in general service who belong to the Senior Executive Service.

### Article 4-2 (Discharge or Dismissal of Deliberative Committee Members)

The Minister of Health and Welfare may discharge or dismiss a member of the Deliberative Committee referred to in each subparagraph of Article 4 (4) of the Act, in any of the following cases:

1. The member becomes unable to perform his/her duties due to any mental or physical disability;
2. The member commits misconduct in relation to his/her duties as a member;
3. The member is deemed inappropriate to serve as a member due to neglect of duties, injury to dignity, or any other reason;
4. The member voluntarily expresses the intention that it is impracticable to perform his/her duties.

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

## Article 5 (Chairperson of Deliberative Committee)

- (1) The Chairperson of the Deliberative Committee under Article 4 of the Act shall represent the Deliberative Committee and exercise general supervision over the affairs thereof.
- (2) The Vice Chairperson of the Deliberative Committee shall assist the Chairperson and act on behalf of the Chairperson, where the Chairperson is unable to perform his/her duties due to any extenuating circumstances.

## Article 6 (Meetings of Deliberative Committee)

- (1) The Chairperson shall convene and preside over meetings of the Deliberative Committee.
- (2) Meetings of the Deliberative Committee shall be convened upon request from at least one third of the total registered members, or where the Chairperson deems it necessary.
- (3) A majority of the members of the Deliberative Committee shall constitute a quorum, and any decision thereof shall require the concurring vote of at least a majority of those present.
- (4) The Chairperson shall not participate in resolutions under paragraph (3): *Provided*, That when the numbers of votes of approval and disapproval are equal, the Chairperson shall determine thereon.
- (5) Where it is deemed necessary to ensure its efficient deliberation, the Deliberative Committee may set up subcommittees by field.
- (6) Except as provided in paragraphs (1) through (5), necessary matters concerning the operation of the Deliberative Committee and the subcommittees shall be determined by the Chairperson after undergoing the resolution thereon by the Deliberative Committee.

## Article 7 (Administrative Secretary of Deliberative Committee)

- (1) The Deliberative Committee shall have one administrative secretary to administer the offices of the Deliberative Committee.
- (2) The administrative secretary shall be nominated by the Chairperson, from among the public officials of Grade IV or higher in rank who work for the Ministry of Health and Welfare, or from among public officials in general service who belong to the Senior Executive Service.

## Article 8 (Allowances of Members of Deliberative Committee)

Allowances, travel expenses, and other necessary expenses may be reimbursed to the members who attended the meeting of the Deliberative Committee within budgetary limits: *Provided*, That this shall not apply where any member who is a public official attends in direct connection with his/her duties.



## CHAPTER II THE INSURED

### Article 9 (Persons Excluded from the Employee Insured)

"Workers and employers of workplaces prescribed by Presidential Decree, ... public officials, and school employees" in Article 6 (2) 4 of the Act means any of the following persons:

1. Part-time workers, or workers by the hour who are working less than 60 hours a month;
2. Part-time school employees, or public officials or school employees by the hour who are working less than 60 hours a month;
3. Workers and employers in places of business, the location of which is not fixed;
4. Employers who employ no workers or only those falling under subparagraph 1.

## CHAPTER III NATIONAL HEALTH INSURANCE SERVICE

### Article 9-2 (Services of the NHIS)

"Programs prescribed by Presidential Decree" in Article 14 (1) 4 of the Act means the following:

1. Building and operating the electronic health information system for health management of the insured and their dependents;
2. Developing and providing programs or service for health management by life cycle, workplace, and function;
3. Collecting, analyzing, and researching information on major diseases by age, sex, and profession, and providing management plans;
4. Providing information on major chronic diseases, including high blood pressure and diabetics, and supporting health management;
5. Supporting a health management program by region through connection and cooperation with the regional health care institutions under subparagraph 1 of Article 2 of the Regional Public Health Act;

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6. Other programs equivalent to those prescribed in subparagraphs 1 through 5, which the Minister of Health and Welfare deems particularly necessary for the health management of the insured and their dependents.

[This Article Newly Inserted by Presidential Decree No. 28222, Aug. 1, 2017]

### **Article 10 (Executive Officer Who Is Public Official)**

Pursuant to Article 20 (4) 2 of the Act, the Minister of Economy and Finance, the Minister of Health and Welfare, and the Minister of Personnel Management shall recommend a non-standing director each, from among the public officials of Grade III at the relevant Ministries or the public officials in general service belonging to the Senior Executive Service. <Amended by Presidential Decree No. 24454, Mar. 23, 2013; Presidential Decree No. 25751, Nov. 19, 2014; Presidential Decree No. 26367, Jun. 30, 2015>

### **Article 11 (Matters to Be Deliberated and Resolved at Meetings of Board of Directors)**

Pursuant to Article 26 (4) of the Act, any of the following matters shall undergo deliberation and resolution at meetings of the board of directors of the NHIS (hereinafter referred to as "board of directors"): *Provided*, That matters subject to deliberation and resolution by the Deliberative Committee under Article 4 (1) of the Act and those subject to deliberation and resolution by the Financial Operation Committee under Article 33 of the Act (hereinafter referred to as the "Financial Operation Committee") shall be excluded:

1. Plans for business operation and other matters concerning fundamental policies for the operation of the NHIS;
2. Matters concerning budgets and the settlement of accounts;
3. Matters concerning amendments to the articles of incorporation;
4. Matters concerning establishment of, amendments to, and repeal of regulations;
5. Matters concerning insurance contributions and other money to be collected (hereinafter referred to as "insurance contributions, etc.") and insurance benefits;
6. Matters concerning loans under Article 37 of the Act;

7. Matters concerning reserve funds and other acquisition, management, and disposal of major properties under Article 38 of the Act;
8. Other important matters concerning the operation of the NHIS.

## **Article 12 (Meetings of Board of Directors)**

- (1) Meetings of the board of directors shall be classified into regular meetings and special meetings.
- (2) Regular meetings shall be convened by the chair of the board of directors twice in a year at such time as determined by the articles of incorporation.
- (3) Special meetings shall be convened by the chair of the board of directors where more than one third of incumbent directors (including the president; hereinafter the same shall apply) so request or where the president deems it necessary.
- (4) A majority of incumbent members of the board of directors shall constitute a quorum, and any decision thereof shall require the concurring vote of at least a majority of those incumbent.
- (5) The president shall be the chair of the board of directors.
- (6) The procedure for convening matters of the board of directors and other matters necessary for operating the board of directors shall be prescribed by the articles of incorporation of the NHIS.

## **Article 13 (Delegation of Authority of President)**

"Those prescribed by Presidential Decree" in Article 32 of the Act means the following authority:

1. Authority for management of eligibility under Articles 5 and 8 through 10 of the Act;
2. Authority for management of workplaces under Article 7 of the Act;
3. Authority for restrictions of insurance benefits under Article 53 of the Act;
4. Authority for the imposition, collection, billing, overdue notice of insurance contributions, authority of collection according to examples of dispositions of national taxes in arrears etc. under Articles 57, 69, 79, and 81 of the Act;

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5. Authority for the exercise of a right to claim compensation pursuant to Article 58 of the Act;
6. Authority to reduce insurance contributions pursuant to Article 75 of the Act;
7. Authority to approve payment in installments and to revoke such approval under Article 82 of the Act;
8. Authority to manage the eligibility of the insured, to restrict insurance benefits, and to impose and collect insurance contributions under Articles 109 and 110 of the Act;
9. Authority to collect pension contributions, employment insurance contributions, industrial accident compensation insurance contributions, contributions, and other charges entrusted (hereinafter referred to as "insurance contributions, etc. entrusted with collection") under the National Pension Act, the Act on the Collection of Insurance Premiums, etc. for Employment Insurance and Industrial Accident Compensation Insurance, the Wage Claim Guarantee Act, and the Asbestos Injury Relief Act (hereinafter referred to as "applicable Acts to the entrustment with collection"), including the authority to billing of insurance contributions, etc., and overdue notice or disposition on default of insurance contributions;
10. Other authority determined by the articles of incorporation of the NHIS for efficient performance of the services of the NHIS.

### **Article 14 (Composition of Financial Operation Committee)**

- (1) The agricultural and fisheries organization, the urban self-employed persons' organization, and the civic group under Article 34 (2) 2 of the Act shall recommend members prescribed in Article 34 (1) 2 of the Act according to the following classifications:
  1. The agricultural and fishery organization and the urban self-employed persons' organization: To recommend three persons each;
  2. The civic group: To recommend four persons.
- (2) "Relevant public officials determined by Presidential Decree" in Article 34 (2) 3 of the Act means each person designated by the Minister of Economy and Finance and the Minister of Health and Welfare, respectively, from among the public officials who are not lower than Grade IV at the Ministry thereof, or public officials in general service belonging to the Senior Executive Service.

## **Article 15 (Operation of Financial Operation Committee)**

- (1) Meetings of the Financial Operation Committee shall consist of regular meetings and special meetings.
- (2) Regular meetings shall be convened by the Chairperson of the Financial Operation Committee once a year at a time determined by the articles of incorporation.
- (3) Special meetings shall be convened by the Chairperson of the Financial Operation Committee if the president of the NHIS so requests, at least one third of all incumbent members so request, or the Chairperson of the Financial Operation Committee deems it necessary.
- (4) The Chairperson of the Financial Operation Committee shall preside over its meetings, and a majority of the members shall constitute a quorum, and any decision thereof shall require the concurring vote of at least a majority of those present.
- (5) Other matters necessary for operating the Financial Operation Committee, such as procedures to convene meetings of the Financial Operation Committee, shall be determined by the articles of incorporation of the NHIS.

## **Article 16 (Administrative Secretary of Financial Operation Committee)**

- (1) The Financial Operation Committee shall have an administrative secretary to administer offices of the Financial Operation Committee.
- (2) The administrative secretary shall be appointed by the Chairperson from among personnel belonging to the NHIS.

## **Article 17 (Minutes of Financial Operation Committee)**

- (1) The Chairperson shall prepare and retain minutes in regard to the meetings of the Financial Operation Committee.
- (2) The minutes under paragraph (1) shall contain the proceedings of meetings, deliberated matters, and resolved matters, and be signed or sealed by the Chairperson and the members present.

## CHAPTER IV INSURANCE BENEFITS

### Article 18 (Medical Facilities Excluded from Health Care Institution)

- (1) "Medical facilities, etc. determined by Presidential Decree" in the latter part of Article 42 (1) of the Act, with the exception of its subparagraphs, means the following medical institutions or drugstores: <Amended by Presidential Decree No. 27943, Mar. 20, 2017>
  1. Affiliated medical institutions established under Article 35 of the Medical Service Act;
  2. Medical institutions established for the purpose of medical treatment for the inmates of social service facilities under Article 34 of the Social Welfare Services Act;
  3. Medical institutions falling under any of the following items which have become subject to disposition of business suspension, etc. due to activities of inducing the insured or his/her dependent by means of not receiving the amount of co-payment under Article 19 (1) or receiving it in the reduced amount, or performing excessive medical treatments in connection therewith, or demanding exorbitant medical fees:
    - (a) Medical institutions which have been subject to business suspension under Article 98 of the Act or disposition of penalty surcharges under Article 99 of the Act twice or more for five years;
    - (b) Medical institutions established and operated by medical persons who have been subject to a disposition of license suspension under Article 66 of the Medical Service Act twice or more for five years;
  4. Medical institutions or drugstores established by the founder of the health care institutions subject to a business suspension or under the process of the procedures for business suspension under Article 98 of the Act.
- (2) Where the medical institutions stipulated under paragraph (1) 1 and 2 intend to be excluded from among health care institutions, they shall file an application for exclusion from among health care institutions determined by the Minister of Health and Welfare.
- (3) The period for which a medical institution, etc. is excluded from among health care institutions shall not exceed one year in cases under paragraph (1) 3, and by not later than the end of the business suspension period in cases under paragraph (1) 4.

**Article 18-2 (Reduction of Upper Limit Amount of Costs of Health Care Benefits for Medicines and Criteria for Suspension of Application of Health Care Benefits)**

- (1) Where the Minister of Health and Welfare reduces the upper limit amount of costs of health care benefits for medicines (referring to the amount set as the upper limit of health care benefits of each kind of medicine pursuant to Article 41 (3) of the Act; hereinafter referred to as "upper limit amount") or suspends any medicine from the application of health care benefits pursuant to Article 41-2 of the Act, he/she shall notify the NHIS and the Review and Assessment Service of such fact to record and manage the details of reduction of the upper limit amount and suspension of the application of health care benefits.
- (2) "Period determined by Presidential Decree" in Article 41-2 (2) and (3) of the Act means five years, respectively. <Amended by Presidential Decree No. 29830, Jun. 11, 2019>
- (3) The Minister of Health and Welfare need not reduce the upper limit amount for any of the following medicines, among medicines subject to reduction of the upper limit amount prescribed in Article 41-2 (1) or (2) of the Act:
  1. Shortage prevention drugs (referring to medicines designated and publicly notified by the Minister of Health and Welfare, which a manufacturer, contract manufacturing business entity, or importer under the Pharmaceutical Affairs Act avoids their production or import, because such medicines are essential for the treatment of patients but are not cost-effective; hereinafter the same shall apply);
  2. Orphan drugs (referring to medicines determined by the Minister of Food and Drug Safety, which should be urgently produced or imported because no alternative drug exists; hereinafter the same shall apply);
  3. Low-cost drugs (referring to medicines determined and publicly notified by the Minister of Health and Welfare, whose upper limit amount does not exceed the basic amount determined and publicly notified by the Minister of Health and Welfare).
- (4) The criteria for reducing the upper limit amount for medicines and suspending the application of health care benefits under Article 41-2 (1) through (3) of the Act shall be as specified in attached Table 4-2.

[This Article Wholly Amended by Presidential Decree No. 29196, Sep. 28, 2018]

**Article 18-3 Deleted. <by Presidential Decree No. 29196, Sep. 28, 2018>**

**Article 18-4 (Selective Benefits)**

- (1) Selective benefits referred to in Article 41-4 (1) of the Act (hereinafter referred to as "selective benefits") may be provided for any of the following cases:
  1. Where economic feasibility, medical treatment effects, etc. are uncertain and thus additional grounds are required to verify them;
  2. Where potential advantages exist for the recovery of health of the insured or his/her dependents despite low economic feasibility;
  3. Cases similar to subparagraph 1 or 2, where social demand for health care benefits exists or the Minister of Health and Welfare deems it particularly necessary to enhance national health.
  
- (2) An assessment of the appropriateness of selective benefits referred to in Article 41-4 (2) of the Act (hereinafter referred to as "assessment of appropriateness") shall be conducted as follows:
  1. Assessment period: An assessment of appropriateness shall be conducted every five years from the date selective benefits are provided: *Provided*, That the Minister of Health and Welfare may determine the assessment period differently, if he/she deems a prompt assessment necessary in the light of the contents, nature, effects, etc. of the relevant selective benefit;
  2. Assessment items: An assessment of appropriateness shall be conducted for the following matters:
    - (a) Medical treatment effects and improvement of the treatment process;
    - (b) Cost effectiveness;
    - (c) Possibility of replacing selective benefits with other health care benefits;
    - (d) Potential benefits for national health;
    - (e) Any other matters similar to those specified in items (a) through (d), which are deemed by the Minister of Health and Welfare particularly necessary for the assessment of appropriateness;
  3. Assessment method: An assessment of appropriateness shall be conducted in writing: *Provided*, That where deemed necessary by the Minister of Health and Welfare, site investigations, literature review, surveys or other methods may be added to such written assessment.



- (3) Where the Minister of Health and Welfare deems that a professional and in-depth review is necessary in connection with an assessment of appropriateness, he/she may request a health care-related research institute, organization, experts, etc. to conduct such assessment.
- (4) Where deemed necessary for an assessment of appropriateness, the Minister of Health and Welfare may request relevant central administrative agencies, local governments, public institutions prescribed in the Act on the Management of Public Institutions, or health care-related corporations, organizations, experts, etc. to submit necessary data or their opinions.
- (5) Except as provided in paragraphs (2) through (4), matters necessary for the procedures, methods, etc. for conducting an assessment of appropriateness, shall be prescribed and publicly notified by the Minister of Health and Welfare.

[This Article Newly Inserted by Presidential Decree No. 27943, Mar. 20, 2017]

## Article 19 (Expenses Borne by Principal)

- (1) The rate and amount of co-payment prescribed in Article 44 (1) of the Act (hereinafter referred to as "co-payment") shall be as set forth in the attached Table 2.
- (2) The amount of co-payment shall be paid by the persons who receive health care benefits to health care institutions upon claims from the health care institutions. In such cases, no health care institution shall claim expenses under pretexts other than health care benefit items or non-benefit items determined by Ordinance of the Ministry of Health and Welfare pursuant to Article 41 (3) or (4) of the Act, such as hospitalization deposits.
- (3) The total amount of co-payment prescribed in Article 44 (2) of the Act shall be an amount obtained by adding up the amounts of annual co-payment borne by a person who receives health care benefits: *Provided*, That none of the following amounts of co-payment shall be added: <Amended by Presidential Decree No. 29002, Jun. 26, 2018; Presidential Decree No. 29675, Apr. 2, 2019; Presidential Decree No. 29830, Jun. 11, 2019; Presidential Decree No. 30143, Oct. 22, 2019>

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1. In cases of using two-bed or three-bed rooms of general inpatient units and two-bed or three-bed rooms of closed psychiatric wards of tertiary care hospitals, general hospitals, hospitals, oriental medical clinics, and intermediate care hospitals (limited to both intermediate care hospitals that are mental hospitals among the mental medical institutions referred to in subparagraph 5 of Article 3 of the Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients and intermediate care hospitals that are medical institutions satisfying the requirements prescribed in Article 3-2 of the Medical Service Act among the medical rehabilitation facilities referred to in Article 58 (1) 4 of the Act on Welfare of Persons with Disabilities) prescribed in subparagraph 1 (a) (i) of attached Table 2, an amount borne as hospitalization costs;
  2. An amount borne prescribed in subparagraph 3 (d) (v), (vi), (ix) and (x) of attached Table 2;
  3. An amount borne prescribed in subparagraph 3 (g) and (o) of attached Table 2;
  4. An amount borne prescribed in subparagraph 4 of attached Table 2;
  5. An amount borne prescribed in subparagraph 6 of attached Table 2.
- (4) The co-payment ceiling referred to in Article 44 (2) of the Act (hereinafter referred to as "co-payment ceiling") means an amount computed by the calculation method specified in the attached Table 3.
- (5) Where the NHIS pays an amount exceeding the co-payment ceiling pursuant to Article 44 (2) of the Act, it shall pay the amount into a savings account designated by the relevant person who has received health care benefits (referring to savings accounts determined by the Minister of Health and Welfare, such as savings accounts opened at postal service agencies specified in the Postal Savings and Insurance Act or at banks specified in the Banking Act): *Provided*, That the NHIS may make such payment by the method determined by the Minister of Health and Welfare, in extenuating circumstances which make it impracticable to pay the amount into the relevant savings account. <Amended by Presidential Decree No. 29830, Jun. 11, 2019>
- (6) Except as provided in paragraphs (2) and (5), the payment method for co-payment, the method for paying an amount exceeding the co-payment ceiling, and other necessary matters shall be prescribed and publicly notified by the Minister of Health and Welfare.

[This Article Wholly Amended by Presidential Decree No. 27943, Mar. 20, 2017]

## Article 20 (Party to Contract on Costs of Health Care Benefits)

The person who represents the medical and pharmaceutical communities and is a party to the contract on the costs of health care benefits provided for in Article 45 (1) of the Act shall be any of the following persons: <Amended by Presidential Decree No. 29002, Jun. 26, 2018>

1. For costs of health care benefits for medical clinics prescribed in Article 3 (2) 1 (a) of the Medical Service Act: The head of the association of doctors provided for in Article 28 (1) of the same Act;
2. For costs of health care benefits for dental clinics and dental hospitals prescribed in Article 3 (2) 1 (b) and 3 (b) of the Medical Service Act: The head of the association of dentists provided for in Article 28 (1) of the same Act;
3. For costs of health care benefits for oriental medical clinics or oriental medical hospitals prescribed in Article 3 (2) 1 (c) and 3 (c) of the Medical Service Act: The head of the oriental medical doctors' association provided for in Article 28 (1) of the same Act;
4. For costs of health care benefits for a midwifery clinic provided for in Article 3 (2) 2 of the Medical Service Act: One person from among the head of the midwives' association or the head of the nurses' association provided for in Article 28 (1) of the same Act;
5. For costs of health care benefits for hospitals, long-term care hospitals and general hospitals prescribed in Article 3 (2) 3 (a), (d), and (e) of the Medical Service Act: The head of an organization provided for in Article 52 of the Medical Service Act;
6. For costs of health care benefits for drugstores provided for in subparagraph 3 of Article 2 of the Pharmaceutical Affairs Act and the Korea Orphan and Essential Drug Center provided for in Article 91 of the same Act: The president of the Korean Pharmaceutical Association provided for in Article 11 (1) of the Pharmaceutical Affairs Act;
7. For costs of health care benefits for public health clinics, public health and medical care centers, branches of public health clinics provided for in the Regional Public Health Act and the public health and medical clinics established under the Act on Special Measures for Health and Medical Services in Agricultural and Fishing Villages: The person designated by the Minister of Health and Welfare.

## Article 21 (Terms and Conditions of Contracts)

- (1) Contracts provided for in Article 45 (1) of the Act shall be concluded between the president of the NHIS and persons provided for in each subparagraph of Article 20 who represent each type of health care institutions by determining a unit price per point of the relative value points of each health care benefit.
- (2) The points of relative values of health care benefits referred to in paragraph (1) shall be those that have shown the values of health care benefits in the relative points between each item, computed in consideration of workload such as hours and efforts required for health care benefits, resource volumes such as human resources, facilities and equipment, the level of risk of health care benefits, social benefits in relation to health care benefits, etc.; and the Minister of Health and Welfare shall give public notice thereof after deliberation by the Deliberative Committee, as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Presidential Decree No. 27943, Mar. 20, 2017>
- (3) Notwithstanding paragraph (2), in any of the following cases, the points of relative values of health care benefits may be computed as classified in the following: <Amended by Presidential Decree No. 26367, Jun. 30, 2015; Presidential Decree No. 26651, Nov. 18, 2015; Presidential Decree No. 28206, Jul. 24, 2017; Presidential Decree No. 29950, Jul. 2, 2019>
  1. Where the medical treatment is received by hospitalization in a long-term care hospital provided for in Article 3 (2) 3 (d) of the Medical Service Act: To be calculated by the point of relative value per day which is obtained by classifying into the degree of seriousness of patients' conditions after aggregating the points of each item of health care benefits and costs of medicines and materials for the relevant medical treatment;

2. Where the medical treatment is received by hospitalization in a medical clinic provided for in Article 3 (2) 1 (a) of the Medical Service Act, a hospital provided for in Article 3 (2) 3 (a) of the same Act, a long-term care hospital provided for in Article 3 (2) 3 (d) of the same Act, a general hospital provided for in Article 3 (2) 3 (e) of the same Act, a tertiary hospital provided for in Article 3-4 of the same Act, or a health care center provided for in Article 12 of the Regional Public Health Act for a diagnosis-related group (referring to the group of patients categorized by the names of diagnosis, names of medical treatments, seriousness of patients' conditions, patient's ages, etc.) determined and publicly notified by the Minister of Health and Welfare: To be calculated as one and the same point of relative value per case of hospitalization, which includes all the points of items of health care benefits and the costs of the medicines and materials for the relevant medical treatments;
  3. Where the hospice or palliative care is received under Article 28 of the Act on Hospice and Palliative Care and Decisions on Life-Sustaining Treatment for Patients at the End of Life: To be calculated as the point of relative value per day, which is the total of all the points of items of health care benefits and the costs of the medicines and materials for the relevant medical treatments.
- (4) In concluding a contract prescribed in paragraph (1), a contract on the expenses for new items of health care benefits for which the point of relative values is not publicly notified shall be deemed concluded on the date the point of relative values of the same item is publicly notified by the Minister of Health and Welfare under paragraph (2). In such cases, the contract shall apply, beginning with the first the health care benefits for the relevant item executed on or after the date when a public notice is given.

## **Article 22 (Costs of Health Care Benefits for Medicines and Materials for Medical Treatment)**

- (1) Health care benefits for medicines and materials for medical treatment provided for in Article 41 (1) 2 of the Act (excluding those to which the points of relative value referred to in Article 21 (2) and (3) apply; hereafter the same shall apply in this Article) under Article 46 of the Act shall be determined according to the following classifications. In such cases, if the purchase price (referring to the amount for purchasing the relevant medicines and materials for medical treatment by the health care institution; hereafter the same shall apply in this Article) exceeds the maximum amount (referring to the maximum amount publicly notified by the Minister of Health after undergoing deliberation of the Deliberative Committee; hereinafter the same shall apply), the purchase price shall be deemed the same as the maximum amount: <Amended by Presidential Decree No. 24341, Jan. 28, 2013; Presidential Decree No. 24454, Mar. 23, 2013; Presidential Decree No. 25583, Aug. 29, 2014>
1. Oriental medicines: The maximum amount;
  2. Medicines other than the oriental medicines: Purchase price;
  3. Deleted; <by Presidential Decree No. 25583, Aug. 29, 2014>
  4. Materials for medical treatment: Purchase price.
- (2) Standards and procedures for the determination of costs of health care benefits for medicines and materials for medical treatment provided for in paragraph (1) and other necessary matters shall be prescribed and publicly notified by the Minister of Health and Wealth.

### **Article 22-2 (Withholding Payment of Costs of Health Care Benefits)**

- (1) Where the NHIS intends to withhold the payment of costs of health care benefits pursuant to Article 47-2 (1) of the Act, it shall first notify the relevant health care institution thereof in a document stating the following matters:
1. The name of the relevant health care institution, the representative, and the address thereof;
  2. The fact that becomes a ground for withholding of payment, the costs of health care benefits subject to withholding of payment, and the legal grounds therefor;
  3. The purport that the relevant health care institution may submit its opinion on matters referred to in subparagraph 2, and the processing method when it fails to submit its opinion.

- (2) If any health care institution, in receipt of notification under paragraph (1), has an objection to the withholding of payment, it shall submit to the NHIS a written opinion on withholding of payment of the costs of health care benefits, stating the purport of and the reason for filing an objection, along with necessary documents.
- (3) After examining a written opinion submitted by a health care institution under paragraph (2), the NHIS shall notify the outcomes thereof in writing to the health care institution.
- (4) "Grounds prescribed by Presidential Decree, such as the final verdict of acquittal" in Article 47-2 (3) of the Act means any of the following:
  1. Final verdict of acquittal;
  2. Non-prosecution disposition (limited to the disposition to be cleared of suspicion or to be innocent; hereinafter the same shall apply).
- (5) Where a health care institution that has received a decision to withhold the payment of costs of health care benefits under Article 47-2 (1) of the Act is found not guilty or receives a non-prosecution disposition, it shall notify the NHIS of such fact.
- (6) Upon being notified pursuant to paragraph (5), the NHIS shall pay without delay the withheld costs of health care benefits and the interest for a period during which the payment of costs of health care benefits is withheld. In such cases, the amount of interest shall be calculated by multiplying the withhold costs of health care benefits by the interest rate prescribed in Article 43-3 (2) of the Enforcement Decree of the Framework Act on National Taxes for a period from the date the payment of costs of health care benefits was withheld to the date it is paid.
- (7) Except as provided in paragraphs (1) through (6), detailed matters such as the form of a written opinion to be notified to the relevant health care institutions necessary for withholding of payment of costs of health care benefits, etc., and the methods of handling the opinion when it is submitted, shall be determined by the NHIS.

[This Article Newly Inserted by Presidential Decree No. 25760, Nov. 20, 2014]

## Article 23 (Additional Benefits)

- (1) Additional benefits prescribed in Article 50 of the Act mean medical expenses for pregnancy and delivery (including miscarriage and stillbirth; hereinafter the same shall apply). <Amended by Presidential Decree No. 28317, Sep. 19, 2017>

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- (2) A person eligible for the medical expenses for pregnancy and delivery prescribed in paragraph (1) shall be as follows: <Amended by Presidential Decree No. 29409, Dec. 24, 2018>
1. An insured person who is pregnant or gave birth to a baby, or her dependents;
  2. Legal representative (limited to where the insured person gave birth to a baby or her dependents died) of the insured or his/her dependents under one year of age (hereinafter referred to as "infants and young children under one year of age").
- (3) The NHIS may issue a person falling under any subparagraph of paragraph (2) with treatment coupons for medical expenses for pregnancy and delivery which can be used to pay any of the following expenses: <Amended by Presidential Decree No. 29409, Dec. 24, 2018>
1. Expenses incurred in relation to medical treatment related to pregnancy and delivery;
  2. Expenses incurred in relation to medical treatment for infants and young children under one year of age;
  3. Expenses incurred in purchasing medicines or materials for medical treatment prescribed for infants and young children under one year of age.
- (4) A person who intends to be issued with treatment coupons (hereafter referred to as "applicant" in this Article) shall submit an application for issuance prescribed by Ordinance of the Ministry of Health and Welfare, along with a certificate verifying that the applicant falls under any subparagraph of paragraph (2). <Amended by Presidential Decree No. 29409, Dec. 24, 2018>
- (5) Upon receipt of an application for issuance of treatment coupons prescribed in paragraph (4), the NHIS shall issue the applicant with the coupons after verifying that he/she falls under any subparagraph of paragraph (2). <Amended by Presidential Decree No. 29409, Dec. 24, 2018>
- (6) The period of using treatment coupons shall be from the date of being issued with the treatment coupons pursuant to paragraph (5) until any of the following days: <Amended by Presidential Decree No. 29409, Dec. 24, 2018>
1. The insured who is pregnant or gave birth to a baby, or her dependents: A date when one year has elapsed from the date of childbirth (in cases of miscarriage and stillbirth, the relevant date);
  2. Legal representative of infants and young children under one year of age: A date when one year has elapsed from the date of birth of infants and young children under one year of age.



- (7) The upper limit of payable amount of a treatment coupon shall be as follows: *Provided*, That if deemed necessary and publicly notified by the Minister of Health and Welfare, the payable amount may exceed the following upper limits: <Amended by Presidential Decree No. 29409, Dec. 24, 2018>
1. In cases of being pregnant with or giving birth to a fetus: 600,000 won;
  2. In cases of being pregnant with or giving birth to at least two fetuses: 1,000,000 won.
- (8) Except as provided in paragraphs (2) through (7), matters necessary for the procedures for and methods of the payment of the medical expenses for pregnancy and delivery, the issuance and use of treatment coupons, and other relevant matters shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Presidential Decree No. 27296, Jun. 30, 2016>

## **Article 24 Deleted. <by Presidential Decree No. 29409, Dec. 24, 2018>**

### **Article 25 (Health Checkups)**

- (1) Health checkups prescribed in Article 52 of the Act (hereinafter referred to as "health checkups") shall be conducted at least once every two years, and for the employees insured who do not work at a desk, health checkups shall be conducted once a year: *Provided*, That cancer checkups shall be conducted as prescribed by the Enforcement Decree of the Cancer Control Act, and infant and child health checkups may be conducted according to the checkup cycle and frequency determined and publicly notified by the Minister of Health and Welfare, in consideration of the ages, etc. of infants and young children.
- (2) Health checkups shall be conducted by health examination institutions designated in accordance with Article 14 of the Framework Act on Health Examination (hereinafter referred to as "examination institutions").
- (3) If the NHIS intends to conduct a health checkup, it shall notify the persons eligible for a health check of the matters concerning conducting their health checkups according to the following classifications:
  1. General health checkups and cancer checkups: Where a health checkup is conducted for the employee insured, the relevant employers shall be notified of the health checkup, and where a health checkup is conducted for the dependents of the employee insured and the self-employed insured, persons who undergo health checkups shall be notified thereof;

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2. Infant and child health checkups: Where a health checkup is conducted for infants and children who are the dependents of the employee insured, the relevant employee insured shall be notified thereof, and where a health checkup is conducted for infants and children who are the self-employed insured, the heads of their households shall be notified thereof.
- (4) Examination institutions that have conducted health checkups shall notify the NHIS of the outcomes of health checkups, and the NHIS shall notify persons who have undergone health checkups, of the outcomes of such health checkups: *Provided*, That where any examination institution directly notifies anyone who has undergone a health checkup of the outcomes of his/her health checkup, the NHIS needs not notify him/her of such outcomes.
- (5) The subject matters of health checkups, the methods for conducting health checkups, expenses incurred therein, procedures for notifying the outcomes of health checkups, and other necessary matters concerning health checkups shall be determined and publicly notified by the Minister of Health and Welfare.

[This Article Wholly Amended by Presidential Decree No. 29409, Dec. 24, 2018]

### Article 26 (Restrictions of Benefits)

- (1) "Period prescribed by Presidential Decree" in the main sentence of Article 53 (3) of the Act, with the exception of its subparagraphs, means one month.
- (2) "Number of ... prescribed by Presidential Decree" in the proviso of Article 53 (3) of the Act, with the exception of its subparagraphs, means six times.
- (3) "Where ... is below the standard prescribed by Presidential Decree" in the proviso of Article 53 (3) of the Act, with the exception of its subparagraphs, means where all of the following requirements are met. In such cases, income means income referred to in Article 41 (1), and property means property referred to in Article 42 (3) 1: <Newly Inserted by Presidential Decree No. 29830, Jun. 11, 2019>
  1. The income of a household to which the insured who fails to pay the insurance contributions under Article 53 (3) 2 of the Act belongs shall be below one million won, and the tax base under Article 10 of the Local Tax Act (hereinafter referred to as "tax base") on property of the household shall be one million won: *Provided*, That in cases of minors, persons of 65 years of age or over, or persons with disabilities registered pursuant to the Act on Welfare of Persons with Disabilities, the tax base on their income and property shall be below the amount determined by the NHIS, respectively;

2. The insured who fails to pay the insurance contributions under Article 53 (3) 2 of the Act shall have no income occurring from business for which he/she was registered as a business entity pursuant to Article 168 (1) of the Income Tax Act.
- (4) Detailed matters relating to the procedures, methods, and timing for identifying incomes and property under paragraph (3) shall be determined by the NHIS. <Newly Inserted by Presidential Decree No. 29830, Jun. 11, 2019>

#### **#Article 26-2 (Methods of and Procedures for Filing Application for Accounts for Receipt of Health Care Costs)**

- (1) A person who intends to receive health care costs, etc. through an account opened in the name of a person eligible for health care (hereinafter referred to as "account for receipt of health care costs, etc.") under the main sentence of Article 56-2 (1) of the Act shall submit to the NHIS a request for payment of health care costs, a request for payment of insurance benefits of assistive devices, etc., respectively, stating the account number for receipt of health care costs, etc., along with a copy of his/her deposit passbook (referring to a page where the account number is shown). The same shall also apply to the change of an account number for the receipt of health care costs, etc. <Amended by Presidential Decree No. 29830, Jun. 11, 2019>
- (2) When a bank where a recipient has opened an account for receipt of health care costs, etc. has discontinued its business or its normal business is impracticable due to business suspension or an information communication problem, or when an account transfer is impracticable due to an inevitable cause corresponding thereto, the NHIS shall directly pay it in cash under the proviso of Article 56-2 (1) of the Act.

[This Article Newly Inserted by Presidential Decree No. 25760, Nov. 20, 2014]

[Enforcement Date: Oct. 24, 2019] Article 26-2 (1)

#### **Article 27 (Payment of Costs of Health Care Benefits to Soldiers in Active Service)**

- (1) "Medical care, etc. prescribed by Presidential Decree" in the former part of Article 60 (1) of the Act means any health care benefits referred to in Article 41 (1) 1 through 3 and 5 of the Act.

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- (2) Pursuant to the latter part of Article 60 (1) of the Act, the Minister of Justice, the Minister of National Defense, the Commissioner of the National Police Agency, the Administrator of the National Fire Agency, or the Commissioner of the Korea Coast Guard (hereinafter referred to as "head of an agency") shall deposit in an account designated by the NHIS, the costs of health care benefits of the relevant agency, which are expected to be incurred annually, and health care costs under Article 49 of the Act (hereinafter referred to as "health care costs"). <Amended by Presidential Decree No. 25751, Nov. 19, 2014; Presidential Decree No. 28211, Jul. 26, 2017; Presidential Decree No. 29830, Jun. 11, 2019>
- (3) The NHIS shall notify the operational situation of money deposited to the Minister of Health and Welfare and the head of a relevant agency every quarter.
- (4) Where the costs of health care benefits deposited by the head of an agency pursuant to paragraph (2) fall short of the costs of health care benefits and health care costs to be borne by the NHIS, the NHIS shall immediately request the head of the relevant agency to pay the shortfall, and the head of the agency in receipt of such request shall pay them to the NHIS. <Amended by Presidential Decree No. 29830, Jun. 11, 2019>
- (5) The NHIS may use interest accruing on the costs of health care benefits and health care costs deposited by the head of an agency pursuant to paragraph (2) for the costs of health care benefits it bears. <Amended by Presidential Decree No. 29830, Jun. 11, 2019>

## CHAPTER V HEALTH INSURANCE REVIEW AND ASSESSMENT SERVICE

### Article 28 (Services)

- (1) "Services prescribed by Presidential Decree" in Article 63 (1) 7 of the Act means any of the following services: <Amended by Presidential Decree No. 24341, Jan. 28, 2013>
  1. Computer processing, such as development, supply, inspection, etc. of software related to a request for the review of costs of health care benefits under Article 47 of the Act;

2. Review on the health care benefits received by the institutions as determined by Ordinance of the Ministry of Health and Welfare from among the care expense paid under Article 49 (1) of the Act;
  3. Publication of evaluation results of the appropriateness of health care benefits under Article 63 (1) 2 of the Act;
  4. Development and management of the patient classification system for providing the services listed in Article 63 (1) 1 through 6 of the Act and subparagraphs 1 through 3 of this paragraph;
  5. Education and publicity related to the services listed in Article 63 (1) 1 through 6 of the Act and subparagraphs 1 through 4 of this paragraph.
- (2) Computer processing, disclosure of the evaluation of the appropriateness, procedure, standards and method for the development and management of patient classification system under paragraph (1) 1, 3, and 4, and other necessary matters shall be determined and publicly notified by the Minister of Health and Welfare. <Amended by Presidential Decree No. 24341, Jan. 28, 2013>

## Article 29 (Executive Officers Who Are Public Officials)

The Minister of Health and Welfare shall recommend a non-standing director of the Review and Assessment Service under Article 65 (4) of the Act by designating one person from among public officials of Grade III at the Ministry of Health and Welfare or public officials belonging to the Senior Executive Service. <Amended by Presidential Decree No. 27433, Aug. 2, 2016>

## Article 30 (Delegation of Authority of President)

Matters that may be delegated by the president of the Review and Assessment Service to the head of a branch office under Article 32 of the Act applied *mutatis mutandis* under Article 68 of the Act, shall be the authority of health care institutions, except for the following health care institutions, on reviewing the costs of health care benefits under Article 47 (2) of the Act and on determining objections under Article 87 (2) of the Act:

1. Tertiary hospitals under Article 3-4 of the Medical Service Act;
2. Other health care institutions determined by the articles of incorporation of the Review and Assessment Service.

### Article 31 (Provisions Applied Mutatis Mutandis)

@Articles 11 (excluding subparagraph 5) and 12 shall apply *mutatis mutandis* to matters deliberated on and resolved by the meetings of the board of directors of the Review and Assessment Service. In such cases, "NHIS" shall be construed as "Review and Assessment Service", and "president" of the NHIS as "president" of the Review and Assessment Service.

## CHAPTER VI INSURANCE CONTRIBUTIONS

### Article 32 (Upper and Lowest Limits of Amount of Monthly Insurance Contributions)

The upper and lower limits of the amount of monthly insurance contributions under Article 69 (6) of the Act shall be as classified in the following subparagraphs:

1. The upper limit of the amount of monthly insurance contributions shall be as follows:
  - (a) The amount of insurance contributions based on monthly remuneration of the employee insured: The amount determined and publicly notified by the Minister of Health and Welfare, taking into consideration the amount equivalent to 30 times the insurance contributions based on the average amount of monthly remuneration (hereafter referred to as "amount of insurance contributions based on the average monthly remuneration of the year before the preceding year" in this Article) of such employee in the year before the year preceding that in which the insurance contributions are imposed;
  - (b) The amount of insurance contributions based on monthly income of the employee insured and the amount of the monthly insurance contributions for the self-employed insured: The amount determined and publicly notified by the Minister of Health and Welfare, taking into consideration the amount equivalent to 15 times the insurance contributions based on the average amount of monthly remuneration of the year before the year preceding that in which the insurance contributions are imposed;
2. The lower limit of the amount of monthly insurance contributions shall be as follows:

- (a) The amount of insurance contributions based on monthly remuneration of the employee insured: The amount determined and publicly notified by the Minister of Health and Welfare, to the extent of from not less than 80/1,000 to less than 85/100 of the insurance contributions based on the average amount of monthly remuneration of the year before the preceding year;
- (b) The amount of the monthly insurance contributions for the self-employed insured: The amount determined and publicly notified by the Minister of Health and Welfare, to the extent of from not less than 60/1,000 to less than 65/100 of the insurance contributions based on the average amount of monthly remuneration of the year before the preceding year.

[This Article Wholly Amended by Presidential Decree No. 28693, Mar. 6, 2018]

### Article 33 (Money and Valuables to Be Included in Remunerations)

- (1) "Which are determined by Presidential Decree" in the former part of Article 70 (3) of the Act means the pay, salary, remuneration, annual allowance, wage, bonus and allowances, and the money and valuables similar thereto paid in compensation for the provision of labor, other than the following: <Amended by Presidential Decree No. 26367, Jun. 30, 2015>
  - 1. Retirement allowance;
  - 2. Prize money, and translation or script fee;
  - 3. Non-taxable income from labor under the Income Tax Act: *Provided*, That the non-taxable income under subparagraph 3 (j), (m), and (o) of Article 12 of the Income Tax Act shall be excluded.
- (2) "Cases prescribed by Presidential Decree, such as there are no data relating to the remunerations or they are indistinct" in the latter part of Article 70 (3) of the Act means any of the following:
  - 1. Where remuneration-related data is absent or indistinct;
  - 2. Where the NHIS deems the remuneration-related data unreliable, considering the minimum wage amount provided for in Article 5 of the Minimum Wage Act.
- (3) Where all or part of the remuneration is paid in kind, the amount determined by the NHIS on the basis of the current price thereof in the relevant region shall be deemed the remuneration corresponding thereto.

- (4) Where the remuneration of workers in a workplace is verified during the period of applying the amount publicly notified by the Minister of Health and Welfare under the latter part of Article 70 (3) of the Act, the relevant amount publicly notified shall cease to apply, beginning with a month following the month whereto belongs the date of verification by the NHIS.

### **Article 34 (Principle of Imposing Insurance Contributions on the Employee Insured)**

- (1) Pursuant to Article 70 (1) of the Act, amount of insurance contributions based on monthly remuneration for the employee insured shall be imposed annually on the basis of the monthly amount of remuneration computed according to the following classifications, and such monthly remuneration shall be recomputed under Article 39 on the basis of the amount of gross remuneration earned during the relevant year, which shall be confirmed in the following year, and settled accordingly: *Provided*, That as regards the employee insured subject to the amount publicly notified by the Minister of Health and Welfare under the latter part of Article 70 (3) of the Act, the settlement of contributions imposed while applying the relevant notified amount may be omitted:
1. Persons who acquire eligibility as the employee insured, or such eligibility is converted into the other employee insured, or whose eligibility as the self-employed insured is converted to the employee insured: The amount of monthly remuneration when eligibility is acquired or converted under Article 37;
  2. The employee insured not falling under subparagraph 1: The amount of monthly remuneration computed under Article 36 on the basis of gross remuneration received in the preceding year.
- (2) The applicable period for the monthly amount of remuneration set forth in the subparagraphs of paragraph (1) shall be as follows: <Amended by Presidential Decree No. 24776, Sep. 26, 2013>
1. The insured under paragraph (1) 1: From the month in which falls the day when eligibility is acquired or changed (referring to the month following the month whereto belongs a day when entitlement is changed, where eligibility is changed after the second of each month) until March of the following year;
  2. The insured under paragraph (1) 2: From April every year until March of the following year.



## Article 35 (Report of Remuneration for Computing Monthly Remuneration Amount)

- (1) Each employer shall report to the NHIS by not later than March 10 each year of the matters required for the computation of the monthly remuneration amount under Article 70 (1) of the Act, such as the gross amount of remuneration paid in the preceding year to all the employee insured (referring to the gross amount of remuneration paid from January to December by the relevant employee insured, which is the amount computed under Article 70 of the Act and Article 33 of this Decree; hereinafter the same shall apply), and the period in which the employee insured have engaged in the relevant workplace, the State, local government, private school or its school management agency (hereinafter referred to as "workplace, etc."). In such cases, for the employee insured who are subject to the application of the latter part of Article 70 (3) of the Act, such reporting may be omitted. <Amended by Presidential Decree No. 24776, Sep. 26, 2013>
- (2) Each employer shall report to the NHIS the matters required for the computation of the monthly remuneration under Article 70 (1) of the Act, such as the gross amount of remuneration paid to all the employee insured who have been engaged, appointed, or employed until then (referring to the relevant employee insured, in cases under subparagraph 3), where the relevant workplace falls under any of the following cases:
1. Where the workplace is closed, or bankrupted, or circumstances corresponding thereto occur;
  2. Where a private school is closed;
  3. Where some of the employee insured retire.

## Article 36 (Confirmation on Amount of Monthly Remuneration)

- (1) The NHIS shall confirm the amount obtained by dividing the gross amount of remuneration reported under Article 35 by the number of months for which the employee insured has engaged during the preceding year in the relevant workplace, etc., as the monthly remuneration: *Provided*, That where the employers have notified the NHIS of the average rate of increase or decrease of remunerations during the relevant business year in the relevant workplace, etc., the amount of monthly remuneration shall be determined every year by making the amount computed after reflecting the relevant average increase or decrease rate in the amount calculated as provided for in the main sentence.

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- (2) Where remuneration to the relevant employee insured is increased or decreased, the employers may file an application with the NHIS for the change of the amount of monthly remuneration: *Provided*, That the employer of a workplace to which at least 100 full-time workers belong shall file an application for change of the amount of monthly remuneration as follows: <Amended by Presidential Decree No. 26743, Dec. 22, 2015>
1. Where the remuneration of the relevant month is changed on or before the 14th day: By the 15th day of the relevant month;
  2. Where the remuneration of the relevant month is changed on or after the 15th day: By the 15th day of the month following the relevant month.
- (3) Where an employer fails to report under Article 35 or where the details of such report are incorrect, the NHIS may investigate the relevant facts and compute or change the monthly remuneration under Article 94 of the Act, and the NHIS in receipt of an application for changes of the amount of monthly remuneration under paragraph (2) may change the monthly remuneration from the month remuneration is increased or the month remuneration is decreased.
- (4) Where any insured is being paid the remuneration by not less than two places of business to which the health insurance is available, his/her monthly remuneration is confirmed respectively taking into account the remunerations that are paid by such workplaces to him/her.
- (5) Where the monthly remuneration of the employee insured is difficult to compute under Articles 33 through 38 or where no data exists to enable verify the enumerations, as well as the required matters such as an application for changes of the monthly remuneration when increasing or decreasing remuneration, the methods of computation of monthly remuneration shall be determined by the articles of incorporation of the NHIS through a resolution by the Financial Operation Committee.

### **Article 37 (Confirmation of Monthly Remuneration When Acquiring or Changing Eligibility as the Employee Insured)**

Where any person acquires eligibility as the employee insured or changes into the other employee insured or changes from the self-employed insured to the employee insured, the NHIS shall confirm the amount of the monthly remuneration by making the amount based upon the following divisions for the relevant insured:

1. Where remuneration is determined annually, quarterly, monthly, weekly, or by other specified period: The amount equivalent to 30 times the amount obtained by dividing the relevant remuneration by the total number of days in the relevant period;
2. Where remuneration is determined daily, hourly, by production volume or contract: The amount obtained by averaging the remuneration of persons who receive the same remuneration by engaging in the same business as the relevant insured at the relevant workplace during the month preceding the month when acquiring eligibility as the employee insured or changing such eligibility;
3. Regarding those whose monthly remuneration is difficult to compute under subparagraphs 1 and 2: The amount obtained by taking the average remuneration received by those who engage in the same business during one month preceding the month when eligibility as the employee insured is acquired or the eligibility is converted.

### **Article 38 (Confirmation on Amount of Monthly Remuneration for Employers Who Receive No Remuneration)**

- (1) The monthly remuneration amount for the employers who receive no remuneration under Article 70 (4) of the Act shall be computed based on the following methods. In this case, the relevant employer shall submit materials verifying the amount of their income or notify the amount of their income to the NHIS by not later than May 31 each year (in cases of employers who have submitted a certificate of faithful return to the head of the competent tax office under Article 70-2 of the Income Tax Act (hereafter referred to as "faithfully-returned employers" in this paragraph), by not later than June 30, and the monthly amount of remuneration so calculated shall be applicable from June each year to May next year (in cases of faithfully-returned employers, from July each year to June next year): <Amended by Presidential Decree No. 24776, Sep. 26, 2013>
  1. Where the income is attributable to the relevant workplace during the relevant year and is prescribed by Ordinance of the Ministry of Health and Welfare, and the amount thereof is verified by objective data;
  2. Where no objective data exists to enable verification of the income, the amount reported by the employer.

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- (2) Articles 34 (1), 35 (2), and 36 shall apply *mutatis mutandis* to the procedures, etc. for confirming or changing the monthly amount of remuneration of the employers who receive no remuneration. <Newly Inserted by Presidential Decree No. 24776, Sep. 26, 2013>
- (3) Notwithstanding paragraphs (1) and (2), where the amount verified or reported under paragraph (1) 1 or 2 is less than the monthly amount of remuneration of the worker who is paid the highest monthly remuneration in the relevant workplace, the amount of monthly remuneration for the relevant workers shall be the monthly remuneration of the said worker. <Amended by Presidential Decree No. 24776, Sep. 26, 2013>

### **Article 39 (Settlement of Amount of Insurance Contributions Based on Monthly Remuneration, and Payment by Installments)**

- (1) Where the amount of insurance contributions based on monthly remuneration that is initially computed and collected exceeds the amount of insurance contributions recomputed pursuant to Articles 34 through 38, the NHIS shall refund such overpayment to the employer, and where it falls short thereof, collect, in addition, the difference from the employer.
- (2) Where the relations of employment, appointment, and engagement of the employee insured are terminated, the employer shall undergo the procedure for settling accounts with the NHIS, after settling accounts with the worker by further recomputing the insurance contributions based on monthly remuneration already paid by the relevant employee insured: *Provided*, That as regards the employee insured to whom the amount publicly notified by the Minister of Health and Welfare under the latter part of Article 70 (3) of the Act is applied, the calculation of the contributions imposed during the period whereto the notified amount is applied, may be omitted.
- (3) Regarding the amount to be refunded to or to be borne by the employee insured among the amount that has been refunded or paid in addition under paragraph (1), the employer shall settle accounts with the relevant employee insured.

- (4) Where the amount to be borne by the employee insured, among the amount to be additionally collected pursuant to paragraph (1) (hereinafter referred to as "amount to be additionally collected"), is not less than the amount of insurance contributions based on monthly remuneration amount to be borne by such employee insured (referring to the amount of insurance contributions based on monthly remuneration amount for the month to which the day of notifying the amount to be additionally collected belongs), the NHIS shall require such employee insured to pay according to the following classifications: <Amended by Presidential Decree No. 28710, Mar. 20, 2018>
1. The amount to be additionally collected, as a result of the settlement of accounts (hereinafter referred to as "year-end settlement") based on the total remuneration amount of the relevant year which is finally confirmed in the next year pursuant to the main sentence of Article 34 (1): Payment in five installments: Provided, That, at the request of the user, the payment may be made in lump sum (one time) or in 10 or less installments;
  2. The amount to be additionally collected, as a result of the settlement of accounts other than the year-end settlement: Payment of the whole amount in lump sum (one time): Provided, That, at the request of the user, the payment may be made in 10 or less installments.
- (5) Except as provided in paragraphs (1) through (4), detailed matters necessary for the settlement of accounts of the amount of insurance contributions based on monthly remuneration, and the payment thereof in installments shall be prescribed by the articles of incorporation of the NHIS. <Newly Inserted by Presidential Decree No. 28710, Mar. 20, 2018>

## Article 40 (Payment of Insurance Contributions When Public Officials Are Transferred)

Where the employee insured who is a public official is transferred to other agency, the insurance contributions based on monthly remuneration for the month in which the date of transfer falls shall be paid by the head of the agency prior to such transfer by deducting it: *Provided*, That when the agency prior to such transfer did not pay the remuneration for the month of transfer, the moving-in agency shall pay it by deducting the same.

## Article 41 (Amount of Monthly Income)

- (1) Income to be included in computing the amount of monthly income provided for in Article 71 (1) of the Act (hereinafter referred to as "amount of monthly income") shall be as follows. In such cases, the amount of non-taxable income under the Income Tax Act shall be excluded therefrom:
  1. Interest income: Income prescribed in Article 16 of the Income Tax Act;
  2. Dividend income: Income prescribed in Article 17 of the Income Tax Act;
  3. Business income: Income prescribed in Article 19 of the Income Tax Act;
  4. Earned income: Income prescribed in Article 20 of the Income Tax Act: *Provided*, That the earned income deduction referred to in Article 47 of the same Act shall not apply;
  5. Pension income: Income prescribed in Article 20-3 of the Income Tax Act: *Provided*, That Articles 20-3 (2) and 47-2 of the same Act shall not be applied;
  6. Other income: Income prescribed in Article 21 of the Income Tax Act.
- (2) "The amount prescribed by Presidential Decree" in the parts other than the calculation formula referred to in Article 71 (1) of the Act and in the calculation formula referred to in that paragraph means 34 million won per year. <Amended by Presidential Decree No. 28693, Mar. 6, 2018>
- (3) The amount of monthly income amount shall be calculated by assessing, in the manner determined by Ordinance of the Ministry of Health and Welfare, the amount obtained by applying the calculation formula referred to in Article 71 (1) of the Act. <Amended by Presidential Decree No. 28693, Mar. 6, 2018>
- (4) Except as provided in paragraphs (1) through (3), detailed matters necessary for calculating the amount of monthly income, such as the timing of reflecting income data referred to in subparagraphs of paragraph (1), shall be prescribed by the articles of incorporation of the NHIS. <Amended by Presidential Decree No. 28693, Mar. 6, 2018>

## Article 42 (Major Factors for Calculating Contribution Points)

- (1) The contribution point under Article 72 (1) of the Act shall be calculated in consideration of the following matters, and the detailed methods of calculation shall be as specified in attached Table 4:
  1. Income;
  2. Property;

3. Deleted. <by Presidential Decree No. 28693, Mar. 6, 2018>
- (2) Article 41 (1) shall apply *mutatis mutandis* to the detailed types and scope of income provided in paragraph (1) 1.
- (3) Property provided in paragraph (1) 2 shall be as follows: <Amended by Presidential Decree No. 28693, Mar. 6, 2018; Presidential Decree No. 29830, Jun. 11, 2019>
1. Land, buildings, housing, vessels, and airplanes subject to the property tax pursuant to Article 105 of the Local Tax Act: *Provided*, That this shall not include family property, village property, and other buildings and land similar thereto for the purpose of common use;
  2. For the self-employed insured who own no houses, the deposit money and monthly rent for the leased houses;
  3. Passenger automobiles referred to in subparagraph 1 of Article 123 of the Local Tax Act, and other passenger automobiles referred to in subparagraph 2 of the same Article: *Provided*, That those falling under any of the following subparagraphs shall be excluded herefrom:
    - (a) Where the automobile has been used nine or more years;
    - (b) Where the engine displacement of the automobile is not more than 1,600 cc: *Provided*, That this shall not apply where the value of the vehicle calculated by applying the rate publicly notified by the Minister of Health and Welfare to the tax base, taking into consideration the residual value rate by the number of years elapsed of an automobile under Article 4 (1) 3 of the Enforcement Decree of the Local Tax Act, is not less than 40 million won;
    - (c) Automobiles owned by persons who have rendered distinguished service to the State (including persons who have rendered distinguished service to the State under Article 73-2 of the Act on the Honorable Treatment of and Support for Persons, etc. of Distinguished Service to the State before it is amended by Act No. 11041) under Articles 4, 73, or 74 of the Act on the Honorable Treatment of and Support for Persons, etc. of Distinguished Service to the State and are judged to have suffered physical disability falling within the degree of injury under Article 6-4 of the same Act and automobiles owned by persons eligible for veteran's compensation under Article 2 of the Act on Support for Persons Eligible for Veteran's Compensation and are judged to have suffered physical disability falling within the degree of injury under Article 6 of the same Act;

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- (d) Automobiles owned by the disabled persons who are registered in accordance with the Act on Welfare of Persons with Disabilities;
  - (e) Automobiles exempted from taxation under Article 4 of the Restriction of Special Local Taxation Act;
  - (f) Automobiles for business use under Article 122 of the Enforcement Decree of the Local Tax Act.
- (4) Except as provided in paragraphs (1) through (3), detailed matters necessary for calculating the contribution points, such as the timing of reflecting data concerning those referred to in subparagraphs of paragraph (1) which are included in calculating the contribution points, shall be prescribed by the articles of incorporation of the NHIS. <Amended by Presidential Decree No. 28693, Mar. 6, 2018>.

### **Article 42-2 (Composition of Committee on Improvement of Insurance Contribution Imposition System)**

- (1) The Committee on Improvement of the Insurance Contribution Imposition System (hereinafter referred to as the "System Improvement Committee") under Article 72-2 of the Act shall be composed of not less than 19 members, including one Chairperson and one Vice Chairperson, taking into consideration gender.
- (2) The Chairperson of the System Improvement Committee shall be the Vice Minister of Health and Welfare, and the Vice Chairperson shall be designated by the Chairperson from among the members.
- (3) The Chairperson of the System Improvement Committee shall represent the System Improvement Committee and have general supervision and control of its affairs.
- (4) The Vice Chairperson of the System Improvement Committee shall assist the Chairperson, and act on behalf of the Chairperson in any case where the Chairperson is unable to perform his/her duties due to any unavoidable cause.
- (5) The members of the System Improvement Committee shall be appointed or commissioned by the Minister of Health and Welfare according to the following classifications:
  - 1. Public officials, each one of whom is nominated by the head of an administrative agency for which he/she works, from among the public officials of Grade III who belong to the Ministry of Economy and Finance, the Ministry of Health and Welfare,



- the Ministry of Employment and Labor, the Minister of Land, Infrastructure and Transport, the Office for Government Policy Coordination, the Ministry of Personnel Management, the Financial Services Commission and the National Tax Service, or public officials in general service who belong to the Senior Executive Service;
2. Not more than nine persons who have abundant knowledge and experience concerning insurance contributions imposition systems, taxes, housing, finance, or pension systems;
  3. One person recommended by the president of the NHIS.
- (6) The term of office of the members (excluding the members under paragraph (5) 1) of the System Improvement Committee shall be two years, and may be consecutively renewed only twice.
- (7) The term of office of the members (excluding the members under paragraph (5) 1) of the System Improvement Committee newly commissioned due to the resignation, etc. of an existing member shall be the remainder of his/her predecessor's term of office.

[This Article Newly Inserted by Presidential Decree No. 28693, Mar. 6, 2018]

#### **Article 42-3 (Discharge or Dismissal of System Improvement Committee)**

The Minister of Health and Welfare may discharge or dismiss a member of the System Improvement Committee falling under any of the following subparagraphs:

1. Where he/she becomes unable to perform his/her duties due to any mental or physical disability;
2. Where he/she commits any corruption or illegality related to his/her duties;
3. Where he/she is deemed appropriate as a member due to his/her neglect of duties, injury to dignity, or other grounds;
4. Where he/she himself/herself declares that it is difficult to perform his/her duties as a member.

[This Article Newly Inserted by Presidential Decree No. 28693, Mar. 6, 2018]

#### **Article 42-4 (Meetings of System Improvement Committee)**

- (1) The Chairperson shall convene and preside over meetings of the System Improvement Committee.

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- (2) Meetings of the System Improvement Committee shall be convened upon request from at least one third of the total registered members, or where the Chairperson deems it necessary.
- (3) A majority of the members of the System Improvement Committee shall constitute a quorum, and any decision thereof shall require the concurring vote of at least a majority of those present.
- (4) Where it is deemed necessary to ensure its efficient deliberation, the System Improvement Committee may establish and operate specialized committees.
- (5) Except as provided in paragraphs (1) through (4), those necessary for the operation of the System Improvement Committee and the specialized committees shall be determined by the Chairperson via a resolution by the System Improvement Committee.

[This Article Newly Inserted by Presidential Decree No. 28693, Mar. 6, 2018]

### **Article 42-5 (Administrative Secretary)**

- (1) The System Improvement Committee shall have one administrative secretary to handle its administrative affairs.
- (2) The administrative secretary shall be nominated by the Minister of Health and Welfare, from among the public officials of Grade III or IV who belong to the Ministry of Health and Welfare.

[This Article Newly Inserted by Presidential Decree No. 28693, Mar. 6, 2018]

### **Article 42-6 (Evaluation of Appropriateness of Insurance Contribution Imposition System)**

- (1) The Minister of Health and Welfare may conduct investigations and research for evaluating appropriateness (hereinafter referred to as "evaluation of appropriateness") under Article 72-3 (1) of the Act.
- (2) The Minister of Health and Welfare may entrust the investigations and research conducted pursuant to paragraph (1) to a research institute, college or university, non-profit corporation, organization, etc. which has speciality in insurance contribution imposition systems.
- (3) The Minister of Health and Welfare may request relevant central administrative agencies, local government, and public institutions under the Act on the Management of Public Institutions to present opinions or materials concerning the evaluation of appropriateness.

- (4) Where the Minister of Health and Welfare conducts an evaluation of appropriateness under paragraph (1), he/she shall inform the System Improvement Committee of the results of such evaluation.

[This Article Newly Inserted by Presidential Decree No. 28693, Mar. 6, 2018]

### **Article 43 (Separation of Household of the Self-Employed Insured)**

If the self-employed insured is any of the following persons, the NHIS may separate him/her from the relevant household to form a separate household: <Amended by Presidential Decree No. 24776, Sep. 26, 2013; Presidential Decree No. 27943, Mar. 20, 2017>

1. A person who has filed an application for the separation of household with the NHIS due to the reason of residing in a different household and maintaining a separate livelihood from the relevant household;
2. A person who is subject to the application of co-payment under subparagraph 3 (d) of attached Table 2;
3. A person servicing as full-time reserve personnel or social service personnel after call-up under Article 21 or 26 of the Military Service Act.

### **Article 44 (Insurance Contribution Rates and Monetary Value per Contribution Point)**

- (1) The insurance contribution rate for the employee insured under Article 73 (1) of the Act shall be 667/10,000. <Amended by Presidential Decree No. 24261, Dec. 27, 2012; Presidential Decree No. 24776, Sep. 26, 2013; Presidential Decree No. 25760, Nov. 20, 2014; Presidential Decree No. 26743, Dec. 22, 2015; Presidential Decree No. 28551, Dec. 29, 2017; Presidential Decree No. 29409, Dec. 24, 2018; Presidential Decree No. 30287, Dec. 31, 2019>
- (2) The monetary value per contribution point for the self-employed insured under Article 73 (3) of the Act shall be 195.8 won. <Amended by Presidential Decree No. 24261, Dec. 27, 2012; Presidential Decree No. 24776, Sep. 26, 2013; Presidential Decree No. 25760, Nov. 20, 2014; Presidential Decree No. 26743, Dec. 22, 2015; Presidential Decree No. 28551, Dec. 29, 2017; Presidential Decree No. 29409, Dec. 24, 2018; Presidential Decree No. 30287, Dec. 31, 2019>

## Article 45 (Areas Subject to Reduction of Insurance Contributions)

"On islands, or in remote areas, or agricultural and fishery communities, etc. prescribed by Presidential Decree" in Article 75 (1) 1 of the Act means any of the following areas: <Amended by Presidential Decree No. 26367, Jun. 30, 2015>

1. Island areas and isolated areas determined and publicly notified by the Minister of Health and Welfare as areas isolated from health care institutions and which entail a lengthy journey for anyone to reach health care institutions by means of public transport;
2. The following agricultural and fishing villages:
  - (a) *Eup/Myeon* area of a *Gun* or of a *Si* that takes the combined urban-rural form;
  - (b) *Dong* area of a *Si* or of a *Gun* referred to in Article 2 (1) 2 of the Local Autonomy Act, excluding residential areas, commercial areas, and industrial areas designated under Article 36 (1) 1 of the National Land Planning and Utilization Act;
  - (c) The area that falls under Article 33 of the Special Act on Improvement of Public Health and Welfare for Agricultural and Fishing Village Residents and Article 33 of the same Act;
3. The area recognized by the Minister of Health and Welfare in consideration of the characteristics of a workplace that has limited access to health care institutions.

## Article 45-2 (Reduction of Insurance Contributions for Account Transferors)

Where a person liable for paying insurance contributions is notified of the payment of his/her insurance contributions by means of an electronic document or pays his/her insurance contributions by means of automatic transfer from a bank account or credit card prescribed in Article 75 (2) of the Act, the NHIS may reduce the insurance contributions or provide money or valuables equivalent to the reduced contributions within the limit of administrative expenses, such as postage, etc., as prescribed by the articles of incorporation of the NHIS. <Amended by Presidential Decree No. 24776, Sep. 26, 2013; Presidential Decree No. 30143, Oct. 22, 2019>

## Article 46 (Minors Subject to Exemption from Joint Liability of the Self-Employed Insured on Payment of Insurance Contributions)

"Minors who meet the criteria prescribed by Presidential Decree" in the proviso of Article 77 (2) of the Act means any of the following: *Provided*, That a minor with income generated from business for which he/she was registered as a business entity pursuant to Article 168 (1) of the Income Tax Act, as dividend income prescribed in Article 41 (1) 2 or business income prescribed in Article 41 (1) 3 shall be excluded herefrom: <Amended by Presidential Decree No. 26743, Dec. 22, 2015; Presidential Decree No. 29409, Dec. 24, 2018>

1. A minor who meets all of the following requirements:
  - (a) The total of income referred to in Article 42 (1) 1 shall be not more than one million won per year;
  - (b) The minor shall not have property referred to in Article 42 (3) 1 and 3, among property referred to in Article 42 (1) 2;
2. A minor whose both parents have died and who meets the requirements prescribed in subparagraph 1 (a).

## Article 46-2 (Secondary Payment Responsibility following Transfer, or Acquisition by Transfer, of Business)

- (1) A business transferee who has secondary payment responsibility pursuant to the latter part of Article 77-2 (2) of the Act shall be the person who has universally succeeded all the rights (excluding rights to receivables) to, and all the obligations (excluding obligations for accounts payable) for, the relevant business at each workplace.
- (2) The value of property acquired by transfer of business, which is the limit of secondary payment responsibility under the latter part of Article 77-2 (2) of the Act, shall be any of the following: *Provided*, That the amount referred to in subparagraph 2 shall apply only where the amount referred to in subparagraph 1 does not exist or is unclear:
  1. An amount paid or to be paid, if any, by the transferee to the transferor;
  2. The value obtained by subtracting the total liabilities acquired from the total assets acquired, both of which were evaluated by the NHIS by applying *mutatis mutandis* Articles 60 through 66 of the Inheritance Tax and Gift Tax Act thereto.

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- (3) Notwithstanding paragraph (2), in any of the following cases, the value of property acquired by transfer of business shall be either an amount computed by the method referred to in paragraph (2) 1 or an amount computed by the method referred to in paragraph (2) 2, whichever is larger:
1. Where the difference between the amount referred to in paragraph (2) 1 and the market value referred to in Article 60 of the Inheritance Tax and Gift Tax Act is at least 300 million won;
  2. Where the difference between the amount referred to in paragraph (2) 1 and the market value referred to in Article 60 of the Inheritance Tax and Gift Tax Act is at least an amount equivalent to 30/100 of such market value.

[This Article Newly Inserted by Presidential Decree No. 27433, Aug. 2, 2016]

### **Article 46-3 (Additional Charges)**

- (1) "Grounds prescribed by Presidential Decree" in Article 78-2 (1) of the Act, with the exception of its subparagraphs, means any of the following:
1. Where the relevant person is not a worker, public official, or school employees;
  2. Where the relevant person falls under any subparagraph of Article 6 (2) of the Act.
- (2) "Cases prescribed by Presidential Decree, such as where additional charges are small sums or where it is deemed inappropriate to collect additional charges" in Article 78-2 (2) of the Act means any of the following:
1. Where the additional charges (referring to the additional charges under Article 78-2 (1) of the Act; hereinafter the same shall apply) are less than three thousand won;
  2. Where there are extenuating circumstances which NHIS deems it inappropriate to collect additional charges.

[This Article Newly Inserted by Presidential Decree No. 27508, Sep. 22, 2016]

### **Article 46-4 (Payment of Insurance Contributions by Credit Card)**

- (1) Deleted. <by Presidential Decree No. 27943, Mar. 20, 2017>
- (2) "Institution, etc. prescribed by Presidential Decree" in Article 79-2 (1) of the Act means any of the following institutions:
1. The Korea Financial Telecommunications and Clearings Institute established under Article 32 of the Civil Act with the approval of the Financial Services Commission;
  2. Institutions designated by the NHIS taking into account facilities, ability to conduct business, size of the capital, etc. among the institutions that conduct settlements by credit cards, debit cards, etc. (hereafter referred to as "credit cards, etc." in this Article) by using information and communications network.

- (3) Fees for vicarious payment referred to in Article 79-2 (3) of the Act shall be approved by the NHIS after overall consideration of the operation expenses of the institutions for vicarious payment of insurance contributions. In such cases, the fees for the institutions for vicarious payment of insurance contributions, etc. shall not exceed 10/1,000 of the payment amount of the relevant insurance contributions, etc.
- (4) The NHIS may determine the matters necessary for the payment of insurance contributions, etc. by credit cards, etc.

[This Article Newly Inserted by Presidential Decree No. 25583, Aug. 29, 2014]

#### **Article 46-5 (Exception of Notification before Taking Disposition on Default of Insurance Contributions)**

"Cases determined by Presidential Decree" in the proviso of Article 81 (4) of the Act means where a person who fails to pay insurance contributions, etc. falls under any of the following cases:

1. Where a person is issued with a disposition on default of national taxes;
2. Where a person is issued with a disposition on default of local taxes or public charges;
3. Where a person is subject to compulsory execution;
4. Where a person is issued with a disposition of transaction suspension in a clearing house prescribed in the Bills of Exchange and Promissory Notes Act or the Check Act;
5. Where an auction is commenced;
6. Where a corporation is dissolved;
7. Where it is deemed that there exists any act to avoid the execution of disposition on default through concealing, omission, or false contracts, or by other improper means.

[This Article Wholly Amended by Presidential Decree No. 29196, Sep. 28, 2018]

#### **Article 47 (Causes for Exclusion from Provision of Data concerning Arrear or Disposition on Deficits)**

"Where any other cause or event prescribed by Presidential Decree occurs" in the proviso of Article 81-2 (1) of the Act, with the exception of its subparagraphs, means any of the following cases:

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1. When the payer in arrears, for whom the collection of the amount in arrears has been suspended in accordance with the determination for authorizing the rehabilitation plan under Article 243 of the Debtor Rehabilitation and Bankruptcy Act, is in the period of suspension, or when he/she is making payments of the amount in arrears pursuant to the payment schedule of the rehabilitation plan;
2. When the NHIS acknowledges that the payer in arrears is unable to pay the amount in arrears due to any of the following causes:
  - (a) Where a serious loss has been incurred to his/her property due to a disaster or theft;
  - (b) Where his/her business has suffered a remarkable loss or is in crisis.

[This Article Newly Inserted by Presidential Decree No. 24776, Sep. 26, 2013]

### **Article 47-2 (Procedures for Provision of Data concerning Arrear or Disposition on Deficit)**

- (1) When a composite credit information collection agency under Article 25 (2) 1 of the Credit Information Use and Protection Act (hereinafter referred to as "composite credit information collection agency") requests data concerning the personal details, amount in arrears, or the amount written off, of a defaulter of insurance contributions, etc. or a person whose amount in arrears is written off (hereinafter referred to as "data concerning arrear, etc."), from the NHIS under Article 81-2 (1) of the Act, the agency shall make such request in a document stating the following:
  1. Name and address of the composite credit information collection agency;
  2. Details and use of the data concerning arrear, etc. being requested.
- (2) When the NHIS provides a composite credit information collection agency with data concerning arrear, etc. at a request made under paragraph (1), it may provide them by means of a document or an electronic file (referring to a magnetic tape, magnetic disc, or any other medium similar thereto, in which data concerning arrear, etc. is recorded or preserved) through an information and communications network.
- (3) Where the payment of the amount in arrears, the revocation of disposal of deficit, or any other cause occurs after the NHIS has provided data concerning arrear, etc. under paragraph (2), the NHIS shall inform the composite credit information collection agency that has been provided with the data concerning arrear, etc. thereof within 15 days from the date of occurrence of such cause.



- (4) Except as provided in paragraphs (1) through (3), matters necessary for providing data concerning arrear, etc. shall be determined by the NHIS.

[This Article Newly Inserted by Presidential Decree No. 24776, Sep. 26, 2013]

#### **Article 47-3 (Certification of Payment of Insurance Contributions)**

- (1) "Construction project, manufacture, purchase, service or any other contract prescribed by Presidential Decree" in the main sentence of Article 81-3 (1) of the Act means any of the following contracts: <Amended by Presidential Decree No. 27621, Nov. 29, 2016>
1. A contract referred to in Article 2 of the Act on Contracts to Which the State Is a Party: *Provided*, That any contract the price for which is paid with the operating expenses for government agencies referred to in Article 31 of the Enforcement Decree of the Management of the National Funds Act shall be excluded herefrom;
  2. A contract referred to in Article 2 of the Act on Contracts to Which a Local Government Is a Party: *Provided*, That any contract the price for which is paid with the ordinary expenses referred to in Article 91 of the Enforcement Decree of the Local Accounting Act shall be excluded herefrom;
  3. A contract concluded by a public institution under the Act on the Management of Public Institutions: *Provided*, That any contract the price for which is paid with the funds, which are prescribed and publicly notified by the Minister of Health and Welfare and considered to be ordinary expenses in their nature, shall be excluded herefrom.
- (2) "Cases prescribed by Presidential Decree, including where a person obligated to make payment intends to pay all or some of the price for a contract with insurance contribution in arrear" in the proviso of Article 81-3 (1) of the Act means any of the following:
1. Where a person obligated to make payment intends to pay all of the price received with the insurance contributions, subsequent arrears and expenses for disposition on default, or to pay some of such price with the total amount of the insurance contributions, subsequent arrears and expenses for disposition on default;
  2. Where the NHIS receives the price for the relevant contract in accordance with the disposition on default under Article 81 of the Act;
  3. Where the competent court deems it impracticable to smoothly take bankruptcy procedures because a trustee in bankruptcy under the Debtor Rehabilitation and Bankruptcy Act is unable to certify the payment of insurance contributions, and the trustee in bankruptcy requests the NHIS for an exception to the certification of payment;

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4. Where the relevant rehabilitation plan under the Debtor Rehabilitation and Bankruptcy Act provides that the collection of insurance contributions, subsequent arrears and expenses for disposition on default or the realization of any property under a disposition on default is deferred; and in such cases, the insurance contributions, subsequent arrears and expenses for disposition on default the certification of payment of which is not required shall be limited to the amount the collection or realization of which is deferred.
- (3) Where a person obligated to pay insurance contributions under Article 77 of the Act intends to receive certification for the payment of insurance contributions, subsequent arrears and expenses for disposition on default pursuant to the main sentence of Article 81-3 (1) of the Act, he/she shall request the NHIS to certify the payment thereof, as prescribed and publicly notified by the Minister of Health and Welfare: *Provided*, That where a person who receives the price for a contract is not the original contractor, any of the following relevant persons shall request the certification of the payment thereof:
  1. Where the claims are transferred: Transferor and transferee;
  2. Where the court's assignment order is complied with: Execution creditor;
  3. Where the subcontract consideration for a construction project is directly received pursuant to Article 14 (1) 1 or 2 of the Fair Transactions in Subcontracting Act: Subcontractor.

[This Article Newly Inserted by Presidential Decree No. 27433, Aug. 2, 2016]

### **Article 47-4 (Service by Mail)**

Where the NHIS serves documents under Articles 79 and 81 of the Act by mail pursuant to the proviso of Article 81-4 of the Act, it may serve such documents by regular mail.

[This Article Newly Inserted by Presidential Decree No. 30143, Oct. 22, 2019]

### **Article 48 (Disclosure of Personal Details of Persons in Arrear with Large Amount or in Habitual Arrears, Causes for Exclusion from Disclosure Thereof)**

- (1) "Where any cause prescribed by Presidential Decree, such as partial payment of the amount in arrears, exists" in the proviso of Article 83 (1) of the Act means any of the following cases:

1. Where not less than 30/100 of the amount of insurance contributions in arrear, arrears, and expenses for disposition on delinquency (hereinafter referred to as "amount in arrears") which are in default at the time a notification is issued under Article 83 (3) of the Act is paid within six months after the date of such notification;
  2. Where the collection of amount in arrears is postponed by the determination to grant authorization of the rehabilitation plan made under Article 243 of the Debtor Rehabilitation and Bankruptcy Act and the case is within the grace period or the amount in arrears is being paid in accordance with payment schedule of the rehabilitation plan;
  3. Where gross damage is caused to property of a person in arrear or his/her business falls into a serious crisis due to a natural disaster, for which case the Deliberative Committee on Disclosure of Insurance Contribution Information established under Article 83 (2) of the Act (hereinafter referred to as the "Deliberative Committee on Disclosure of Insurance Contribution Information") recognizes the disclosure of personal information, amount in arrears, etc. (hereinafter referred to as "personal details, etc.") of the defaulter shall not be of any practical benefit.
- (2) In selecting the persons subject to the disclosure of personal details, etc. under Article 83 (3) of the Act, the NHIS and the Deliberative Committee on Disclosure of Insurance Contribution Information shall make a judgement on whether they have the ability to make payment, taking into account their property conditions and income levels, whether or not they are minors, and other circumstances comprehensively.
- (3) When the NHIS informs a person in arrear under Article 83 (3) of the Act that he/she is subject to the disclosure of personal details, etc., it shall demand him/her to pay the amount in arrears, and if a defaulter falls under any cause for exclusion from the disclosure of personal details etc. under the proviso of Article 83 (1) of the Act, it shall assist him/her to submit explanatory materials for the default.
- (4) When the NHIS makes a disclosure of personal details, etc. under Article 83 (4) of the Act, the name, trade name (including the name of a corporation), age, address of a person in arrear, type of the default, payment due date, amount in arrears, gist of the arrear, etc. shall be disclosed, and where a person in arrear is a corporation, the name of the representative of the corporation shall also be disclosed.

## **Article 49 (Composition and Operation of Deliberative Committee on Disclosure of Insurance Contribution Information)**

- (1) The Deliberative Committee on Disclosure of Insurance Contribution Information shall be comprised of 11 members, including one Chairperson.
- (2) From among the executive officers of the NHIS, a standing director in charge of the relevant affairs shall become the Chairperson of the Deliberative Committee on Disclosure of Insurance Contribution Information, and the following persons appointed or commissioned by the president of the NHIS shall be the members thereof:
  1. Four employees of the NHIS;
  2. One public official of Grade III or IV belonging to the Ministry of Health and Welfare in charge of affairs related to the collection of insurance contributions;
  3. One public official of Grade III or IV, belonging to the National Tax Service;
  4. Four persons with extensive knowledge on and experience in law, accounting, or social insurance.
- (3) The term of office of the members referred to in paragraph (2) 4 shall be two years.
- (4) A majority of the members of the Deliberative Committee on Disclosure of Insurance Contribution Information shall constitute a quorum, and any decision thereof shall require the concurring vote of a majority of those present.
- (5) Except as provided in paragraphs (1) through (4), matters necessary for organizing and operating the Deliberative Committee on Disclosure of Insurance Contribution Information shall be determined by the NHIS.

## **Article 50 (Disposition on Deficit)**

"Cases determined by Presidential Decree" in Article 84 (1) 3 of the Act means any of the following cases:

1. Where a person in arrear possesses no assets, or is verified that the estimated value of total assets subject to dispositions on default has no residual equity for the remainder accruing after appropriating to the expenses for disposition on default;

2. Where verified that the total assets subject to dispositions on delinquency have no residual equity for the remainder accruing after appropriating to the repayment of claims secured under national taxes, local taxes, lease on deposit basis, pledge or mortgage, or security right under the Act on Security over Movable Property and Claims, which take precedence over the insurance contributions and other amounts collectable under this Act;
3. Where the Financial Operation Committee has resolved that no possibility of collection exists.

### Article 51 (Order of Appropriating Refund)

- (1) The NHIS shall appropriate a refund under Article 86 (1) of the Act in the following order, pursuant to the former part of Article 86 (2) of the same Act: <Amended by Presidential Decree No. 27508, Sep. 22, 2016>
  1. Where insurance contributions and subsequent arrears are overpaid or erroneously paid:
    - (a) Expenses for disposition on default;
    - (b) Insurance contributions in arrear and subsequent arrears;
    - (c) Insurance contributions to be paid for the next one month (limited to where a person who is able to receive the balance remaining after the appropriation under the former part of Article 86 (2) of the Act has consented thereto);
  2. Where payment of collection under Article 57 of the Act (hereafter referred to as "payment of collection" in this subparagraph) and subsequent arrears are overpaid or erroneously paid:
    - (a) Expenses for disposition on default;
    - (b) Amount of collection in arrear and subsequent arrears;
  3. Where additional dues and subsequent arrears are overpaid or erroneously paid:
    - (a) Expenses for disposition on default;
    - (b) Additional dues in arrear and subsequent arrears.
- (2) Where a balance exists after a refund is appropriated pursuant to paragraph (1) 1 through 3, the NHIS may appropriate it in the order classified as follows: <Amended by Presidential Decree No. 27508, Sep. 22, 2016>
  1. Where a balance exists after a refund is appropriated pursuant to paragraph (1) 1: It shall be appropriated in the order of each item under paragraph (1) 2, and then in the order of each item under paragraph (1) 3;

2. Where a balance exists after a refund is appropriated pursuant to paragraph (1) 2:  
It shall be appropriated in the order of each item under paragraph (1) 1, and then in the order of each item under paragraph (1) 3;
3. Where a balance exists after a refund is appropriated pursuant to paragraph (1) 3:  
It shall be appropriated in the order of each item under paragraph (1) 1, and then in the order of each item under paragraph (1) 2.

## Article 52 (Additional Interest at Time of Appropriation or Payment of Refund)

- (1) "Interest prescribed by Presidential Decree" in the latter part of Article 86 (2) of the Act means the amount calculated by multiplying the refund under Article 86 (1) of the Act by the interest rate of additional payment on the refund of national tax under Article 43-3 (2) of the Enforcement Decree of the Framework Act on National Taxes for the period from the date classified in the following subparagraphs until the date the refund is appropriated to the insurance contributions, etc., arrears, or expenses for disposition on default (or the date a notice of payment is issued in cases of payment): <Amended by Presidential Decree No. 24776, Sep. 26, 2013>
  1. Where insurance contributions, etc., arrears, or expenses for disposition on default (hereinafter referred to as "amount in arrears") have been paid in installments on at least two occasions, the day following the day payment in installments classified in the following items was made:
    - (a) Where the relevant refund does not exceed the amount paid in installments for the last time: Date of payment in installments for the last time;
    - (b) Where the relevant refund is more than the amount paid in installments for the last time: Date of payment in installments of each refund calculated retroactively in the order of date of recent payment in installments until the relevant refund becomes equivalent to the case under item (a);
  2. Where the NHIS refunds overpayments to the employer under Article 39 (1), the day classified in the following items:
    - (a) The day after seven days from the due date of notification where the employer has notified the NHIS by the due date of notification of the total amount, etc. of remuneration paid to the employee insured under Articles 35 and 38: *Provided*, That where it is notified after the due date of notification, the day after seven days from the date of notification;

- (b) The day after seven days from the date of application where the employer applied for the change of monthly remuneration to the NHIS under Article 36 (2) (including cases applicable *mutatis mutandis* in Article 38 (2));
  - 3. Where the NHIS refunds the insurance contributions after settling accounts with the employer due to any cause provided for in any subparagraph of Article 35 (2) as applicable *mutatis mutandis* under Article 38 (2) or where it refunds the insurance contributions after resettling accounts with the employer under Article 39 (2) as the relationship of employment, appointment or engagement of the employee insured came to an end, the day classified as follows:
    - (a) Where eligibility changes under Article 9 (1) of the Act: The day after a lapse of seven days from the day when a report of change in eligibility was made;
    - (b) Where entitlement is lost under Article 10 (1) of the Act: The day after a lapse of seven days from the day when a report of loss of eligibility was made;
  - 4. The day following the day when overpayment or erroneous payment was made in the cases other than subparagraphs 1 through 3.
- (2) When the NHIS intends to appropriate the refund to the insurance contributions, etc., arrears, or expenses for disposition on default under Article 86 (2) of the Act or to pay the balance after appropriation, it shall notify the payer of the fact in writing.

## CHAPTER VII APPLICATIONS FOR OBJECTION AND REQUESTS FOR JUDGMENT

### Article 53 (Objection Committees)

An objection committee shall be established in the NHIS and the Review and Assessment Service, respectively, in order to efficiently perform the affairs concerning the filing of objections under Article 87 (1) and (2) of the Act.

### Article 54 (Composition of Objection Committees)

- (1) Each objection committee (hereinafter referred to as "objection committee") established under Article 53 shall be comprised of 25 members including one chairperson.

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- (2) A standing director of the NHIS designated by the president of the NHIS shall be the chairperson of the objection committee to be established in the NHIS, and its members shall be appointed or commissioned by the president of the NHIS, from among any of the following persons:
1. One person from among the executive officers or employees of the NHIS;
  2. Eight persons, namely four persons recommended by an employers' organization and four persons recommended by a workers' organization, respectively;
  3. Eight persons, namely two persons recommended by civic groups, two persons recommended by consumers' organizations, two persons recommended by organizations of farmers or fishermen, and two persons recommended by organizations of the self-employed;
  4. Seven persons, namely lawyers and persons of profound learning and experience in social insurance and medical services.
- (3) A standing director of the Review and Assessment Service designated by the president of the Review and Assessment Service shall be the chairperson of the objection committee to be established in the Review and Assessment Service, and its members shall be appointed or commissioned by the president of the Review and Assessment Service from among any of the following:
1. One person from among executive officers or employees of the Review and Assessment Service;
  2. Five persons recommended by organizations representing the insured (including the civic groups);
  3. Four attorneys-at-law and persons of learning and experience in social insurance;
  4. Fourteen persons recommended by medical organizations.
- (4) The term of office of the members commissioned pursuant to paragraphs (2) and (3) shall be three years.

### Article 55 (Operation of Objection Committees)

- (1) The chairperson of an objection committee shall convene every meeting of the objection committee and preside over such meetings. In such cases, if the chairperson is unable to perform any of his/her duties due to any extenuating circumstance, any member who is nominated by the chairperson shall act on behalf of the chairperson in performing the latter's duty.



- (2) Meetings of the objection committee shall be attended by the chairperson and six members who are designated by the chairperson whenever such meetings are held.
- (3) A majority of the members of the objection committee under paragraph (2) shall constitute a quorum, and any decision thereof shall require the concurring vote of a majority of those present.
- (4) Members present at the meetings of the objection committee, other than the chairperson and executive officers and employees working for the committee, shall be paid allowances, travel expenses, and other necessary expenses within limits of budget.
- (5) The scope of items put on the agenda items of the objection committee and other necessary matters concerning the operation of the committee shall be determined by the chairperson after going through the resolution thereof of the committee.

### **Article 56 (Methods of Filing Objections)**

The filing of objections and decisions on it under Article 87 (1) and (2) of the Act shall be based on the forms prescribed by Ordinance of the Ministry of Health and Welfare.

### **Article 57 (Notification of Decisions on Objection Filed)**

Where the NHIS or the Review and Assessment Service has made a decision on any objection filed, it shall notify the applicant with the original of such decision without delay, and the interested parties with copies thereof.

### **Article 58 (Period for Decisions on Objection Filed)**

- (1) The NHIS and the Review and Assessment Service shall make a decision within 60 days from the receipt of written objection: *Provided*, That where any extenuating circumstances exist, it may extend the relevant period within the limit of 30 days.
- (2) Where the NHIS and the Review and Assessment Service intends to extend the period for decision under the proviso of paragraph (1), notice thereof shall be served to the applicant by not later than seven days prior to the expiration of such period for determination.

## Article 59 (Submission of Request for Judgment)

- (1) Those who intend to request for judgment under Article 88 (1) of the Act shall submit a request for judgment, stating the following matters to the NHIS, the Review and Assessment Service, or the Health Insurance Dispute Mediation Committee (hereinafter referred to as the "Dispute Mediation Committee") under Article 89 of the Act. In such cases, when a request for judgment has been submitted to a person without justifiable authority, the request for judgment shall be sent to a person with due authority:
1. Name, resident registration number, and address of the requester and of the person subject to the disposition (in cases of a corporation, referring to the name, registration number and location of the corporation; hereafter the same shall apply in subparagraph 1 of Article 60);
  2. Person who has made the original disposition (refers to the head of a relevant branch office where the head of the branch office has performed the original disposition on commission of the president of the NHIS or the president of the Review and Assessment Service; hereinafter the same shall apply);
  3. Gist of disposition, and the date when he/she became aware that the original disposition was made;
  4. Purport and grounds for request for judgment;
  5. Where the requester is not a person subject to the disposition, relationship with him/her;
  6. Indication of attached documents;
  7. Whether public notice was issued on the request for judgment, and its details.
- (2) Where the NHIS or the Review and Assessment Service has received a request for judgment under paragraph (1), it shall submit to the Dispute Mediation Committee the request for judgment accompanying a reply of the person who has taken the disposition and a copy of the decision on objection within ten days from the date it received the request for judgment.
- (3) Where the Dispute Mediation Committee has received a request for judgment under paragraph (1), it shall send a copy or duplicate thereof to the NHIS or the Review and Assessment Service and the person who has taken the original disposition without delay, and the NHIS or the Review and Assessment Service shall submit to the Dispute Mediation Committee, the reply of the person who has taken the disposition and a copy of the written determination on objection within ten days from the date it received the copy or duplicate.

- (4) When the request for judgment has been sent to a person with verifiable authority as referred to in the latter part of paragraph (1), the fact shall be notified to the requester without delay.
- (5) In calculating the period of request for judgment under the latter part of Article 88 (1) of the Act, it shall be deemed that a request for judgment was raised at the time when a request for judgment was submitted to the NHIS, the Review and Assessment Service, the Dispute Mediation Committee or a person without verifiable authority.

### **Article 60 (Notice of Decision on Request for Judgment)**

When the Chairperson of the Dispute Mediation Committee has made a decision on request for judgment, the Chairperson shall affix his/her signature and seal on the written decision stating the following matters, and send without delay such written decision to the applicant and the person who has taken the dispositions and send the copy thereof to the persons interested:

1. Name, resident registration number, and address of the applicant;
2. Person who has taken the disposition;
3. Main sentence of the decision;
4. Gist of the request for judgment;
5. Grounds for the decision;
6. Date of the decision.

### **Article 61 (Period for Decision on Request for Judgment)**

- (1) The Dispute Mediation Committee shall make a decision within 60 days from the date a request for judgment is submitted under Article 59 (1): *Provided*, That where any extenuating circumstance exists, the period may be extended within the extent of 30 days.
- (2) If any extension of the period for decision is intended for under the proviso of paragraph (1), such fact shall be notified to the requester by not later than seven days before the period of decision finishes.

## Article 62 (Organization of Dispute Mediation Committee)

- (1) The Chairperson of the Dispute Mediation Committee shall be appointed by the President upon the recommendation of the Minister of Health and Welfare, and its members shall be appointed or commissioned by the Minister of Health and Welfare, from among the following persons: <Amended by Presidential Decree No. 25429, Jun. 30, 2014>
1. A current or former public official of Grade IV or higher or public official in general service belonging to the Senior Executive Service;
  2. A person qualified as a judge, public prosecutor or lawyer;
  3. An associate professor or a person holding a higher position in a field related to social insurances or medical treatment at a school listed in subparagraphs 1 through 3 of Article 2 of the Higher Education Act;
  4. A person with extensive knowledge on and experience in social insurance or medical treatment.
- (2) A public official in charge of the duty regarding requests for trials under Article 88 of the Act shall become the *ex officio* member prescribed in Article 89 (2) of the Act among the members referred to in paragraph (1) 1.

## Article 62-2 (Discharge or Dismissal of Dispute Mediation Committee Members)

The Minister of Health and Welfare may discharge or dismiss a member of the Dispute Mediation Committee referred to in each subparagraph of Article 62 (1) in any of the following cases:

1. The member becomes unable to perform his/her duties due to mental or physical disability;
2. The member commits misconduct in relation to his/her duties as a member;
3. The member is deemed unfit to serve as a member due to neglect of duties, injury to dignity, or any other reason;
4. The member fails to evade the relevant deliberation and resolution though he/she falls under any subparagraph of Article 65-2 (1);
5. The member voluntarily expresses his/her intention that it is impracticable to perform his/her duties.

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

### **Article 63 (Duty of Chairperson of Dispute Mediation Committee)**

- (1) The Chairperson of the Dispute Mediation Committee shall represent the Dispute Mediation Committee and control overall duties of the Dispute Mediation Committee.
- (2) Where the Chairperson is unable to perform any of his/her duties due to any extenuating circumstance, the member designated by the Chairperson shall act on his/her behalf.

### **Article 64 (Term of Office for Members of Dispute Mediation Committee)**

The term of office for members of the Dispute Mediation Committee shall be three years: *Provided*, That the term of office for public officials, from among the members set forth in Article 62 (1) 1, shall be the period of service at the relevant post.

### **Article 65 (Meetings of Dispute Mediation Committee)**

- (1) The Chairperson of the Dispute Mediation Committee shall convene and preside over meetings of the Dispute Mediation Committee.
- (2) Except as provided in this Decree, matters necessary for operating meetings of the Dispute Mediation Committee shall be determined by the Chairperson via resolution by the Dispute Mediation Committee.

### **Article 65-2 (Exclusion and Evasion of and Challenge to Member of Dispute Mediation Committee)**

- (1) Any member of the Dispute Mediation Committee (hereafter referred to as "member" in this Article) who falls under any of the following cases shall be excluded from the deliberation and resolutions of the Dispute Mediation Committee:
  1. Where he/she, or his/her current or former spouse, becomes a party to the relevant agenda or holds any right or duty jointly with the party to such agenda;
  2. Where he/she is a current or former relative of a party to the relevant agenda;
  3. Where he/she has given any testimony, statement or advice, or conducted any research or provided service regarding the relevant agenda;
  4. Where he/she or any corporation to which he/she belongs is a current or former agent of a party to the relevant agenda;
  5. Where he/she is or has been involved in a disposition or nonfeasance which became the cause of the relevant agenda.

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- (2) If the circumstances indicate that it would be impracticable to expect fair deliberation and resolution by a member, a party to the relevant agenda may file a request for challenge to him/her with the Dispute Mediation Committee, and the Dispute Mediation Committee shall make a decision on such request by its resolution. In such cases, the member subjected to such request for challenge shall not participate in the resolution.
- (3) If a member falls under any ground for exclusion stipulated in the subparagraphs of paragraph (1), he/she shall voluntarily evade the deliberation and resolution of the relevant agenda.

[This Article Newly Inserted by Presidential Decree No. 25429, Jun. 30, 2014]

### **Article 66 (Administrative Secretary of Dispute Mediation Committee)**

- (1) The Dispute Mediation Committee shall have one administrative secretary to administer offices of the Dispute Mediation Committee.
- (2) The executive administrative secretary shall be appointed by the Minister of Health and Welfare, from among the public officials belonging to the Ministry of Health and Welfare.

### **Article 67 (Allowances for Members of Dispute Mediation Committee)**

Allowances, travel expenses, and other necessary expenses may be reimbursed to the members who attend the Dispute Mediation Committee within budgetary limits: *Provided*, That this shall not apply where members who are public officials attend in direct connection with their competent duties.

## **CHAPTER VIII** SUPPLEMENTARY PROVISIONS

### **Article 68 (Procedure for Delivery of Data on Reduced or Omitted Income)**

- (1) In any of the following cases, the NHIS shall present the relevant data to the Minister of Health and Welfare, and deliver such data to the Commissioner of the National Tax Service under Article 95 (1) of the Act, following an investigation of the Income Reduction and Omission Investigation Committee pursuant to paragraph (2):
  1. Where the remuneration, income, etc. (hereinafter referred to as "income, etc.") that an employer, the employee insured, or householder has reported pursuant to Article 94 (1) of the Act falls under any of the following cases:

- (a) Where it differs from the income, etc. reported to the National Tax Service;
  - (b) Where it is below the average income, etc. of the relevant industry or type of work;
  - (c) Where it differs from the content of remuneration ledger, or other income-related papers, documents, etc.;
2. Any of the following cases where the reduction or omission of income, etc. is deemed to exist:
- (a) Where he/she fails to submit the data requested under Article 94 (1) of the Act or delays to submit them for not less than three months;
  - (b) Where he/she refuses, interferes with, or evades an investigation conducted under Article 94 (2) of the Act on three or more occasions.
- (2) The Income Reduction and Omission Investigation Committee shall be established within the NHIS to investigate reduction or omission of income, etc. referred to in Article 95 (1) of the Act (hereinafter referred to as the "Income Reduction and Omission Investigation Committee").
- (3) The Income Reduction and Omission Investigation Committee shall be comprised of five members, including one Chairperson.
- (4) The Chairperson of the Income Reduction and Omission Investigation Committee shall be appointed by the president of the NHIS from among the executive officers and employees of the NHIS.
- (5) Any of the following persons appointed or commissioned by the president of the NHIS shall be the members of the Income Reduction and Omission Investigation Committee:
- 1. One employee of the NHIS;
  - 2. Two persons, each one of whom is respectively designated by the head of the agency where he/she belongs, from among the public officials of Grade V or higher who are under the control of the Ministry of Health and Welfare and the National Tax Service, or the public officials in general service belonging to the Senior Executive Service;
  - 3. One certified tax accountant or one certified public accountant.
- (6) Except as provided in paragraphs (1) through (5), matters necessary for operating the Income Reduction and Omission Investigation Committee shall be prescribed by the president of the NHIS.

## **Article 69 (Reflection of Data Furnished by National Tax Service)**

Upon receipt of the matters regarding remuneration or income sent by the Commissioner of the National Tax Service pursuant to Article 95 (2) of the Act, the NHIS shall apply the results to the remuneration or income of the relevant insured.

### **Article 69-2 (Data Requested to Be Provided)**

- (1) "Data prescribed by Presidential Decree" in Article 96 (1) of the Act means the data shown in subparagraph 1 of attached Table 4-3.
- (2) "Data prescribed by Presidential Decree" in Article 96 (2) of the Act means the data shown in subparagraph 2 of attached Table 4-3.
- (3) Where the data referred to in paragraph (1) or (2) is stored by using a computer data recording device or computer program, such as a diskette, magnetic tape, microfilm, optical disc, etc., the State, local governments, health care institutions, insurance companies or contribution rate calculating institutions under the Insurance Business Act, public institutions under the Act on the Management of Public Institutions, other public institutions, etc. in receipt of a request for provision of data under Article 96 (1) or (2) of the Act, may provide data in the relevant form.

[This Article Newly Inserted by Presidential Decree No. 25760, Nov. 20, 2014]

## **Article 70 (Criteria for Administrative Dispositions)**

- (1) The criteria for the business suspension of health care institutions and for the imposition of penalty surcharges under Articles 98 (1) and 99 (1) of the Act shall be as shown in attached Table 5.
- (2) The procedure for collection of penalty surcharges under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

### **Article 70-2 (Criteria for Imposition of Penalty Surcharges)**

- (1) Where any of the following applies to a medicine subject to suspension of the application of health care benefits prescribed in Article 41-2 (3) of the Act, the Minister of Health and Welfare may impose a penalty surcharge in lieu of suspension of the application of health care benefits prescribed in Article 99 (2) or (3) of the Act: <Amended by Presidential Decree No. 25583, Aug. 29, 2014; Presidential Decree No. 27433, Aug. 2, 2016; Presidential Decree No. 29196, Sep. 28, 2018>



1. Shortage prevention drugs;
  2. Orphan drugs;
  3. A medicine publicly notified as eligible for health care benefits prescribed in Article 41 (3) of the Act which is a single item, for which the same medication does not exist (referring to a product which has the same administration route, ingredients, content and dosage form);
  4. Any other medicine deemed by the Minister of Health and Welfare to have any special ground.
- (2) "Period determined by Presidential Decree" in Article 99 (3) of the Act means five years. <Newly Inserted by Presidential Decree No. 29196, Sep. 28, 2018>
- (3) Criteria for imposition of penalty surcharges prescribed in paragraph (1) shall be as specified in attached Table 4-2.

[This Article Newly Inserted by Presidential Decree No. 25429, Jun. 30, 2014]

#### **Article 70-3 (Imposition and Payment of Penalty Surcharges)**

- (1) When the Minister of Health and Welfare intends to impose a penalty surcharge prescribed in Article 99 (1) through (3), he/she shall give written notice, stating the violation subject to the imposition of the penalty surcharge, the amount, payment due date, receiving agencies of the penalty surcharge, and other matters. <Amended by Presidential Decree No. 29196, Sep. 28, 2018>
- (2) A person in receipt of the notice given under paragraph (1) shall pay the penalty surcharge by a payment due date specified in the payment notice of a penalty surcharge to the receiving agency: *Provided*, That where it is impracticable to pay the penalty surcharge within the given period due to a natural disaster or any other extenuating circumstances, he/she shall pay it within seven days from the date such cause ceases to exist.
- (3) Upon receiving a penalty surcharge, a receiving agency referred to in paragraph (2) shall issue the receipt to the relevant payer, and notify the Minister of Health and Welfare of the receipt without delay.

[This Article Newly Inserted by Presidential Decree No. 25429, Jun. 30, 2014]

#### **Article 70-4 (Disposition for Persons Failing to Pay Penalty Surcharges)**

- (1) Where a person liable to pay a penalty surcharge prescribed in Article 99 (1) of the Act fails to make such payment by a due date therefor, the Minister of Health and Welfare shall issue a letter of overdue notice pursuant to the main sentence of Article 99 (5) of the Act, within 15 days after the due date therefor. In such cases, the due date for the payment shall be within ten days from the date the letter of overdue notice is issued. <Amended by Presidential Decree No. 29196, Sep. 28, 2018>
- (2) Where a person liable to pay a penalty surcharge has received a letter of overdue notice prescribed in paragraph (1) but fails to make such payment by a due date therefor, the Minister of Health and Welfare shall cancel the disposition of imposing the penalty surcharge prescribed in the main sentence of Article 99 (5) of the Act, and then shall take a disposition of suspending operation prescribed in Article 98 (1) of the Act or collect it in the same manner as delinquent national taxes are collected. <Amended by Presidential Decree No. 29196, Sep. 28, 2018>
- (3) Where the Minister of Health and Welfare cancels the disposition of imposing the penalty surcharge prescribed in the main sentence of Article 99 (5) of the Act and then takes a disposition of suspending operation prescribed in Article 98 (1) of the Act, he/she shall notify, in writing, the details thereof to the person subject to the disposition. In such cases, the written notice shall include matters necessary for the disposition of suspension of operation, such as the ground for changing the disposition and the period for the disposition of suspension of operation. <Amended by Presidential Decree No. 29196, Sep. 28, 2018>

[This Article Newly Inserted by Presidential Decree No. 27508, Sep. 22, 2016]

#### **Article 71 (Amounts of Support from Penalty Surcharges)**

- (1) Amounts of support by usage of penalty surcharges prescribed in Article 99 (8) of the Act shall be as follows: <Amended by Presidential Decree No. 25429, Jun. 30, 2014; Presidential Decree No. 27508, Sep. 22, 2016; Presidential Decree No. 28861, May 1, 2018; Presidential Decree No. 29196, Sep. 28, 2018>
  1. Support for the funds for costs of health care benefits paid by the NHIS prescribed in Article 47 (3) of the Act: 50/100 of revenues of penalty surcharges;
  2. Support for the funds for emergency medical services prescribed in the Emergency Medical Service Act: 35/100 of revenues of penalty surcharges;

3. Support for catastrophic health expenditure support programs prescribed in the Act on the Support for Catastrophic Health Expenditure: 15/100 of revenues of penalty surcharges.
- (2) The president of the NHIS and a person entrusted with the management and operation of the emergency medical service funds prescribed in Article 19 (2) of the Emergency Medical Service Act shall submit to the Minister of Health and Welfare plans on operation of the penalty surcharges supported under paragraph (1) for the following year and the actual results of use during the preceding year by no later than April 30 each year.
- (3) The Minister of Health and Welfare shall determine the amount of support from penalty surcharges for the following year in view of the plans for operations of penalty surcharges and the actual results of use of the penalty surcharge which he/she has received under paragraph (2), and put such amount in the budget under conditions as determined by national financial Acts.

### **Article 72 (Matters of Publication)**

"Matters prescribed by Presidential Decree" in the former part of Article 100 (1) of the Act, with the exception of its subparagraphs, means the matters falling under any of the following subparagraphs:

1. Kind of the relevant health care institution and license number and gender of the representative of such health care institution;
2. Name of the head of the relevant medical institution where the founder of which is a juristic person;
3. Other matters the Health Insurance Publication Deliberation Committee established under Article 100 (2) of the Act (hereinafter referred to as the "Publication Deliberation Committee") deems necessary for the distinction from other health care institutions.

### **Article 73 (Composition and Operation of Publication Deliberation Committee)**

- (1) The Publication Deliberation Committee shall be comprised of nine members, including one Chairperson.

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- (2) The Chairperson of the Publication Deliberation Committee shall be elected from among members set forth in subparagraphs 1 through 4, and its members shall be appointed or commissioned by the Minister of Health and Welfare, from among persons in the following subparagraphs:
  1. One person recommended by consumers' organizations;
  2. One journalist;
  3. One legal expert, such as a lawyer;
  4. Three persons recommended by organizations representing the medical and pharmaceutical industry, who have abundant knowledge and experience in health insurance;
  5. One public official in general service who belongs to the Senior Executive Service of the Ministry of Health and Welfare;
  6. Two persons, each of whom is recommended by the president of the NHIS and the president of the Review and Assessment Service, respectively.
- (3) The term of office of members of the Publication Deliberation Committee (excluding members in paragraph (2) 5) shall be two years.
- (4) The Chairperson of the Publication Deliberation Committee shall represent the Publication Deliberation Committee, and shall manage overall affairs of the Publication Deliberation Committee.
- (5) When the Chairperson of the Publication Deliberation Committee is unable to perform his/her duty due to any extenuating circumstance, the member designated by the Chairperson shall perform the duty on his/her behalf.
- (6) The Publication Deliberation Committee shall open its meetings with the attendance of a majority of all the incumbent members and shall pass resolutions with concurrent votes of a majority of the members present.
- (7) Except as provided in paragraphs (1) through (6), matters necessary for organization, operation, etc., the Publication Deliberation Committee shall be determined by the Chairperson of the Publication Deliberation Committee after deliberation of the Publication Deliberation Committee.

### **Article 73-2 (Discharge or Dismissal of Publication Deliberation Committee Members)**

The Minister of Health and Welfare may discharge or dismiss a member of the Publication Deliberation Committee referred to in each subparagraph of Article 73 (2), if:

1. The member becomes unable to perform his/her duties due to any mental or physical disability;
2. The member commits misconduct in relation to his/her duties as a member;
3. The member is deemed unfit to serve as a member due to neglect of duties, injury to dignity, or any other reason;
4. The member voluntarily expresses his/her intention that it is impracticable to perform his/her duties.

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

### **Article 74 (Procedure for and Methods of Announcement)**

- (1) The Minister of Health and Welfare shall provide the health care institution which has been notified that it is subject to announcement under Article 100 (3) of the Act with an opportunity to submit evidence or to present itself and state opinions within 20 days from the date it received the notification.
- (2) The Minister of Health and Welfare shall publicly announce the matters of publication under Article 100 (1) of the Act concerning the health care institutions selected as the objects of publication under Article 100 (4) of the Act for six months on the website of the Ministry of Health and Welfare, the NHIS, the Review and Assessment Service, the competent Special Metropolitan City, Metropolitan City, *Do*, Special Self-Governing Province, and *Si/Gun*/autonomous *Gu* and the relevant health center, and may publicly announce them additionally on a bulletin board, etc. of the relevant organizations.
- (3) Where the Minister of Health and Welfare deems that an additional publication is necessary for such reason as a health care institution selected as the object of announcement under Article 100 (4) of the Act makes fraudulent claims falling under the subparagraphs of Article 100 (1) of the Act repeatedly or its fraudulent claims constitute a serious violation, etc., he/she may announce them in a newspaper under the Act on the Promotion of Newspapers or may broadcast them under the Broadcasting Act in addition to the public announcement in paragraph (2).

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- (4) When it is confirmed that the matters of publication under Article 100 (1) of the Act are changed during the period of public announcement under paragraph (2) because of permission for change, report of change, etc. granted or filed under Article 33 (5) of the Medical Service Act, the Special Metropolitan City Mayor, Metropolitan City Mayor, *Do* governor, Special Self-Governing Province Governor, head of *Si/Gun/Gu*, or the head of public health clinic having jurisdiction over the relevant health care institution subject to public announcement under paragraph (2) shall notify, without delay, the Minister of Health and Welfare of such fact. In such cases, the Minister of Health and Welfare shall take necessary measures so that the matters of change shall be immediately applied to the details of public announcement under paragraph (2).
- (5) Except as provided in paragraphs (1) through (4), matters necessary for the procedure for and method of announcement, change in the matters of announcement, etc. shall be prescribed by the Minister of Health and Welfare.

### **Article 74-2 (Criteria for Computing Amount Equivalent to Loss)**

- (1) An amount equivalent to any loss (hereafter referred to as "amount equivalent to the loss" in this Article) that the NHIS collects from a manufacturer, operator of a manufacture by entrustment and sale business, importer or distributor of drugs under the Pharmaceutical Affairs Act or from a manufacturer, importer, repairer, distributor or lessor of medical devices under the Medical Devices Act (hereinafter referred to as "manufacturer, etc.") pursuant to Article 101 (3) of the Act, shall be the total costs of health care benefits unfairly borne by the insurer, the insured or his/her dependent due to any violation specified in subparagraphs 1 through 3 of Article 101 of the same Act.
- (2) Where a manufacturer, etc. commits at least two violations specified in Article 101 (1) 1 through 3 of the Act in relation to an identical medicine or material for medical treatment, the NHIS shall collect the largest amount, out of the amounts equivalent to the loss calculated for respective violations.
- (3) Where the NHIS intends to collect an amount equivalent to the loss pursuant to Article 101 (3) of the Act, it shall notify such fact to the relevant manufacturer, etc. of medicines and materials for medical treatment by written notice that includes the following:

1. The details of, and legal basis for, the relevant violation;
2. An amount to be collected, calculation details, etc.;
3. Matters necessary for payment, such as the time limit, method and place of payment.

[This Article Newly Inserted by Presidential Decree No. 27433, Aug. 2, 2016]

## Article 75 (Standards for Payment of Rewards)

- (1) A person who intends to report an individual who has received insurance benefits or a health care institution which has been paid insurance benefits by fraud or other improper means shall file a report thereon to the NHIS under Article 104 (1) of the Act as determined by the NHIS. In such cases, where at least two persons file a report jointly, they shall designate a representative. <Amended by Presidential Decree No. 29830, Jun. 11, 2019>
- (2) Upon receiving the report under paragraph (1), after confirming the reported matter, the NHIS shall determine whether to pay a reward and notify the result thereof to the reporter (referring to the representative referred to in the latter part of paragraph (1), where the report is filed by at least two persons jointly; hereafter the same shall apply in this Article).
- (3) The reporter who is notified of the decision to pay a reward under paragraph (2) shall apply for the payment of the reward to the NHIS, as determined by the NHIS.
- (4) The NHIS shall pay the reporter a reward in accordance with the standards for payment of rewards stipulated in attached Table 6 within one month from the date the application for payment of the reward is received under paragraph (3).
- (5) No reward shall be paid to a person who makes a report, the details of which is the same with those already reported under paragraph (1).
- (6) Except as provided in paragraphs (1) through (5), matters necessary for the standards for payment of rewards, method thereof, procedure therefor shall be determined by the NHIS.

## Article 75-2 (Payment of Incentives)

- (1) The NHIS shall pay incentives under Article 104 (2) of the Act to a health care institution that has contributed to reducing the financial expenditure of the national health insurance in any of the following manners: <Amended by Presidential Decree No. 25583, Aug. 29, 2014>

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1. Prescribing or preparing medicines of which costs of health care benefits are relatively low, among the medicines that can be used alternatively because their components or efficacy is the same;
  2. Prescribing or preparing medicines the prices of which are low compared with other medicines and the efficacy of which is replaceable for that of other medicines due to the characteristics of the medicines, among medicines designated and publicly notified as shortage prevention drugs referred to in Article 70-2 (1) 1;
  3. Purchasing medicines at a price lower than the upper price limit during a period prescribed and publicly notified by the Minister of Health and Welfare, or reducing the amount of use compared with the previous year.
- (2) The amount of incentives shall not exceed 70/100 of the amount reduced from the financial expenditure of the national health insurance by the prescription and preparation referred to in paragraph (1).
- (3) A health care institution that intends to receive incentives under paragraph (1) 1 or 2 shall request the payment of the incentives simultaneously with the filing of a request for the review of health care benefits with the Review and Assessment Service under Article 47 (2) of the Act. <Newly Inserted by Presidential Decree No. 25583, Aug. 29, 2014>
- (4) The amount of incentives payable under paragraph (1) 3 shall be calculated by the Review and Assessment Service and notified to the NHIS after obtaining approval from the Minister of Health and Welfare. <Newly Inserted by Presidential Decree No. 25583, Aug. 29, 2014>
- (5) Except as provided in paragraphs (1) through (4), matters necessary for the criteria, method, procedures for payment of an incentive and others shall be determined and publicly notified by the Minister of Health and Welfare. <Amended by Presidential Decree No. 25583, Aug. 29, 2014>

[This Article Newly Inserted by Presidential Decree No. 24776, Sep. 26, 2013]

### **Article 76 (Restrictions on Eligibility Acquisition as Insured or Dependents by Foreigners)**

"Any ground prescribed by Presidential Decree" in Article 109 (5) 1 of the Act means any of the following:



1. Where the relevant person resides in Korea without obtaining permission to extend the period of sojourn under Article 25 of the Immigration Act or Article 10 (2) of the Act on the Immigration and Legal Status of Overseas Koreans;
2. Where the relevant person receives a written order of deportation pursuant to Article 59 (3) of the Immigration Act.

[This Article Wholly Amended by Presidential Decree No. 27508, Sep. 22, 2016]

### **Article 76-2 (Time to Acquire Eligibility as the Insured for Foreigners)**

- (1) An overseas Korean national or a foreigner residing in the Republic of Korea (hereinafter referred to as "foreigner, etc. residing in Korea") shall become eligible as the insured on any of the following dates, whichever is relevant, pursuant to the proviso of Article 109 (6) of the Act: <Amended by Presidential Decree No. 29985, Jul. 16, 2019>
  1. Where the relevant person falls under Article 109 (3) 2 of the Act and resides in Korea during the period referred to in subparagraph 1 of the same paragraph: The date the period expires;
  2. Where the relevant person falls under Article 109 (3) 2 of the Act and constitutes the grounds on which he/she is expected to reside in Korea continuously pursuant to subparagraph 1 of the same paragraph: The date the person enters Korea;
  3. Other cases where the Minister of Health and Welfare deems it necessary to determine the timing for acquiring the eligibility as the insured for foreigners, etc. differently from that for Korean nationals residing in Korea, based on the status, period, circumstances, etc. of sojourn, and publicly notifies such timing: The date prescribed in the relevant public notice.
- (2) A foreigner, etc. residing in Korea shall lose the eligibility as the insured on the relevant date specified in Article 10 (1) 1, 4, or 5 of the Act, pursuant to Article 10 of the Act which is applicable *mutatis mutandis* under the main sentence of Article 109 (6) of the Act: *Provided*, That a foreigner, etc. residing in Korea shall also lose the eligibility on any of the following dates, whichever is relevant, pursuant to the proviso to Article 109 (6) of the Act: <Amended by Presidential Decree No. 29830, Jun. 11, 2019; Presidential Decree No. 29985, Jul. 16, 2019>
  1. The employee insured: Any of the following dates:
    - (a) The date following the date the period of sojourn expires under Article 10-2 (1) 2 of the Immigration Act or Article 10 (1) of the Act on the Immigration and Legal Status of Overseas Koreans;

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- (b) The date following the date a written order of deportation is issued under Article 59 (3) of the Immigration Act;
  - (c) The date the employer requests the exclusion of the relevant person from the employee insured pursuant to Article 109 (5) 2 of the Act; *Provided*, That where such request is made within 14 days from the date a report on eligibility acquisition as the employee insured is made under Article 8 (2) of the Act, the relevant person shall lose the eligibility on the date of eligibility acquisition;
  - (d) Other cases where the Minister of Health and Welfare deems it necessary to determine the timing for losing the eligibility as the insured for foreigners, etc. differently from that for Korean nationals residing in Korea, based on the status, period, circumstances, etc. of sojourn, and publicly notifies such timing: The date prescribed in the relevant public notice;
2. The self-employed insured: Any of the following dates:
- (a) The date referred to in subparagraph 1 (a) or (b);
  - (b) Where one month has elapsed since an overseas Korean national or a foreigner whose period of sojourn has not expired departed from Korea: The date following the date of departure;
  - (c) The date the self-employed insured requests the exclusion of him/her from the insured pursuant to Article 109 (5) 2 of the Act: *Provided*, That where the self-employed insured who has failed to pay insurance contributions or the self-employed insured for whom 14 days have not passed since the first payment of insurance contributions requests the exclusion of him/her from the insured after meeting the requirements determined and publicly notified by the Minister of Health and Welfare, it shall be the date of acquisition of the eligibility;
  - (d) Other cases where the Minister of Health and Welfare deems it necessary to determine the timing for losing the eligibility as the insured for foreigners, etc. differently from that for Korean nationals residing in Korea, based on the status, period, circumstances, etc. of sojourn, and publicly notifies such timing: The date prescribed in the relevant public notice.

[This Article Newly Inserted by Presidential Decree No. 27508, Sep. 22, 2016]

### **Article 76-3 (Time to Acquire Eligibility as Dependents for Foreigners)**

- (1) A foreigner, etc. residing in Korea shall acquire the eligibility as a dependent on any of the following dates, whichever is relevant, pursuant to the proviso of Article 109 (6) of the Act:

1. Where the relevant person is a newborn baby: The date he/she was born;
  2. Where the relevant person files an application for the eligibility acquisition as a dependent within 90 days from the date of resident registration, reporting on his/her place of residence in Korea or alien registration under any subparagraph of Article 109 (2) of the Act (hereafter referred to as "resident registration, etc." in this Article): The date he/she makes the relevant resident registration, etc.: *Provided*, That where the person becomes the employee insured after the resident registration, etc., he/she shall acquire the eligibility on the date he/she becomes the employee insured;
  3. Where the relevant person files an application for the eligibility acquisition as a dependent 90 days after the date of resident registration, etc.: The date he/she files an application for the eligibility acquisition: *Provided*, That where the person becomes the employee insured after the resident registration, etc. and files such application within 90 days from the date he/she becomes the employee insured, he/she shall acquire the eligibility on the date he/she becomes the employee insured;
  4. Other cases where the Minister of Health and Welfare deems it necessary to determine the time to acquire the eligibility as dependents for foreigners, etc. differently from that for Korean nationals residing in Korea in consideration of the status, period, circumstances, etc. of sojourn, and publicly notifies such time: The date prescribed in the relevant public notice.
- (2) A foreigner, etc. residing in Korea shall lose the eligibility as a dependent on the date specified in Article 5 (3) of the Act (limited to where he/she is deceased; where his/her supporter loses the eligibility as the employee insured; or where he/she receives medical benefits), pursuant to Article 5 of the Act which is applicable *mutatis mutandis* under the main sentence of Article 109 (6) of the Act: *Provided*, That the relevant person shall also lose the eligibility as a dependent on any of the following dates pursuant to the proviso of Article 109 (6) of the Act: <Amended by Presidential Decree No. 29830, Jun. 11, 2019>
1. The date following the date the period of sojourn expires under Article 10-2 (1) 2 of the Immigration Act or Article 10 (1) of the Act on the Immigration and Legal Status of Overseas Koreans;
  2. The date following the date a written order of deportation is issued under Article 59 (3) of the Immigration Act;

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3. Other cases where the Minister of Health and Welfare deems it necessary to determine the time to lose the eligibility as dependents for foreigners, etc. differently from that for Korean nationals residing in Korea in consideration of the status, period, circumstances, etc. of sojourn, and publicly notifies such time: The date prescribed in the relevant public notice.

[This Article Newly Inserted by Presidential Decree No. 27508, Sep. 22, 2016]

### **Article 76-4 (Foreigners Subject to Special Cases on Imposition and Collection of Insurance Contributions)**

"Foreigners, etc. residing in Korea prescribed by Presidential Decree" in the proviso of Article 109 (9) of the Act means persons who are not granted any of the following statuses of sojourn, among foreigners, etc. residing in Korea who are the self-employed insured:

1. A person who has the status of sojourn granted for immigration through marriage (F-6) specified in attached Table 1-2 of the Enforcement Decree of the Immigration Act;
2. A person who has the status of sojourn granted for permanent residency (F-5) specified in attached Table 1-3 of the Enforcement Decree of the Immigration Act;
3. A person who has any other status of sojourn publicly notified by the Minister of Health and Welfare, as deemed necessary for applying the same standards for imposing and collecting insurance contributions to such foreigners, etc. as those for Korean nationals residing in Korea, in consideration of the circumstances, objective, period, etc. of sojourn.

[This Article Wholly Amended by Presidential Decree No. 29409, Dec. 24, 2018]

### **Article 77 (Applicable Period for Voluntarily Continuous Insured Persons)**

- (1) "Period prescribed by Presidential Decree" in the main sentence of Article 110 (2) of the Act means any of the following periods within the scope not exceeding 36 months reckoned from the day following the date employment relationship comes to an end:
  1. A period that ends on the day before the eligibility of the insured who files an application with the NHIS pursuant to Article 110 (1) of the Act (hereinafter referred to as "voluntarily continuous insured person") changes pursuant to Article 9 (1) 2 of the Act;
  2. A period that ends on the day before a voluntarily continuous insured person loses his/her eligibility pursuant to Article 10 (1) of the Act.

- (2) Where a voluntarily continuous insured person who lost his/her eligibility pursuant to Article 10 (1) 5 of the Act as becoming an eligible recipient prescribed in Article 3 (1) 2 of the Medical Care Assistance Act re-acquires the eligibility of the insured pursuant to Article 8 (1) 1 of the Act and where the date when the eligibility is re-acquired is within 36 months from the day following the date employment relationship comes to an end under paragraph (1), he/she may file a reapplication for the eligibility of the voluntarily continuous insured person within the period determined by the NHIS. In such cases, the applicator shall retain his/her eligibility during the period prescribed in paragraph (1) from the date when such eligibility is re-acquired.
- (3) Except as provided in paragraph (2), the period, procedures, methods, etc. necessary for re-application for the eligibility of a voluntarily continuous insured person shall be prescribed by the NHIS.

[This Article Wholly Amended by Presidential Decree No. 29002, Jun. 26, 2018]

## Article 78 (Entrustment of Service)

Where the NHIS intends to entrust service under each subparagraph of Article 112 (1) of the Act to postal service agencies, financial institutions, or other persons pursuant to Article 112 (1) of the Act, it shall obtain a resolution by the board of directors of the NHIS regarding the selection of agencies to be entrusted and the details of entrustment contract.

## Article 79 (Allocation of Insurance Contributions and Insurance Contributions Entrusted with Collection)

Where the NHIS collects insurance contributions and insurance contributions entrusted with collection through one integrated written notification for payment upon request from a person liable for payment (excluding where the NHIS collects such contributions by the means of delinquent dispositions according to Article 81 of the Act and applicable law to entrustment with collection), if the amount of insurance contributions collected, and subsequent fees or insurance contributions entrusted to the NHIS for collection is smaller than the amount the NHIS has to collect, it shall collect the payment in installments in the proportion of the amount by insurance (referring to the amount excluding arrears and additional charges under the Act and applicable law to the entrustment with collection) that the NHIS intends to collect pursuant to the main sentence of Article 113 (1) of the Act, unless the person liable for payment states otherwise by the payment date.

## Article 80 (Management of Contributions)

The NHIS shall keep and manage separate accounts for contributions received from each respective Fund under Article 114 (1) of the Act.

## Article 81 (Management of Sensitive Information and Personally Identifiable Information)

- (1) Where it is inevitable to perform the following affairs, the NHIS (including those entrusted with the services of the NHIS under Article 112 of the Act) may manage information on health under Article 23 of the Personal Information Protection Act, information falling under criminal records under subparagraph 2 of Article 18 of the Enforcement Decree of the same Act, and data containing resident registration numbers, passport numbers, driver's license numbers, or alien registration numbers under the subparagraphs of Article 19 of the same Decree: <Amended by Presidential Decree No. 24776, Sep. 26, 2013; Presidential Decree No. 25760, Nov. 20, 2014>
1. Affairs related to reporting on a workplace under Article 7 of the Act;
  2. Affairs related to the services set forth in Article 14 (1) of the Act;
  3. Affairs related to the payment of costs of health care benefits to soldiers, etc. in active service under Article 60 of the Act;
  4. Affairs related to the settlement of costs of health care benefits under Article 61 of the Act;
  - 4-2. Affairs related to the provision of data under Article 81-2 of the Act;
  5. Affairs related to the disclosure of personal details, etc. of persons in arrear under Article 83 of the Act;
  6. Affairs related to the filing of objections and administrative proceedings under Articles 87 and 90 of the Act;
  7. Affairs related to reporting, etc. under Article 94 of the Act;
  8. Affairs related to the forwarding of data on the reduction or omission of incomes under Article 95 of the Act;
  - 8-2. Affairs related to a request for provision of data under Article 96 of the Act;
  9. Affairs related to the payment of rewards under Article 104 of the Act;
  10. Affairs related to the entrustment of services under Article 112 of the Act.

- (2) Where performing the following affairs is inevitable, the Review and Assessment Service may deal with information on health under Article 23 of the Personal Information Protection Act and data containing resident registration numbers, passport numbers, driver's license numbers, or alien registration numbers under Article 19 of the Enforcement Decree of the same Act: <Amended by Presidential Decree No. 24776, Sep. 26, 2013; Presidential Decree No. 25760, Nov. 20, 2014; Presidential Decree No. 27960, Mar. 27, 2017>
1. Affairs related to reporting on the current status of facilities, equipment, human resources, etc. of health care institutions under Article 43 of the Act;
  - 1-2. Affairs related to the verification of entitlement to health care benefits, etc. under Article 48 of the Act;
  2. Affairs related to the services set forth in Article 63 (1) of the Act;
  3. Affairs related to the filing of objections and administrative litigations under Articles 87 and 90 of the Act;
  4. Affairs related to a request for provision of data under Article 96 of the Act.
- (3) Where performing the following affairs is inevitable, health care institutions (including organizations authorized by health care institutions pursuant to Article 47 (6) of the Act, in the case of subparagraph 2) may deal with information on health under Article 23 of the Personal Information Protection Act and data containing resident registration numbers, passport numbers, driver's license numbers, or alien registration numbers under Article 19 of the Enforcement Decree of the same Act: <Newly Inserted by Presidential Decree No. 27960, Mar. 27, 2017>
1. Affairs related to the provision of health care benefits referred to in Article 41 (1) of the Act;
  2. Affairs related to claims for costs of health care benefits referred to in Article 47 (1) or (2) of the Act.
- (4) Where performing the following affairs is inevitable, the Minister of Health and Welfare (including those delegated or entrusted with the authority of the Minister of Health and Welfare under Article 111 of the Act) may manage information referred to in paragraph (1): <Amended by Presidential Decree No. 27960, Mar. 27, 2017>
1. Affairs related to approval for disposition on default under Article 81 (3) of the Act;
  2. Affairs related to a request for a trial under Article 88 of the Act;
  3. Affairs related to reports and inspections, etc. under Article 97 of the Act;

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4. Affairs related to the disposition of suspension of operation under Article 98 of the Act;
5. Affairs related to the imposition and collection of penalty surcharges under Article 99 of the Act;
6. Affairs related to the publication of the fact of violation under Article 100 of the Act.

### **Article 81-2 (Re-Examination of Regulation)**

The Minister of Health and Welfare shall examine the appropriateness of attached Table 4-2 every five years from July 2, 2014 (referring to the period that ends on the day before the base date of every fifth year) and take measures for improvement, etc.

[This Article Newly Inserted by Presidential Decree No. 25429, Jun. 30, 2014]

## **CHAPTER IX** PENALTY PROVISIONS

### **Article 82 (Standards for Imposition of Administrative Fines)**

Standards for imposition of administrative fines under Article 119 of the Act shall be as listed in attached Table 7.

## **ADDENDA**

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on September 1, 2012: *Provided*, That the part concerning general hospitals and tertiary general hospitals in the amended provisions of Article 21 (3) 2 shall enter into force on July 1, 2013.

### **Article 2 (General Transitional Measures)**

In calculating insurance benefits, such as costs of health care benefits (including co-payment and amount borne by the NHIS) and health care benefits, and monthly insurance contributions provided before this Decree enters into force shall be governed by the former provisions.



### **Article 3 (Transitional Measures concerning Deliberation and Resolution on Points of Relative Values on Health Care Benefits)**

From among the points of relative value on health care benefits and costs of medicines and materials for medical treatment which have been publicly notified after undergoing the deliberation by the Review and Assessment Committee under former provisions as of January 1, 2007, the day on which partially amended Enforcement Decree of the National Health Insurance Act (Presidential Decree No. 19818) entered into force, matters which have not been amended until the enforcement date of this Decree shall be deemed to have undergone deliberation and resolution by the Review and Assessment Committee under the amended provisions of Articles 21 (2) and 22.

### **Article 4 (Transitional Measures concerning Restriction on Insurance Benefits of Defaulters of Insurance Contributions)**

Where a person obligated to pay insurance contributions had received from the NHIS a disposition of restriction on insurance benefits under former Article 27 for reason of failure to pay insurance contributions for not less than three times but less than six times before September 29, 2008, the date the partially amended Enforcement Decree of the National Health Insurance Act (Presidential Decree No. 20986) entered into force, such disposition of restriction shall be deemed revoked on September 29, 2008: *Provided*, That the restriction on insurance benefits imposed by such disposition of restriction for period until September 29, 2008, shall remain effective.

### **Article 5 (Transitional Measures concerning Areas Subject to Reduction of Insurance Contributions)**

The areas subject to the reduction of insurance contributions under subparagraph 3 of Article 32 of the former Enforcement Decree of the National Health Insurance Act (referring to the same Enforcement Decree before it was amended by Presidential Decree No. 20190) as of July 1, 2007, shall be deemed areas subject to reduction of insurance contributions which are recognized by the Minister of Health and Welfare under the amended provisions of subparagraph 3 of Article 45.

**Article 6 (Special Cases concerning Provision of Medical Treatment by Hospitalization for Diagnosis Related Group Subject to Comprehensive Medical Treatment)**

General hospitals and tertiary general hospitals may provide medical treatment by hospitalization for diagnosis-related group which is subject to comprehensive medical treatment under subparagraph 2 of attached Table 2 of the former Enforcement Decree of the National Health Insurance Act (referring to the same Enforcement Decree before it was amended by Presidential Decree No. 23851) until June 30, 2013.

**Article 7 (Transitional Measures concerning Recognition of Persons Subject to Reduction of Co-Payment)**

Those who had been receiving medical aid under subparagraphs 3 and 3-2 of Article 2 of the former Enforcement Decree of the Medical Care Assistance Act (referring to the same Act before it was amended by Presidential Decree No. 21313) as of April 1, 2009, the date the partially amended Enforcement Decree of the National Health Insurance Act (Presidential Decree No. 21314) entered into force shall be deemed recognized by the NHIS as those subject to the reduction of shares borne by principals under the amended provisions of subparagraph 3 (d) of attached Table 2.

**Article 8 Omitted.**

**Article 9 (Relationship with Other Statutes)**

Where a statute cites the former provisions of the Enforcement Decree of the National Health Insurance Act at the time this Decree enters into force, it shall be deemed to have cited the relevant provisions of this Decree in lieu of the former provisions, if provisions corresponding thereto exist in this Decree.

**ADDENDA** <Presidential Decree No. 24128, Sep. 28, 2012>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability)**

The amended provisions of subparagraph 1 (a) (i) of attached Table 2 shall apply to the health care benefits for dental treatment for disabled persons furnished on or after the date this Decree enters into force.

## **ADDENDUM** <Presidential Decree No. 24247, Dec. 21, 2012>

### **Article 1 (Enforcement Date)**

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

Articles 2 and 3 Omitted.

## **ADDENDUM** <Presidential Decree No. 24261, Dec. 27, 2012>

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

## **ADDENDUM** <Presidential Decree No. 24341, Jan. 28, 2013>

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

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

### **Article 1 (Enforcement Date)**

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

Articles 2 through 4 Omitted.

## **ADDENDA** <Presidential Decree No. 24520, May 3, 2013>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Applicability to Applicable Period for Voluntarily Continuous Insured Persons)**

The amended provisions of Article 77 shall also apply to persons who are voluntarily continuous insured persons as at the time this Decree enters into force.

**ADDENDA** <Presidential Decree No. 24588, Jun. 11, 2013>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Co-Payment Rate for Costs of Health Care Benefits for Dentures)**

The amended provisions of subparagraphs 3 (d) (iii) and (iv), and 3 (f) shall apply to the health care benefits provided on or after the date this Decree enters into force.

**ADDENDA** <Presidential Decree No. 24776, Sep. 26, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of subparagraph 1 (a) (i) of attached Table 2 and subparagraph 3 (d) of the same Table shall enter into force on October 1, 2013; the amended provisions of Articles 47, 47-2, and 75-2 on November 23, 2013; and the amended provisions of Articles 43 and 44 on January 1, 2014, respectively.

**Article 2 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of subparagraph 1 (a) (i) of attached Table 2 and subparagraph 3 (d) of the same Table shall apply to the health care benefits that come into effect on and after October 1, 2013.

**ADDENDA** <Presidential Decree No. 25015, Dec. 18, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of attached Table 3 shall enter into force on January 1, 2014.

**Article 2 (Applicability to Amounts of Co-Payment out of Costs of Health Care Benefits)**

The amended provisions of subparagraph 4 of attached Table 2 shall begin to apply from health care benefits provided after this Decree enters into force.

### Article 3 (Special Cases concerning Co-Payment Ceiling)

(1) Notwithstanding the amended provisions of subparagraph 2 of attached Table 3, co-payment ceiling by each insurance contribution based on upper limit amount classified in the following shall be applied from January 1, 2014 to December 31, 2014:

1. In cases of the self-employed insured

Classification	Co-Payment Ceiling
(a) Where the insurance contributions based on upper limit amount is equivalent to that of 10/100 of the low-level of all the self-employed insured, and does not exceed the amount determined and publicly notified by the Minister of Health and Welfare	1,200,000 won
(b) Where the insurance contributions based on upper limit amount is equivalent to 10/100 of the low-level of all the self-employed insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 30/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	1,500,000 won
(c) Where the insurance contributions based on upper limit amount is equivalent to 30/100 of the low-level of all the self-employed insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 50/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	2,000,000 won
(d) Where the insurance contributions based on upper limit amount is equivalent to 50/100 of the low-level of all the self-employed insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 70/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	2,500,000 won

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Classification	Co-Payment Ceiling
(e) Where the insurance contributions based on upper limit amount is equivalent to 70/100 of the low-level of all the self-employed insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 80/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	3,000,000 won
(f) Where the insurance contributions based on upper limit amount is equivalent to 80/100 of the low-level of all the self-employed insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 90/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	4,000,000 won
(g) Where the insurance contributions based on upper limit amount is equivalent to 90/100 of the low-level of all the self-employed insured, exceeding the amount determined and publicly notified by the Minister of Health and Welfare	5,000,000 won

2. In cases of the employee insured or his/her dependents

Classification	Co-Payment Ceiling
(a) Where the insurance contributions based on upper limit amount is equivalent to 10/100 of the low-level of all the employee insured, not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	1,200,000 won
(b) Where the insurance contributions based on upper limit amount is equivalent to 10/100 of the low-level of all the employee insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 30/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	1,500,000 won

Classification	Co-Payment Ceiling
(c) Where the insurance contributions based on upper limit amount is equivalent to 30/100 of the low-level of all the employee insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 50/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	2,000,000 won
(d) Where the insurance contributions based on upper limit amount is equivalent to 50/100 of the low-level of all the employee insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 70/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	2,500,000 won
(e) Where the insurance contributions based on upper limit amount is equivalent to 70/100 of the low-level of all the employee insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 80/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	3,000,000 won
(f) Where the insurance contributions based on upper limit amount is equivalent to 80/100 of the low-level of all the employee insured exceeding the amount determined and publicly notified by the Minister of Health and Welfare, and is equivalent to 90/100 of the low-level not exceeding the amount determined and publicly notified by the Minister of Health and Welfare	4,000,000 won
(g) Where the insurance contributions based on upper limit amount is equivalent to 90/100 of the low-level of all the employee insured, exceeding the amount determined and publicly notified by the Minister of Health and Welfare	5,000,000 won

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(2) Paragraph (1) shall begin to apply from the first health care benefits provided on or after January 1, 2014.

### **ADDENDA** <Presidential Decree No. 25044, Dec. 30, 2013>

#### **Article 1 (Enforcement Date)**

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

#### **Article 2 (Applicability)**

The amended provisions of attached Table 4 shall apply with the calculation of insurance contributions for January 2014.

### **ADDENDA** <Presidential Decree No. 25429, Jun. 30, 2014>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on July 2, 2014: *Provided*, That the amended provisions of Article 19 (2) and subparagraph 3 of attached Table 2 shall enter into force on July 1, 2014.

#### **Article 2 (Applicability to Suspension and Exclusion of Medicines from Health Care Benefits and Criteria for Imposition of Penalty Surcharges)**

The amended provisions of Article 18-2 and attached Table 4-2 shall begin to apply beginning with the first violation of Article 47 (2) of the Pharmaceutical Affairs Act committed after this Decree enters into force.

#### **Article 3 (Applicability to Amount of Co-Payment for Artificial Dental Implants)**

The amended provisions of Article 19-2 and subparagraph 3 (d) (v) and (vi) and (g) of attached Table 2 shall apply beginning with the first health care benefits provided on or after July 1, 2014.



#### **Article 4 (Transitional Measures concerning Chairperson of Dispute Mediation Committee)**

The Chairperson of the Dispute Mediation Committee appointed under the former Article 62 (1) as at the time this Decree enters into force shall be deemed appointed under this Decree until the Chairperson is appointed under the amended provisions of Article 62 (1).

### **ADDENDA** <Presidential Decree No. 25583, Aug. 29, 2014>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on September 1, 2014: *Provided*, That the amended provisions of Article 46-2 shall enter into force on September 25, 2014.

#### **Article 2 (Applicability to Payment of Incentives)**

The amended provisions of Article 75-2 shall apply to health care benefits provided after this Decree enters into force.

#### **Article 3 (Applicability to Calculation of Expenses to be Borne by Principal)**

The amended provisions of attached Table 2 shall also apply where expenses to be borne by the principal for the health care benefits provided after this Decree enters into force are calculated for a person who has been receiving medical treatment by hospitalization as at the time this Decree enters into force.

#### **Article 4 (Applicability to Payment of Monetary Rewards)**

The amended provisions of attached Table 6 shall apply to a person who files a report after this Decree enters into force on that a health care institution has received insurance benefit costs by deceit or any other wrongful means.

#### **Article 5 (Applicability to Calculation of Costs of Health Care Benefits)**

Notwithstanding the amended provisions of the latter part of Article 19 (1) and Article 22 (1) 2 and 3, the calculation of costs of health care benefits done before this Decree enters into force shall be governed by the former provisions.

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

### **Article 1 (Enforcement Date)**

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

### **Articles 2 through 5 Omitted.**

## **ADDENDUM** <Presidential Decree No. 25760, Nov. 20, 2014>

This Decree shall enter into force on November 21, 2014: *Provided*, That the amended provisions of Article 44 shall enter into force on January 1, 2015, and the amended provisions of Article 76 (1) and (2) 3 (a) shall enter into force on January 22, 2015, respectively.

## **ADDENDA** <Presidential Decree No. 26302, Jun. 1, 2015>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on June 4, 2015.

### **Articles 2 and 3 Omitted.**

## **ADDENDA** <Presidential Decree No. 26367, Jun. 30, 2015>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2015: *Provided*, That the amended provisions of Article 21 (3) 3 shall enter into force on July 15, 2015, and the amended provisions of Article 76 (2) 2 on October 1, 2015.

### **Article 2 (Applicability to Palliative Care Received by Hospitalization)**

The amended provisions of Article 21 (3) 3 shall apply to the health care benefits provided on or after July 15, 2015.

### **Article 3 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of attached Table 2 shall apply to the health care benefits provided on or after July 1, 2015.

### **Article 4 (Transitional Measures concerning the Insured Who Are Foreigners)**

Notwithstanding the amended provisions of Article 76 (2) 2, those who have entered the Republic of Korea before this Decree enters into force shall be governed by the former provisions.

## **ADDENDA** <Presidential Decree No. 26651, Nov. 18, 2015>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on November 19, 2015.

### **Articles 2 and 3 Omitted.**

## **ADDENDA** <Presidential Decree No. 26743, Dec. 22, 2015>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2016: *Provided*, That the amended provisions of subparagraph 5 of attached Table 2 shall enter into force on July 1, 2016.

### **Article 2 (Applicability to Raising Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of subparagraph 3 (d) (vii) of attached Table 2 shall apply from a medicine which is prepared based on a prescription issued after January 1, 2016.

**Article 3 (Applicability to Raising Co-Payment Rate for Costs of Health Care Benefits for Long-Term Inpatient)**

The amended provisions of subparagraph 5 of attached Table 2 shall apply from a patient who is hospitalized after the enforcement date under the proviso of Article 1 of the Addenda.

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

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

**ADDENDA** <Presidential Decree No. 27296, Jun. 30, 2016>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Medical Expenses for Pregnancy and Delivery)**

The amended provisions of Article 23 (3) and (6) shall apply from the medical expenses for pregnancy and delivery for which an application is filed with the NHIS after July 1, 2016.

**Article 3 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of subparagraph 1 (a) (i), subparagraph 3 (a) (iii), subparagraph 3 (d) (iii) through (vi), subparagraph 3 (d) (viii), and subparagraph 3 (f) through (h) of attached Table 2 shall apply from the health care benefits provided after July 1, 2016.

**ADDENDA** <Presidential Decree No. 27433, Aug. 2, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on August 4, 2016.

**Article 2 Omitted.**

## **ADDENDA** <Presidential Decree No. 27508, Sep. 22, 2016>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on September 23, 2016.

### **Article 2 (Applicability to Disposition for Persons Failing to Pay Penalty Surcharges)**

The amended provisions of Article 70-4 shall also apply to persons who have received a letter of overdue notice before this Decree enters into force but fail to pay penalty surcharges by the due date for the payment thereof.

### **Article 3 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of subparagraph 1 (a) (i) of attached Table 2, subparagraph 4 in the remarks column of the table under subparagraph 3 (d) (ii) of the same Table, and subparagraph 3 (d) (viii) of the same Table shall apply, starting from the health care benefits provided after this Decree enters into force.

### **Article 4 (Transitional Measures concerning Standards for Imposition of Administrative Fines)**

Where a person, subjected to a disposition of administrative fines for a violation committed before this Decree enters into force, commits an identical violation for the first time after this Decree enters into force, such identical violation shall be construed as a violation committed first, for the purposes of applying the amended provisions of subparagraph 2 (a), (c), (e), and (g) of attached Table 7.

## **ADDENDA** <Presidential Decree No. 27616, Nov. 29, 2016>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on December 2, 2016.

### **Articles 2 and 3 Omitted.**

**ADDENDA** <Presidential Decree No. 27621, Nov. 29, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on November 30, 2016.

**Articles 2 and 3 Omitted.**

**ADDENDA** <Presidential Decree No. 27734, Dec. 30, 2016>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2017.

**Article 2 (Transitional Measures concerning Medical Expense for Pregnancy or Delivery)**

Where treatment coupon is issued or in the process of issuance after an application for medical expense for pregnancy or delivery is filed with NHIS under Article 23 (4) or (6) before this Decree enters into force, the previous provisions shall apply notwithstanding Article 23 (2) 2.

**Article 3 (Applicability to Co-Payment Rate of Health Care Benefits)**

The amended provisions of the table under subparagraph 1 (b) of attached Table 2, subparagraph 6 in the remarks column of the table under the same subparagraph 1 (b), subparagraph 3 (b) (iv) of the same table, table (d) (ii) of the same subparagraph, paragraph 2 or 5 of the remarks column of the table of the same (ii) shall apply, starting from the health care benefits provided after this Decree enters into force.

**ADDENDA** <Presidential Decree No. 27853, Feb. 7, 2017>

**Article 1 (Enforcement Date)**

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

## **Article 2 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of subparagraph 1 (b) of attached Table 2 shall begin to apply to the health care benefits that comes into effect on and after January 1, 2017.

## **ADDENDA** <Presidential Decree No. 27943, Mar. 20, 2017>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on March 23, 2017: *Provided*, That the amended provisions of Article 46-4 (1) shall enter into force on the date of its promulgation.

### **Article 2 (Applicability to Computation, Adjustment of Points of Relative Values)**

The amended provisions of Article 21 (2) shall also apply to the health care benefits, for which the procedures for computing or adjusting the points of relative values are underway as at the time this Decree enters into force.

### **Article 3 (Transitional Measures concerning Designation of Selective Benefits and Assessment of Appropriateness)**

- (1) Health care benefits publicly notified by the Minister of Health and Welfare pursuant to the former provisions of subparagraph 4 of attached Table 2, shall be deemed selective benefits designated pursuant to Article 41-4 (1) of the Act.
- (2) Where the period for an assessment of appropriateness referred to in the amended provisions of Article 18-4 (2) 1 is applied to the health care benefits deemed selective benefits pursuant to paragraph (1), the date health care benefits have been provided pursuant to the former provisions of subparagraph 4 of attached Table 2, shall be deemed the date selective benefits have been provided.

## **ADDENDA** <Presidential Decree No. 27959, Mar. 27, 2017>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on March 28, 2017.

### **Articles 2 through 4 Omitted.**

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

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

**ADDENDA** <Presidential Decree No. 28107, Jun. 13, 2017>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2017.

**Article 2 (Applicability to Co-Payment of Costs of Health Care Benefits)**

The amended provisions of subparagraph 3 (a) 4) of attached Table 2 shall apply, beginning with the health care benefits that come into effect after this Decree enters into force.

**ADDENDA** <Presidential Decree No. 28206, Jul. 24, 2017>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on August 4, 2017. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 8 Omitted.**



## **ADDENDA** <Presidential Decree No. 28222, Aug. 1, 2017>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Transitional Measures concerning Computation of Monthly Insurance Contributions of the Self-Employed Insured)**

In cases of computing monthly insurance contributions for August 2017 of the self-employed insured, the previous provisions shall apply, notwithstanding the amended provisions of the former part of the table of subparagraph 1 (d) of attached Table 4.

## **ADDENDA** <Presidential Decree No. 28317, Sep. 19, 2017>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Applicability to Payment of Medical Expenses for Pregnancy and Delivery)**

The amended provisions of paragraph (1), the main sentence of paragraph (2), with the exception of its subparagraphs, and paragraph (7) of Article 23 shall apply, beginning with the insured who is delivered of a baby after this Decree enters into force or her dependents.

## **ADDENDA** <Presidential Decree No. 28348, Sep. 29, 2017>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on October 1, 2017: *Provided*, That the amended provisions of subparagraph 3 (d) 3) and 4) and (f) of attached Table 2 shall enter into force on November 1, 2017.

### **Article 2 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

(1) The amended provisions of subparagraph 3 (b) 1), (d) 2), (i) and (j) of attached Table 2 shall apply, beginning with the health care benefits that come into effect on and after October 1, 2017.

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(2) The amended provisions of subparagraph 3 (d) 3) and 4) and (f) of attached Table 2 shall apply, beginning with the health care benefits that come into effect on and after November 11, 2017.

### **ADDENDA** <Presidential Decree No. 28551, Dec. 29, 2017>

#### **Article 1 (Enforcement Date)**

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

#### **Article 2 (Transitional Measures concerning Applicable Period for Voluntarily Continuous Insured Persons)**

The amended provisions of Article 77 shall also apply to a voluntarily continuous insured person who retains the eligibility of the employee insured pursuant to Article 110 (2) of the Act as at the time this Decree enters into force.

### **ADDENDA** <Presidential Decree No. 28602, Jan. 23, 2018>

#### **Article 1 (Enforcement Date)**

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

#### **Articles 2 (Applicability to Co-Payment Rate for Costs of Medical Care Benefits)**

The amended provisions of subparagraph 3 (l) of attached Table 2 shall also apply to the medical care benefits, which was either implemented before this Decree enters into force or are under implementation as at the time this Decree enters into force, according to the notification of the result of the general health checkup of the year 2018.

### **ADDENDA** <Presidential Decree No. 28693, Mar. 6, 2018>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2018.

## Articles 2 (Special Cases concerning Adjustment of Insurance Contributions)

- (1) The "self-employed insured determined by Presidential Decree" in subparagraph 1 of Article 4 of the Addenda to the National Health Insurance Act (Act No. 14776) means the persons whose the amount of income is not more than five million won per year, which was calculated pursuant to the former provisions each month when an insurance contribution was imposed, including the month to which the previous day of the enforcement date of this Decree belongs and whose property grade under the amended provisions of subparagraph 3 of attached Table 4 is 34 or below.
- (2) When reducing an insurance contribution pursuant to Article 4 of the Addenda to the National Health Insurance Act (Act No. 14776), the amount referred to in any of the following subparagraphs shall be reduced from such insurance contribution: *Provided*, That where it is impossible to reduce it pursuant to paragraph 1 or 2, due to any change in household composition, such amount shall be reduced, as determined and publicly announced by the Minister of Health and Welfare:
  1. The self-employed insured under subparagraph 1 of Article 4 of the Addenda to the National Health Insurance Act (Act No. 14776): The amount increased after comparing an insurance contribution calculated pursuant to the former provisions with an insurance contribution calculated pursuant to the amended provisions;
  2. The self-employed insured under subparagraph 2 of Article 4 of the Addenda to the National Health Insurance Act, (Act No. 14776): The amount equivalent to 30/100 of an insurance contribution calculated pursuant to the amended provisions.
- (3) Pursuant to Article 4 of the Addenda to the National Health Insurance Act (Act No. 14776), the insurance contributions shall be reduced by the amount under paragraph (2) until an insurance contribution of June 2022 is imposed: *Provided*, That in cases falling under any of the following subparagraphs, the insurance contributions shall be reduced until an insurance contribution is imposed in the month to which the date specified in each of the following subparagraphs belongs (referring to the previous month where such date is the first day of any month): <Amended by Presidential Decree No. 30013, Jul. 30, 2019>
  1. Where there has occurred any eligibility conversion (excluding cases where such conversion has occurred on grounds of Article 3 (1) 2 of the Medical Care Assistance Act) of the self-employed insured to whom the amount reduction has been applied pursuant to subparagraphs 1 and 2 of Article 4 of the Addenda to the National Health Insurance Act (Act No. 14776): The date when the eligibility conversion has occurred;

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2. Where since there has increased the income or property of the self-employed insured to whom the amount reduction has been applied pursuant to subparagraph 1 of Article 4 of the Addenda to the National Health Insurance Act (Act No. 14776), he/she comes to fail to meet the requirements under paragraph (1): The date when he/she comes to fail to meet such requirements;
3. Where, since there has increased the income or property of the self-employed insured to whom the amount reduction has been applied pursuant to subparagraph 2 of Article 4 of the Addenda to the National Health Insurance Act (Act No. 14776), he/she comes to fail to meet the requirements for the eligibility as the dependent even under the former provisions: The date when the NHIS confirms he/she fails to meet such requirements.

### **ADDENDUM** <Presidential Decree No. 28710, Mar. 20, 2018>

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

### **ADDENDA** <Presidential Decree No. 28861, May 1, 2018>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2018.

#### **Article 2 (Applicability to Amounts of Support by Usage of Penalty Surcharges)**

The amended provisions of Article 71 (1) shall apply, beginning with support by usage of penalty surcharges of 2019.

### **ADDENDA** <Presidential Decree No. 29002, Jun. 26, 2018>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2018.

### **Article 2 (Applicability to Re-Application of Eligibility of Voluntarily Continuous Insured Persons)**

The amended provisions of Article 77 shall also apply to a person for whom 36 months have not elapsed, counting from the day following the date employment relationship comes to an end pursuant to Article 77 (1) as of July 1, 2018.

### **Articles 3 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of attached Table 2 shall apply, beginning with health care benefits provided after July 1, 2018.

## **ADDENDA** <Presidential Decree No. 29163, Sep. 18, 2018>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on September 21, 2018.

### **Articles 2 and 3 Omitted.**

## **ADDENDA** <Presidential Decree No. 29196, Sep. 28, 2018>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on September 28, 2018: *Provided*, That the amended provisions of attached Table 5 shall enter into force on November 1, 2018.

### **Article 2 (Transitional Measures concerning Changing Criteria for Disposition of Business Suspension and Imposition of Penalty Surcharges)**

(1) Notwithstanding the amended provisions of attached Table 5, the previous provisions shall apply to a disposition of business suspension or the imposition of penalty surcharges for violations committed during an investigation period that ends before November 1, 2018.

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- (2) The amended provisions of attached Table 5 shall apply to a disposition of business suspension or the imposition of penalty surcharges for violations committed during an investigation period that commences before and ends after November 1, 2018: *Provided*, That the previous provisions shall apply where the application of the same amended provisions is more disadvantageous to health care institutions than the application of the previous provisions, during an investigation period until October 31, 2018.
- (3) Notwithstanding Article 2 (1) and the proviso of Article 2 (2) of the Addenda, the amended provisions of subparagraph 4 of attached Table 5 shall also apply to reduction and exemption regarding violations committed during an investigation period until October 31, 2018.

### **ADDENDA** <Presidential Decree No. 29383, Dec. 18, 2018>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on December 20, 2018.

#### **Article 2 Omitted.**

### **ADDENDA** <Presidential Decree No. 29409, Dec. 24, 2018>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2019: *Provided*, That the amended provisions of attached Tables 4-3 and 7 shall enter into force on the date of its promulgation.

#### **Article 2 (Applicability to Medical Expenses for Pregnancy and Delivery)**

The amended provisions of Article 23 shall apply, beginning with an application for issuing medical expenses for pregnancy and delivery filed with the NHIS after this Decree enters into force.

### **Articles 3 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of subparagraphs 1 and 3 of attached Table 2 shall apply, beginning with health care benefits provided after this Decree enters into force.

## **ADDENDA** <Presidential Decree No. 29545, Feb. 12, 2019>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Applicability to Co-Payment Ceiling)**

The amended provisions of attached Table 3 shall apply, beginning with health care benefits provided after January 1, 2019.

## **ADDENDA** <Presidential Decree No. 29675, Apr. 2, 2019>

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Applicability to Co-Payment Rate for Costs of Health Care Benefits of Chuna Manual Therapy)**

The amended provisions of Article 19 (3) and subparagraph 3 (d) (ix) and (x) and subparagraph 3 (o) of attached Table 2 shall apply, beginning with health care benefits provided after April 8, 2019.

## **ADDENDA** <Presidential Decree No. 29830, Jun. 11, 2019>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on June 12, 2019: *Provided*, That the following amended provisions shall enter into force on the dates specified as follows:

1. The amended provisions of Articles 18-2, 19 (5), 76-2 (2) 1 (a) and 76-3, subparagraph 1 (aj) of attached Table 4-3, and attached Table 7: Date of promulgation;

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2. The amended provisions of Article 19 (3) 1 and subparagraphs 1 and 3 of attached Table 2: July 1, 2019;
3. The amended provisions of Article 26-2 (1) and subparagraph 1 (q) and (y) of attached Table 4-3: October 24, 2019;
4. The amended provisions of subparagraph 5 of attached Table 2: January 1, 2020.

### **Article 2 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of Article 19 (3) 1 and subparagraphs 1 and 3 of attached Table 2 shall apply, beginning with health care benefits provided after the enforcement date under subparagraph 2 of Article 1 of the Addenda.

### **Article 3 (Transitional Measures concerning Co-Payment Rate for Costs of Health Care Benefits)**

Notwithstanding the amended provisions of subparagraph 5 of attached Table 2, the previous provisions shall apply to health care benefits of the insured or his/her dependent who is hospitalized as at the time of the enforcement date under subparagraph 4 of Article 1 of the Addenda.

## **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. 29985, Jul. 16, 2019>

This Decree shall enter into force on July 16, 2019.

## **ADDENDA** <Presidential Decree No. 30013, Jul. 30, 2019>

### **Article 1 (Enforcement Date)**

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



## **Article 2 (Applicability to Adjustment of Insurance Contributions)**

The amended provisions of Article 2 (3) 1 of the Addenda to the Enforcement Decree of the National Health Insurance Act, Presidential Decree No. 28693, shall apply, beginning with insurance contributions for August, 2019 of those who became eligible recipients of medical benefits on grounds of Article 3 (1) 2 of the Medical Care Assistance Act and then became the self-employed insured again before this Decree enters into force.

## **ADDENDA** <Presidential Decree No. 30143, Oct. 22, 2019>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on October 24, 2019: *Provided*, That the amended provisions of Article 19 (3) 1 and subparagraphs 1 (a) (i) and 3 of attached Table 2 shall enter into force on November 1, 2019, and the amended provisions of subparagraphs 2 and 3 (d) and (n) of attached Table 2, with the exception of its items, shall enter into force on January 1, 2020.

### **Article 2 (Applicability to Co-Payment Rate for Costs of Health Care Benefits)**

The amended provisions of Article 19 (3) 1 and subparagraphs 1 (a) (i) and 3 of attached Table 2, with the exception of its items, shall apply to health care benefits provided on or after November 1, 2019.

### **Article 3 (Applicability to Calculation of Co-Payments)**

The amended provisions of subparagraph 2 of attached Table 2 shall apply, beginning with cases where co-payments are calculated for health care benefits provided for patients who are hospitalized on or after the enforcement date pursuant to the proviso to Article 1 of the Addenda.

## **ADDENDUM** <Presidential Decree No. 30287, Dec. 31, 2019>

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