

THE REGULATIONS OF THE MINISTER OF HEALTH
THE REPUBLIC OF INDONESIA NUMBER 67 YEAR 2013
ON
MANAGING FOREIGN HEALTH WORKERS

Multiplied by:

THE MINISTRY OF HEALTH THE REPUBLIC OF INDONESIA
THE BOARD FOR DEVELOPMENT AND EMPOWERMENT OF HUMAN
RESOURCES FOR HEALTH

THE CENTER FOR PLANNING AND MANAGEMENT OF HUMAN
RESOURCES FOR HEALTH
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BY THE GRACE OF GOD THE ALMIGHTY
THE MINISTER OF HEALTH THE REPUBLIC OF INDONESIA

- Having considered:
- a. that in accordance with health implementation in order to give protection and improve the society's health level to the highest possible, the improvement of health workers quality and health service facilities is needed;
 - b. that the Regulations of the Minister of Health Number 317/Menkes/Per/III/2010 on Managing Foreign Health Workers in Indonesia is no longer in line with the development of knowledge and technology in the medical field as well as the legal needs and development;
 - c. that based on the above considerations as meant in letter "a" and letter "b", it is necessary to determine the Regulations of the Minister of Health on Managing Foreign Health Workers;

In view of :

1. Law Number 13 Year 2013 on the Manpower (State Gazette the Republic of Indonesia Year 2013 Number 39, the Supplement to the State Gazette the Republic of Indonesia Number 4279)
2. Law Number 20 Year 2003 on the National Education System (State Gazette the Republic of Indonesia Year 2003 Number 78, Supplement to the State Gazette the Republic of Indonesia Number 4301);
3. Law Number 29 Year 2004 on the Health Practices (State Gazette the Republic of Indonesia Year 2004 Number 116, Supplement to the State Gazette the Republic of Indonesia Number 4431);
4. Law Number 32 Year 2004 on the Regional Government (State Gazette the Republic of Indonesia Year 2004 Number 125, Supplement to the State Gazette the Republic of Indonesia Number 4437) as amended the last time by Law Number 12 Year 2008 (State Gazette the Republic of Indonesia Year 2008 Number 59, Supplement to the State Gazette the Republic of Indonesia Number 4844);
5. Law Number 36 Year 2009 on Health (State Gazette the Republic of Indonesia Year 2009 Number 153, Supplement to the State Gazette the Republic of Indonesia Number 5063);

6. Law Number 44 Year 2009 on Hospitals (State Gazette the Republic of Indonesia Year 2009 Number 153, Supplement to the State Gazette the Republic of Indonesia Number 5072);
7. Law Number 6 Year 2011 on Immigration (State Gazette the Republic of Indonesia Year 2011 Number 52, Supplement to the State Gazette the Republic of Indonesia Number 5216);
8. Government Regulations Number 32 Year 1994 on Visa, Immigration Permit (State Gazette the Republic of Indonesia Year 1994 Number 55, Supplement to the State Gazette the Republic of Indonesia Number 3563) as already amended by Government Regulations Number 38 Year 2005 (State Gazette the Republic of Indonesia Year 2005 Number 95, Supplement to the State Gazette the Republic of Indonesia Number 4541);
9. Government Regulations Number 32 Year 1996 on Health Workers (State Gazette the Republic of Indonesia Year 1996 Number 49, Supplement to the State Gazette the Republic of Indonesia Number 3637);
10. Government Regulations Number 41 Year 2006 on the Permit to Conduct Research and Development Activities for Foreign Universities, Foreign Research and Development Institutions, Foreign Business Enterprises, and Foreigners (State Gazette the

Republic of Indonesia Year 2006 Number 104, Supplement to the State Gazette the Republic of Indonesia Number 4666);

11. Government Regulations Number 51 Year 2009 on Pharmaceutical Work (State Gazette the Republic of Indonesia Year 2009 Number 124, Supplement to the State Gazette the Republic of Indonesia Number 5044);

12. Government Regulations Number 31 Year 2013 on Implementation Guidelines of Law Number 6 Year 2011 on Immigration (State Gazette the Republic of Indonesia Year 2013 Number 68, Supplement to the State Gazette the Republic of Indonesia Number 5409);

13. Presidential Decree Number 75 Year 1995 on the Use of Visiting Foreign Manpower;

14. Decree of Minister of Manpower and Transmigration the Republic of Indonesia Number KEP-249/MEN/82 on the Implementation of Limiting the Use of Visiting Foreign Manpower in the Health Sector, the Health Service Sub-Sector;

15. Decree of Minister of Manpower and Transmigration Number Kep-173/MEN/2000 on the Permit Period of Hiring Visiting Foreign Manpower;

- 16.Regulations of Minister of Manpower and Transmigration Number PER.02/MEN/III/2008 on the Procedures for the Use of Foreign Manpower;
- 17.Regulations of Minister of Domestic Affairs Number 49 Year 2010 on the Technical Guidelines of Monitoring Foreigners and Foreign Society's Organizations in the Regions;
- 18.Regulations of Minister of Domestic Affairs Number 50 Year 2010 on the Technical Guidelines of Monitoring Foreign Manpower in the Regions;
- 19.Regulations of Minister of Health Number 1144/Menkes/Per/VIII/ 2010 on the Organizations and Procedures for the Ministry of Health (State Gazette the Republic of Indonesia Year 2010 Number 585) as already amended by the Regulations of the Minister of Health Number 35 Year 2013 Amendment on Regulations of Minister of Health Number 114/ Menkes/Per/VIII/2010 on the Organizations and Procedures for the Ministry of Health (State Gazette the Republic of Indonesia Year 2013 Number 741);
- 20.Regulations of Minister of Health Number 889/Menkes/Per/V/2011 on the Registration, the Permit to Practice, and the Permit of Pharmaceutical Manpower (State Gazette the Republic of Indonesia Year 2011 Number 322);

21.Regulations of Minister of Health Number 1796/Menkes/Per/VIII/ 2011 on the Health Workers Registration (State Gazette the Republic of Indonesia Year 2011 Number 603);

22.Regulations of Minister of Health Number 2052/Menkes/Per/X/2011 on the Permit to Practice, and the Implementation of Medical Practice (State Gazette the Republic of Indonesia Year 2011 Number 671);

HAS DECIDED:

To stipulate: THE REGULATIONS OF MINISTER OF HEALTH
ONMANAGING
FOREIGN HEALTH WORKERS

CHAPTER I GENERAL PROVISIONS

Article 1

In these Regulations of the Minister, the following shall mean:

1. Health Worker is everybody who will devote himself in the medical field and has knowledge and/or skills through education in the medical field of a certain type which needs authority to conduct medical treatment.
2. Foreign Health Workers, which are then referred to as TKWNA are foreign citizens who have knowledge and/or skills through education in the medical field which is acknowledged by the Government.
3. TKWNA users, which are then referred to as the Users are institutions, agencies or organizations which are of legal entities and have had permit to

utilize the TKWNA in order to conduct medical treatment by paying salary or other forms of compensation.

4. The organizers of transfer of knowledge and technology by the TKWNA, which are then referred to as the Organizers, are educational institutions, educational hospitals or professional organizations which conduct the activities of transfer of knowledge and technology in medical fields.
5. The associate health Workers, which are then referred to as the Associates, are Indonesian health Workers who receive the transfer of technology from the TKWNA and have the minimum competence which is equal to that of the TKWNA and is responsible for the process of transfer of technology.
6. The plan of using foreign manpower, which is then abbreviated as RPTKA, is the plan of hiring the TKWNA in certain positions which are made by the Users for a certain time period.
7. Permit to hire foreign manpower, which is then abbreviated as IMTA, is a written permit issued by the Minister conducting governmental affairs in the field of manpower or an officer appointed to the user of foreign manpower.
8. Temporary Registration Form, which is then abbreviated as Temporary STR, is a written proof issued by KKI to foreign doctors/dentists or issued by MTKI to other foreign health workers who conduct basically temporary activities in relation to health education, training, research, and services in the medical fields in Indonesia.
9. Special Pharmacist Registration Form, which is then abbreviated as Special STRA, is a written proof issued by KFN to foreign Pharmacists of overseas graduates who will conduct pharmaceutical work in Indonesia.
10. Conditional Registration Form, which is then abbreviated as Conditional STR, is a written proof issued by KKI to the participants of foreign specialization doctoral/dental education or issued by MTKI to the other Health Workers, the holders of D3 or something equal for the foreigners who join formal education and training in Indonesia.

11. Permit to Practice, which is then abbreviated as SIP, is a written proof issued by the local government or the municipal health affairs to the health Workers who will conduct health Service practice after fulfilling the requirements.
12. Work Permit, which is then abbreviated as SIK, is a written proof issued by the local government/ the local municipal health affairs to the Health Workers who will conduct their medical professions in the health servicefacilities after fulfilling the requirements.
13. Health Service is any effort conducted separately or together in an organization in order to maintain and improve health, avoid and heal diseases as well as recover the health of individuals, families, groups and or society.
14. Health Education and Training is an activity conducted by the TKWNA in giving or joining education and training in the medical field through intervention to human beings.
15. Technology transfer and skills transfer are interaction processes of the TKWNA's knowledge, skills and professional attitude to the associates.
16. Health research is an activity conducted in accordance with systematic scientific rules and methods in order to get information, data, and notes related to understanding and identifying the correctness or incorrectness of an assumption and/or hypothesis in the medical field through an intervention to human beings.
17. Coordination Team of the TKWNA utilization Permit, which is then abbreviated as Coordination Team, is a Team which job is to assess the requirements fulfilling of the TKWNA utilization.
18. Competence Evaluation is a process of assessing and adjusting the competence of foreign health Workers of overseas graduates in order to meet the correct competence needs to conduct the TKWNA utilization activities in the Indonesianregion.
19. Competence is the ability of a person which can be observed in terms of his knowledge, skills and attitude in completing a job or an assignment with the predetermined performance standards.

20. Adaptation is a teaching and learning activity for the TKWNA of overseas graduates in terms of adapting their knowledge, skills and attitude as well as professional behavior in accordance with the standard competence of each science which is legalized by the Indonesian Medical Council for doctors and dentists or by the National Pharmaceutical Committee for pharmacists or by the Indonesian Health Workers Assembly for other Health Workers.
21. The Indonesian Medical Council, which is then abbreviated as KKI, is an autonomous, self-supporting, non-structural and independent body which has the functions of arranging, legitimizing, determining and developing doctors and dentists who run health practices in relation to improving health service quality.
22. The Indonesian Health Workers Assembly, which is then abbreviated as MTKI, is an agency for and on behalf of the Minister, which function is to guarantee the quality of health workers in giving health services. It consists of the elements from the ministry and the medical profession organizations.
23. The National Pharmaceutical Committee, which is then abbreviated as KFN, is an agency established by the Minister of Health with the function of improving the quality of pharmacists and pharmaceutical technical officers in conducting pharmaceutical jobs in the pharmaceutical facilities.
24. The Head of Human Resources for Health Development and Empowerment Agency, which is then abbreviated as the Head of Agency, is the Head at the Ministry of Health which job and responsibility are developing and empowering human resources for health.
25. The Minister is the Minister who holds governmental affairs in the medical field.

CHAPTER II
TKWNA UTILIZATION

Part One

General

Article 2

- (1) The TKWNA utilization can be conducted as long as there is a bilateral relationship between the Republic of Indonesia and the TKWNA's country of origin.
- (2) The TKWNA utilization as meant by point (1) can only be conducted through the Users or the Organizers.
- (3) The TKWNA Users or Organizers shall reveal their TKWNA utilization activities to do.
- (4) The activities of utilizing TKWNA as meant by point (3) shall cover:
 - a. health services;
 - b. health education and training;
 - c. social services of medical field; and
 - d. health research.
- (5) In case that the TKWNA utilization is conducted in the field of traditional and/or complementary alternative medical fields, then it shall be determined separately by the Minister.

Article 3

- (1) The types of TKWNA to be utilized consist of doctors, dentists, and other health Workers.
- (2) Other health workers as meant by point (1) are determined by the Minister.

Second Part
Health Services
Paragraph 1
General
Article 4

- (1) The TKWNA utilization in health service activities is to give direct or indirect health services to the patients/clients at the User's health service facilities.
- (2) The TKWNA utilization in health service activities as meant by point (1) shall be conducted by using an Associate.
- (3) The Associate as meant by point (2) shall be able to absorb and make use of knowledge and technology mastered/owned by the TKWNA.
- (4) The use of knowledge and technology by the Associate as meant by point (3) is conducted by giving additional qualifications.
- (5) The additional qualifications as meant by point (4) shall obtain prior verification and approval from the same collegial of the science and/or specialization.
- (6) In case the same collegial as meant by point (5) does not exist in Indonesia, the approval can be obtained from some most relevant trustees.

Article 5

The TKWNA utilization in the health service activities can only be conducted if the competence owned by the TKWNA is not held by Indonesian health workers and/or is owned just by a few Indonesian health workers.

Paragraph 2
The TKWNA Qualifications and Requirements

Article 6

The TKWNA to be utilized in the health service activities shall have the qualifications of:

- a. health workers: of minimum specialists in medicine or in dentistry;
or
- b. otherhealth workers: of minimum Bachelor or something equal.

Article 7

- (1) Besides fulfilling the qualifications as meant by Article 6, the TKWNA to be utilized in the health service activities shall also fulfill the requirements of manpower and the technical requirements in medical field.
- (2) The manpower requirements as meant by point (1) are carried out in accordance with the provisions in the legislative regulations.
- (3) The technical requirements in medical fields as meant by point (1) shall cover:
 - a. Competence certificate;
 - b. Special STRA/Temporary STR; and
 - c. SIP/SIK.

Article 8

- (1) The competence certificate as meant by Article 7 Point (3) letter “a” is obtained by the TKWNA after passing the competence evaluation.
- (2) The competence evaluation as meant by point (1) is conducted by KKI for the doctors/ dentists, by KFN for the pharmacists, and by MTKI for other health workers.
- (3) The competence certificate is used as one of the requirements to get Special STRA for pharmacists and Temporary STR for doctors/dentists and other kinds forhealth workers.

- (4) The Special STRA and Temporary STR as meant by point (3) are given in accordance with provisions in the legislative regulations.
- (5) The Special STRA and Temporary STR are effective for 1 (one) year and can be extended for another 1 (one) year.
- (6) In order to obtain the SIP/SIK as meant by Article 7 point (3) letter “c”, the TKWNA shall address a request to the local government or the municipal health affairs where the TKWNA will work, in accordance with the legislative regulations.

Paragraph 3

The Users

Article 9

- (1) The users in the health Service activities consist of:
 - a. Accredited hospitals of class A and class B; and
 - b. Certain health service facilities determined by the Minister.

- (2) In order to utilize the TKWNA, the Users as meant by point (1) which make a request and fulfill the requirements, shall obtain:
 - a. Certificate of legal entity;
 - b. Accreditation certificate for hospitals;
 - c. Permanent operational permit of hospital with minimum 2 (two) years operations for certain health service facilities;
 - d. Certification of domicile;
 - e. Organization chart;
 - f. Valid certification of manpower to report; and
 - g. Certification of fulfilling environmental health in accordance with the legislative regulations.

Article 10

- (1) The users in health service activities shall obtain the legalization of RPTKA and IMTA in accordance with the legislative regulations.
- (2) In order to obtain the legalization of RPTKA and IMTA as meant by point (1), the users shall make a request for recommendation to the Minister through the Head of Agency as well as fulfill the users' requirements as meant by Article 9 point (2).
- (3) The making of request for recommendation as meant by point (2) is conducted after the Users fulfill the general requirements and the additional requirements.
- (4) The general requirements as meant by point (3) shall include:
 - a. Curriculum vitae consisting of personal data, educational background and work experience, as well as list of publication of scientific work/ research and/or medical treatment conducted.
 - b. Copies of certificates already legalized by the issuers of health workers' educational institutions in their countries of origin;
 - c. Copies of competence certificates or other additional certificates of qualifications already legalized by the professional organizations and institutions or legal entities already acknowledged by the government in their countries of origin;
 - d. Registration Form as health workers, which is still valid, from their countries of origin;
 - e. Certification of work experience within the last 5 (five) years consecutively in accordance with the competence in the professional fields;
 - f. Certification of being registered as a professional member and being active in conducting health practices for doctors/ dentists, or carrying out activities in the medical fields for other health workers as well as joining continuous professional education/ training (CPD);

- g. Letter of good standing from the professional organization of the country of origin; (or the country of the last job)
 - h. Certification of being in good health, physically and mentally, from the country of origin;
 - i. The making of Certification, which contains the purpose of empowering TKWNA;
 - j. The making of certification for willingness to obey the legislative regulations, the vow of medical professions, and the valid codes of conducts of the health professions in Indonesia;
 - k. The making of certification for willingness to transfer the knowledge and technology to the Associate;
 - l. The copy of passport of the TKWNA candidate;
 - m. The ability to speak Indonesian language well, proven by a certificate from the Center of Indonesian Language;
 - n. The certification to work in accordance with their expertise and competence details.
- (5) The general requirements as meant by point (4) letters “b”, “c”, “d”, “e”, “f”, “g”, and “h” which use the language other than English or Indonesian Language shall be translated into English by the institutions issuing such documents.
- (6) The additional requirement as meant by point (3) is in a form of certification of willingness from the User to bear the TKWNA’s cost of living, by showing proof of ability to bear the minimum cost of living for the period of 2 (two) years in Indonesia.
- (7) The sample of letter of request for recommendation to legalize RPTKA and IMTA as mentioned in the attached Form I shall be an inseparable part of these Regulations of the Minister.
- (8) The request for recommendation to legalize RPTKA and IMTA as meant by point (2) shall be proposed by mentioning the job description including the

additional qualifications to be transferred, with the sample as written in Form II which becomes an inseparable part of these Regulations of the Minister.

Article 11

- (1) The Minister, through the Head of Agency, assigns the Coordination Team to conduct assessment on fulfilling the recommendation requirements proposed by the Users.
- (2) The Coordination Team as meant by point (1) is determined by the Minister, and shall consist of:
 - a. Related technical units within the Ministry of Health;
 - b. KKI;
 - c. MTKI; and
 - d. KFN.
- (3) The Coordination Team as meant by point (1) and point (2) shall have issued a recommendation or letter of refusal at the latest 45 (forty five) work days after the complete acceptance of the request.
- (4) In case that the Coordination Team issues a letter of refusal, then it shall state clear reasons.

Article 12

- (1) IMTA which has been obtained by the User is the requirement of the TKWNA to join the competence evaluation held by KKI, MTKI, or KFN.
- (2) In order to be able to join the competence evaluation as meant by point (1), the TKWNA shall make a request for recommendation of competence evaluation to the Minister through the Head of Agency.
- (3) The request for recommendation of competence evaluation as meant by point (2) uses the sample as included in Form III, which is an inseparable part of these Regulations of the Minister.

Article 13

- (1) The Users shall prepare and appoint at least 2 (two) Associates and other resources which are in accordance with the health services to be given by the TKWNA.
- (2) The Associates as meant by point (1) shall obtain SIP/SIK at the Users' health service facilities and have the skills and/or specialization equal to that of the TKWNA.
- (3) The Associates as meant by point (1) and point (2) have the job to get the TKWNA's additional qualifications in relation to transfer of knowledge and technology as well as replacing the TKWNA in giving health services after the empowerment is completed.

Paragraph 4

Procedures for Extending TKWNA Utilization

Article 14

- (1) The TKWNA utilization in the service activities can be extended based on the needs and as long as the requirements are fulfilled.
- (2) The extension of the TKWNA utilization as meant by point (1) is conducted by extending the Temporary STR and the Special STRA.
- (3) The extension period of the TKWNA utilization is conducted by the Users by making a request for extension recommendation, at the latest 30 (thirty) days before the work period is over.
- (4) The request for extension recommendation as meant by point (3) shall be addressed to the Minister through the Head of Agency, by using the sample as included in Form IV, which is an inseparable part to these Regulations of the Minister.
- (5) In order to obtain the extension recommendation as meant by point (3), the Users shall attach the following documents:

- a. The letter to request for extending the work period of the TKWNA as service deliverers;
 - b. The valid Temporary STR;
 - c. The letter of recommendation from the professional organization stating that there is no breach over the services conducted;
 - d. The report on the TKWNA's work results as the service deliverers in the past 6 (six) months;
 - e. The TKWNA's work plan as the service deliverers within 1 (one) year to come; and
 - f. The extended IMTA.
- (6) The Minister through the Head of Agency assigns the Coordination Team to conduct assessment on the requirements fulfillment.
 - (7) The Coordination Team shall have issued the recommendation or the letter of refusal at the latest 21 (twenty one) work days after the complete acceptance of the request documents.
 - (8) In case that the Coordination Team issues a letter of refusal, then it shall state clear reasons.
 - (9) The extension recommendation is used to obtain the extension of the Temporary STR and the Special STRA.

Part Three

Health Education and Training

Paragraph 1

General

Article 15

- (1) The TKWNA utilization in the health education and training includes:
 - a. The TKWNA who give and join formal education; and
 - b. The TKWNA who give and join training.

- (2) The Users of formal education activity, as meant by point (1) letter “a” are educational institutions of health workers which have the permit and the accredited study programs.
- (3) The Organizers of training activity as meant by point (1) letter “b” include:
 - a. Institutions of health worker education;
 - b. Educational hospitals; and
 - c. Professional organizations which are acknowledged by the Government.
- (4) Other institutions/organizations may conduct the medical training through cooperation with the Organizers as meant by point (3).

Article 16

The TKWNA to be utilized for giving health education and training shall have the qualifications of:

- a. Health workers with minimum competence of doctors/dentists with specialization added with additional qualifications or something equal.
- b. Other health workers with minimum vocational/professional education of an academic degree of master or something equal.

Paragraph 2

Education

Article 17

- (1) The TKWNA who give formal education as meant by Article 15 point (1) letter “a” are educators in formal educational units of medical field.
- (2) The TKWNA joining the formal education as meant by Article 15 point (1) letter “a” are students in formal education units of medical field who contact the patients directly in order to obtain certificates and/or competence certificates.

Article 18

- (1) Besides fulfilling the qualifications as meant by Article 16, the TKWNA giving formal education with a direct contact to the patient, shall also fulfill the manpower requirements and the technical requirements in medical field.
- (2) The manpower requirements as meant by point (1) are conducted in accordance with the legislative regulations.
- (3) The technical requirements in medical field as meant by point (1) include:
 - a. Competence certificate; and
 - b. Special STRA/ Temporary STR.
- (4) Further provisions on the procedures for obtaining Competence Certificate and Special STRA/ Temporary STR follow the provisions as meant by Article 8.
- (5) In casethe TKWNA utilization in the formal educational unit is with no direct contact to the (non-clinical)patients,it shall be conducted in accordance with the provisions of the educational field's legislative regulations.

Article 19

- (1) The TKWNA who will join the formal education as meant by Article 15 point (1) letter "a" consist of:
 - a. Health workers, doctors/ dentists; and
 - b. Other health workers, of Diploma 3 or something equal.
- (2) The TKWNA who will join the formal education as meant by point (1) with a direct contact to the patient shall fulfill the manpower requirements and the technical requirements in medical field.
- (3) The technical requirements in medical field as meant by point (2) include:
 - a. Competence certificate;
 - b. Conditional STR; and
 - c. SIP/SIK
- (4) Further provisions on the procedures for obtaining Competence Certificate, Conditional STR, and SIP/SIK follow the provisions as meant by Article 8.

Article 20

- (1) The Users who will utilize the TKWNA in formal educational activities shall meet the legislative regulations.
- (2) In the case that the Users as meant by article (1) need legalization of RPTKA and IMTA, then the Users shall make a request for recommendation to the Minister through the Head of Agency.
- (3) The request for recommendation is conducted after fulfilling the users' requirements as meant by Article 9 point (2) except letter "b" and letter "c" for the Users which are educational institutions of health workers and professional organizationsacknowledged by the Government and completed with the general requirements as meant by Article 10 point (4) and the additional requirements.
- (4) The additional requirements as meant by point (3) include:
 - a. Documents to prove the competence and the additional qualifications from the collegial of the same knowledge or the supportingcollegial in Indonesia;
 - b. The list of scientific publication which is in accordance with the education and training field;
 - c. Certification from the Users in order to provide facilities, equipment and infrastructure in supporting the implementation of transfer of knowledge and technology; and
 - d. Permit from the Ministry conducting the educational affairs for the deliverers of education.
- (5) Other provisions on the procedures for obtaining the recommendation shall follow the provisions as meant by Article 10.

Paragraph 3

Training

Article 21

- (1) The TKWNA who give training as meant by Article 15 point (1) letter “b” are the teaching officers at the training in relation to the transfer of professional/ vocational knowledge and technology in medical field or other forms of further medical education, including the TKWNA who promote/ introduce medical materials and/or tools.
- (2) The TKWNA utilized to give professional/ vocational training as meant by point (1) shall obtain an approval letter from KKI/ MTKI/ KFN.
- (3) The TKWNA who will give training with direct contact to the patients, besides fulfilling the qualifications as meant by Article 16, shall also fulfill the manpower requirements and the technical requirements in medical field.
- (4) The manpower requirements as meant by point (3) are conducted in accordance with the legislative regulations.
- (5) The technical requirements in medical field as meant by point (3) include:
 - a. Competence certificate; and
 - b. Special STRA/ Temporary STR.
- (6) Further provisions on the procedures for obtaining Competence Certificate and Special STRA/ Temporary STR follow the provisions as meant by Article 8.

Article 22

- (1) The TKWNA joining the training as meant by Article 15 point (1) letter “b” are the training participants in medical field with direct contacts to the patients in order to obtain additional qualifications.
- (2) The TKWNA who will join the training as meant by point (1) consist of:
 - a. Health workers, doctors/ dentists; and
 - b. Other health workers, of D3 or something equal.

Article 23

- (1) The TKWNA who will join the training with a direct contact to the patient shall fulfill the manpower requirements and the technical requirements in medical field.
- (2) The technical requirements in medical field as meant by point (1) include:
 - a. Competence certificate from the country of origin, which isacknowledged by collegial;
 - b. Temporary STR/ Special STRA; and
 - c. SIP/SIK as the training participant
- (3) Further provisions on the procedures for obtaining Competence Certificate, Temporary STR, and SIP/SIK follow the provisions as meant by Article 8.

Article 24

- (1) The organizers of professional/ vocational training in medical field can only utilize the TKWNA within the time period of 60 (sixty) days.
- (2) The time period of empowerment as meant by point (1) cannot be extended.
- (3) The professional/ vocational training in medical field as meant by point (1) shall obtain an implementation permit.
- (4) In order to obtain the implementation permit as meant by point (3), the Users shall make a request for the implementation permit of training activity to the Minister through the Head of Agencyafter fulfilling the general requirements as meant by Article 10 point (4) and the additional requirements.
- (5) The additional requirements as meant by point (3) include:
 - a. The documents to prove cooperation with related professional organizations;
 - b. The certificate of TKWNA's additional qualifications from the country of origin.
 - c. The list of scientific publication which is in accordance with the science and training field;

- d. The certification from the Users in order to provide facilities, equipment and infrastructure in supporting the implementation of transfer of knowledge and technology.
- (6) Besides the requirements as meant by point (4) and point (5), the request for implementation permit shall also attach:
 - a. Deed of legal entity;
 - b. Activity proposal;
 - c. Job description to be conducted by the TKWNA; and
 - d. Name of institutions and other organizations as well as institutions/ agencies which areacknowledged by the Government.
- (7) The request for recommendation of implementation permit as meant by point (4) is proposed by using a sample as included in Form IV, which is an inseparable part of these Regulations of the Minister.

Part Four
Social Services of Medical Field

Article 25

- (1) The utilization of the TKWNA in social services of medical field can be direct health services to the patients/ clients.
- (2) The TKWNA to be utilized in social services of medical field shall have the qualifications of:
 - a. Health workers, doctors/dentists with specialization; and
 - b. Other health workers, of minimum Bachelor or something equal.
- (3) The TKWNA as meant by article (1) are exempted from the compulsory of being able to speak Indonesian language.

Article 26

The health services in social services of medical field which is conducted by the TKWNA shall be under the responsibility of the Indonesian health workers who have STR and SIP/SIK with the same specialization for health workers and with the same skills for other health workers.

Article 27

- (1) The Organizers who will utilize the TKWNA in social services of medical field consist of:
 - a. Hospitals with class C as the minimum;
 - b. Professional organizations in the medical field;
 - c. Educational institutions in the medical field; and
 - d. Central government institutions including TNI/ POLRI.
- (2) The organizers of social services as meant in point (1) letter “a”, letter “c”, and letter “d” shall conduct cooperation with the related professional organizations in medical field.

Article 28

- (1) The social services of medical field shall be conducted in the health service facilities or other medical facilities owned by the Government or the Local Government.
- (2) The implementation of social services as meant by point (1) shall obtain an approval letter of TKWNA from KKI/MTKI/KRN and an implementation permit.
- (3) In order to obtain the implementation permit as meant by point (2), the Organizers shall make a request for an implementation permit of social services to the Minister through the Head of Agency after fulfilling the general requirements as meant by Article 10 point (4) as well as the additional requirements.

- (4) The additional requirements as meant by point (4) include:
- a. An activity proposal containing clarity of purpose, objectives, types of cases to be handled and their procedures.
 - b. A letter of recommendation on social services activity from the head of health affairs of the local municipality;
 - c. Certification of willingness to be responsible for health service facilities in Indonesia over the implementation of TKWNA utilization after implementing the social services;
 - d. Certification of willingness as the person in charge of activities of the Indonesian health workers who have equal specialization for the health workers or have the same skills for other health workers with TKWNA;
 - e. A letter of recommendation from the local affairs of national and political unity to implement the social service activity;
 - f. Copies of health workers' STR and SIP/SIK as the persons in charge of health services;
 - g. The list of registered medicines and medical tools and the distribution permit in Indonesia which will be used;
 - h. Certification of willingness to finance the implementation of social services up to the post social services;
 - i. Certification of willingness to be responsible in legal terms for the whole implementation; and
 - j. Availability of the operation theater and the other medical treatment facilities in accordance with the standards when operative treatment is needed.
- (5) Besides fulfilling the requirements as meant by point (4) and point (5), the request for implementation permit of social service activity shall also attach:
- a. The deed of legal entity for the Organizers as meant by Article 27 point (1) letter "a", letter "b" and letter "c"; and
 - b. The job description to be conducted by the TKWNA.

- (6) The request for recommendation of implementation permit as meant by point (4) is proposed by using a sample as mentioned in Form V which is an inseparable part of these Regulations of the Minister.

Part Five
Health Research
Paragraph 1
General

Article 29

- (1) The TKWNA utilization in health research activity shall obtain:
 - a. clarity of purpose, objectives, research objects, and methodology used; and
 - b. research benefits which are conducted for health services in Indonesia.
- (2) The research objects as meant by point (1) letter “a” can be people and/or environment which can influence people’s health.

Article 30

- (1) The implementation of health research shall follow the legislative regulations in the field of research and technology.
- (2) In the case that the health research uses people as the research objects, besides following the provisions as meant by point (1), it also shall:
 - a. follow the legislative regulations on the research of medical field.
 - b. follow the legislative regulations on the Material Transfer Agreement.
 - c. have the research implementation permit for researchers.

- (3) The research implementation permit for researchers as meant by point (2) letter “c” is given by the Minister through the Head of Agency.

Article 31

The TKWNA utilized in the health research activity are prohibited to conduct a research by using a clinical trial method.

Paragraph 2

TKWNA Qualifications and Requirements

Article 32

- (1) The TKWNA utilized in the health research activity shall obtain the qualifications of doctors for all kinds of TKWNA who have experience as senior researchers with at least having 2 (two) researches published internationally.
- (2) The TKWNA as meant by point (1) who will conduct the research by having a direct contact with the patients shall fulfill the manpower requirements and the technical requirements in medical field.
- (3) The technical requirements in medical field as meant by point (2) include:
 - a. Competence certificate from the country of origin which is acknowledged by the collegial;
 - b. Temporary STR/ Special STRA; and
 - c. SIP/ SIK
- (4) Further provisions on the procedures for obtaining Competence Certificate, Temporary STR, and SIP/ SIK follow the provisions as meant by Article 8.

Paragraph 3

The Users

Article 33

- (1) The Users who will utilize the TKWNA in health research activities consist of:
 - a. Accredited educational institutions of health workers;
 - b. Educational hospitals;
 - c. Governmental/ private institutions/ agencies/ institutes of health research; and
 - d. International institutes of health research which are acknowledged by the Government.
- (2) The users of health research activities as meant by point (1) letter “d” shall cooperate with the accredited educational institutions of health workers, the educational hospitals, and the governmental/ private institutions/ agencies/ institutes of health research available in Indonesia as meant by point (1) letter “a”, letter “b”, and letter “c”.
- (3) The users of health research activities as meant by point (1) shall obtain the Legalization of RPTKA, IMTA, and the research implementation permit.
- (4) The research implementation permit as meant by point (3) is given by the ministry conducting governmental affairs in the field of research and technology after obtaining the recommendation from the Minister.
- (5) The recommendation from the Minister as meant by point (4) is proposed through the Head of Agency in accordance with the legislative regulations, by attaching:
 - a. The deed of legal entity;
 - b. The activity proposal; and
 - c. The job description to be conducted by the TKWNA.
- (6) Further provisions on the procedures of giving the recommendation of health research implementation permit shall follow the provisions of Article 11.

Article 34

- (1) In order to obtain the legalization of RPTKA and IMTA as meant by Article 33 point (3), the Users shall make a request for recommendation to the Minister through the Head of Agency.
- (2) The making of request for recommendation shall be conducted after fulfilling the users' requirements as meant by Article 9 point (2) except letter "b" and letter "c" for the Users which are accredited educational institutions of health workers, the governmental/ private institutions/agencies/institutes of health research, and the international health research institutes acknowledged by the Government, added with the general requirement completion as meant by Article 10 point (4) and the additional requirements.
- (3) The additional requirements as meant by point (2) include:
 - a. Certificate as the researcher/ certification as the researcher from the country of origin;
 - b. Document of terms of reference and plan of research activity to be conducted;
 - c. List of scientific publication in accordance with the research field; and
 - d. Letter of research approval from the Minister conducting governmental affairs in research, development and application of knowledge and technology.
- (4) Further provisions on procedures for obtaining the recommendation follow the provisions as meant by Article 10.

Paragraph 5

Procedures for Extending TKWNA Utilization

Article 35

- (1) The users who have utilized the TKWNA in the health research activity within 1 (one) year can extend the utilization for the next 1 (one) year at the most, by proposing the recommendation of extension and as long as the requirements are fulfilled.
- (2) The extension of the TKWNA utilization as meant by point (1) who have a direct contact with the patients shall conduct the extension of Temporary STR and Special STRA.
- (3) The extension of TKWNA utilization period as meant by point (1) and point (2) is conducted by proposing a request for extension recommendation, of 30 (thirty) days at the most, before the work period is over, by following the provisions as meant by Article 14.

CHAPTER III

THE RIGHTS, OBLIGATIONS, AND PROHIBITION

Part One

The Rights and Obligations of TKWNA Users

Article 36

The TKWNA Users/ Organizers have the rights of:

- a. utilizing the TKWNA in accordance with the job and functions written in the given permit; and
- b. terminating work relationship with the TKWNA which do not fulfill their jobs and functions.

Article 37

The Users of TKWNA have the obligations of:

- a. utilizing the TKWNA in accordance with the jobs and functions written in the given permit;
- b. making a report to the Minister through the Head of Agency with the carbon copies to the Heads of KKI/MTKI/KFN and the Heads of municipal/local health affairs;
- c. being responsible to the third party who is disadvantaged by the TKWNA; and
- d. fulfilling all of the related obligations with the manpower and immigration provisions.

Second Part

The TKWNA's Rights and Obligations

Article 38

The TKWNA utilized in Indonesia shall have the rights of:

- a. obtaining the rights related to manpower and immigration in accordance with the agreement or contract; and
- b. receiving legal protection in implementing medical field activities in accordance with the legislative regulations.

Article 39

(1) The TKWNA utilized in Indonesia have the obligations of:

- a. obeying and implementing the legislative regulations in Indonesia;
- b. implementing the activities in accordance with the jobs and functions written in the permit;

- c. obeying the standards of profession, the service standards, and the professional ethics; and
 - d. making the report of activity results to the Users with the carbon copies to the Minister through the Head of Agency, the heads of KKI/MTKI/KFN and the heads of municipal/ local health affairs.
- (2) The report as meant by point (1) letter “d” is conducted once in 2 months.
- (3) Except for social service activities of medical fields, the report as meant by point (1) letter “d” shall be made after the implementation of the activity.

Part Three

Prohibition

Article 40

- (1) The TKWNA utilized in Indonesia are prohibited:
- a. to conduct assignments and jobs which are not in accordance with the competence, position, health service facilities and work place or region already determined in IMTA and implementation permit;
 - b. to conduct individual practice; and
 - c. to hold a personnel position and certain positions in accordance with the legislative regulations.
- (2) The individual practice as meant by point (1) letter “b” is to give direct service to the patients/ clients beyond the facilities mentioned by the Users in the RPTKA.

CHAPTER IV

ASSIGNMENTS AND RESPONSIBILITIES

Article 41

The Government's assignments and responsibilities in utilizing the TKWNA include:

- a. giving the recommendation to obtain the legalization of RPTKA and IMTA for the Users;
- b. giving implementation permit of empowering the TKWNA in training activities, social services and researches in medical field;
- c. determining the quota of students, together with the ministry conducting governmental affairs in the educational field; and
- d. conducting guidance and control over the TKWNA utilization in the national and inter-provincial levels.

Article 42

The assignments and responsibilities of provincial government in utilizing the TKWNA include:

- a. conducting TKWNA utilization monitoring of provincial level;
- b. reporting the result of TKWNA utilization monitoring to the Minister with the carbon copies to KKI, MTKI and KFN;
- c. assessing the feasibility of the users' health service facilities.

Article 43

The assignments and responsibilities of municipal government in empowering the TKWNA include:

- a. conducting the TKWNA utilization monitoring in the municipal level;
- b. reporting the TKWNA utilization monitoring result of municipal level to the provincial government;
- c. giving a practicum permit or work permit for the TKWNA who will conduct health services in accordance with the legislative regulations; and
- d. assessing the feasibility of the Users' health service facilities.

CHAPTER V

GUIDANCE AND CONTROL

Article 44

- (1) The Minister, the provincial government, and the municipal government conduct guidance and control over the TKWNA utilization by inviting KKI, KFN, MTKI, and professional organizations, in accordance with their assignments and functions.
- (2) The guidance and the control as meant by point (1) are led to:
 - a. protecting the society over the actions conducted by the TKWNA (the patient's safety);
 - b. improving health service quality given by the TKWNA;
 - c. giving legal certainty for the society and the TKWNA; and

- d. monitoring and evaluating the activities in relation to the TKWNA utilization in order to conduct their functions in accordance with the legislative regulations.

Article 45

- (1) In relation to control implementation, the Minister, the Head of provincial health affairs, and the Head of municipal health affairs can determine administrative actions to the Users/ Organizers and/or the TKWNA who conduct violation against the provisions of the TKWNA utilization in accordance with these Regulations of the Minister.
- (2) The administrative actions to the Users as meant by point (1) can be:
 - a. oral warning;
 - b. written warning;
 - c. revocation of activity implementation permit;
 - d. revocation of RPTKA legalization and IMTA recommendation; or
 - e. revocation of health service facility permit.
- (3) The administrative actions to the TKWNA as meant by point (1) can be:
 - a. recommendation of STR revocation;
 - b. recommendation of approval permit revocation; and
 - c. revocation of SIP/SIK

CHAPTER VI

TRANSITIONAL PROVISIONS

Article 46

- (1) The Users who have conducted TKWNA utilization based on the Regulations of the Minister Number 317/MENKES/PER/X/2010 on Managing Foreign Health Workers in Indonesia, can still utilize the TKWNA until the expiry period of RPTKA and IMTA Legalization.

- (2) The extension of TKWNA utilization permit as meant by point (1) shall be conducted based on these Regulations of the Minister.

Article 47

- (1) At the time these Regulations come into effect, the Users/ Organizers and/or the TKWNA who are in the process of proposing RPTKA Legalization and/ new IMTA or extension of RPTKA Legalization and/IMTA based on the Regulations of the Minister Number 317/MENKES/PER/X/2010 on Managing Foreign Health Workers in Indonesia, are still to be processed based on these Regulations of the Minister of Health.
- (2) The Users/ Organizers who utilize the TKWNA shall have adjusted with these Regulations of the Minister by the latest 1 (one) year after being promulgated.

CHAPTER VII

CLOSING PROVISIONS

Article 48

At the time these Regulations of the Minister come into effect, the Regulations of the Minister of Health Number 317/MENKES/PER/X/2010 on Managing Foreign Health Workers in Indonesia shall be revoked and declared to be void.

Article 49

These Regulations of the Minister come into effect on the date of the issuance.

In order to make everybody aware, it is hereby ordered that these Regulations of the Minister shall be promulgated by placing them in the State Gazette the Republic of Indonesia.

Issued in Jakarta

On November 1, 2013

THE MINISTER OF HEALTH
THE REPUBLIC OF INDONESIA

NAFSIAH MBOI

Promulgated in Jakarta

On November 12, 2013

THE MINISTER OF JUSTICE AND HUMAN RIGHTS
THE REPUBLIC OF INDONESIA,

AMIR SYAMSUDIN

STATE GAZETTE NUMBER 1320, 2013