

Client Alert

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Healthcare Seminar Shut Down in Jakarta

On 9 April 2016, officials from the Jakarta Health Agency and Indonesia's Health Ministry shut down a seminar organised by Singapore's Parkway Hospitals in Jakarta on the basis that Parkway was conducting illegal healthcare consultations with Indonesian patients. According to the Jakarta Health Agency, Parkway had invited patients to consult with Singaporean doctors at the event and failed to obtain the requisite permits from the Jakarta Health Agency and Health Ministry.

Parkway has denied any wrongdoing, and stated that the event was an invitation-only private networking lunch for Indonesian doctors. Parkway also added that there were no patient consultations taking place at the event nor were there any patients or members of the public present.

Ikatan Dokter Indonesia ("IDI") has historically taken issue with foreign doctors who are not registered in Indonesia participating in talks or seminars held in the country. Its position is that this amounts to practising in the country without a medical licence. According to the IDI, the activities of foreign doctors in Indonesia are subject to regulatory oversight by the authorities. For example, foreign doctors practising in Indonesia must be registered with the Health Ministry, speak Bahasa Indonesia, and have a recommendation from the doctors' association in their home country.

Based on prevailing regulation in Indonesia, all forms of utilisation of foreign medical workers ("FMW") in Indonesia are generally regulated under Minister of Health Regulation No. 67 of 2013 ("MOH No. 67/2013").

As a brief overview, MoH No. 67/2013 imposes several general requirements on the utilisation of FMW, such as:

(i) There must be a bilateral agreement between Indonesia and the FMW's country of origin.

(ii) The utilisation of the FMW can only be done by specific parties which are:

a. Indonesian legal entities (institutions, bodies or organisations) in the form of hospitals or health facilities holding a FMW utilisation permit ("User"); and

b. educational institutions, teaching hospitals or professional organisations which carry out transfer of medical knowledge and technology in Indonesia ("Organiser").

- (iii) The utilisation of the FMW must be in the form of:
 - a. medical treatment;
 - b. medical education and training;
 - c. healthcare social services; or
 - d. medical research.

Further, under MoH No. 67/2013, the requirements mentioned by IDI (i.e., registration with the Health Ministry, Bahasa Indonesia requirement, and recommendation from the foreign doctors' association) are basically the requirements that apply before a User may submit an application for a recommendation from the Ministry of Health, and the recommendation will then be required to obtain a work permit for the FMW.

In addition to the above, another element that needs to be considered for any FMW who is visiting Indonesia (even if the reason is proven to be credible, for example, that the event was for social networking) is that the FMW will still need to be wary of consistency between the activities stated in their Stay Permit (or Visa) and the actual activities that they are carrying out in Indonesia. Regulation No. 27 of 2014 issued by the Minister of Law and Human Rights provides that foreigners who enter Indonesia for purposes such as attending or providing seminars, or for business conversations (i.e., private networking), must be equipped with a Visit Visa (also known as a Business Visa). There are many cases where foreign workers attend business-related events with inappropriate visas (such as Arrival Visa), which often create problems with the immigration authorities.

In conclusion, FMW and foreign workers in general need to be very careful in holding jobs or attending profession-related events in Indonesia, especially when they do not have the relevant permit, and no prior communication is held with the local authorities or institutions. Even if the activity is only meant for networking purposes, authorities in Indonesia tend to be quite sensitive about foreign workers working without a permit.