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## The Government Introduced New Health Care Obligations For Hospitals

On 2 February 2021, the government of Indonesia issued Government Regulation No. 47 of 2021 on the Administration of the Hospital Sector (“**GR 47/2021**”) imposing some new and amended provisions which apply to hospitals for providing health care services. In general, provisions under GR 47/2021 regulate similar provisions under Minister of Health Regulation No. 3 of 2020 on The Classification and Licensing of Hospitals (“**MOH Regulation 3/2020**”) but with new obligations to accommodate improvements in health sectors by the hospitals.

It is expected that by the issuance of GR 47/2021, investors are encouraged to invest in hospital businesses. We set out below some of the key provisions under GR 47/2021.

### A. CRITERIA OF GENERAL HOSPITALS AND SPECIALIZED HOSPITALS APPLIED UNDER GR 47/2021

GR 47/2021 describes two categories of hospitals: general hospitals and specialized hospitals. Their category is determined based on the following:

## 1. The Hospital's Ability to Provide Services

This criterion is met based on the availability of human resources, buildings, infrastructure and equipment. All general and specialized hospitals must provide health care services for all sectors and types of diseases. Compared to MOH Regulation 3/2020, GR 47/2021 introduces 1 (one) new additional mandatory service in general and specialized hospitals: **support services**. Therefore, general and the specialized hospitals must provide at least the following services:

- a. medical services and medical support;
- b. nursing and obstetrics services;
- c. pharmaceuticals services; and
- d. support services, the following services provided by medical and non-medical staff:

Medical Staff	Non-Medical Staff
Laboratory Services	Hospital Management
Medical Record Services	Information and Communications
Blood Services	Facilities, Infrastructure and Medical Equipment Maintenance
Nutrition Services	Laundry Services
Centered Sterilization Services	Funeral Arrangements
Other Support Services	Other Support Services

## 2. Health Care Facilities and Support Infrastructure

A Hospital's health care facilities and support infrastructure consist of (a) buildings and infrastructure, (b) beds for inpatients and (c) equipment.

While the total number of beds for each type of hospital remains same as under MOH Regulation 3/2020, GR 47/2021 introduces the following minimum number of beds for specialized hospitals providing dental care, eyecare, and ear, nose and throat care that are not provided under MOH Regulation 3/2020:

Type of Specialized Hospital	Dental Care		Eyecare & Ear, nose and throat care
	Beds for inpatients	Dental Units	Beds for inpatients
Class A	14	75	40
Class B	12	50	25
Class C	10	25	15

GR 47/2021 requires the percentage of beds for inpatients in general hospitals to be at least 60% while in specialized hospitals at least 40% of the beds must be available from the total number of beds provided.

### 3. Human Resources

The requirements for the mandatory human resources and specialized human resources remain same as under MOH Regulation 3/2020.

#### B. NEW OBLIGATIONS IMPOSED ON HOSPITALS

GR 47/2021 requires all hospitals to comply with the following obligations:

1. to provide accurate information about the services they provide to the public;
2. to provide safe, excellent, anti-discriminatory and effective services while prioritizing the interests of patients in their standard procedures;
3. to provide emergency services to patients according to their service capacity;
4. to be active in providing health care services in the event of natural disasters, according to their service capacity;
5. to provide facilities and infrastructure to poor communities;
6. to perform social functions by providing health care facilities to poor patients, emergency services without a down payment, and free ambulance services to victims of natural disasters and acts of god, and social charities for humanitarian purposes;
7. to maintain quality standards for hospitals' health care services;
8. to maintain medical records;
9. to provide proper public facilities and infrastructure, including among others, prayer rooms, parking spaces, waiting rooms, rooms for the disabled, nursery rooms for children and the elderly;
10. to implement referral system;
11. to refuse to comply with patients' wishes if they are contrary to professional standards, ethics or the prevailing laws and regulations;
12. to provide true, clear and accurate information about patients' rights and obligations;
13. to protect and respect the rights of patients;
14. to implement hospital ethics;
15. to acquire accident prevention and natural disaster prevention systems;
16. to implement government programs in the health care sector, both regionally and nationally;
17. to provide a list of medical practitioners providing medical and dental services as well as other health care staff;
18. to arrange and implement internal regulations in hospitals;
19. to protect and provide legal services for all hospitals staff while performing their duties; and
20. to implement a non-smoking policy in all hospital areas.

### **C. REQUIREMENT TO OBTAIN ACCREDITATION**

GR 47/2021 requires all hospitals to undertake regular accreditation at least every 3 (three) years. This accreditation must be undertaken within 2 (two) years of obtaining a hospital business license.

### **D. AMENDMENT TO CATEGORY OF HOSPITALS**

GR 47/2021 opens opportunity for hospitals to change their category provided that they have obtained operating business license for hospitals. The amendment can be applied under the following basis:

1. Proposals from owner or head of the hospitals (provided that the hospitals are accredited);  
or
2. Recommendation by the government based on supervision report.

The amendment to the category of hospitals will consequently be reflected in the amended operating business license.

Previously under MOH Regulation 3/2020, a hospital may apply for an amendment to its category of hospital **if** the following event occurs:

- a. increase of total beds and fulfill the minimum total beds for another category of hospitals;
- b. amendment to business entity;
- c. amendment to name of the hospital;
- d. amendment to capital ownership;
- e. type of hospital; and/or
- f. address of hospitals.

### **E. SANCTIONS**

For any violation of the above obligations the government will issue a written warning. A hospital must restore the standard or undertake the remedy required to comply with the recommendation from the government if found to have violated its obligations under GR 47/2021 within 1 (one) month. If the hospital fails to do so, the government will impose an administrative fine on it of up to Rp100,000,000 (one hundred million Rupiah).



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