

REGULATIONS

From the Ministry of Health: **REGULATION CONCERNING INTERNATIONAL HEALTH TOURISM AND TOURIST HEALTH**

SECTION ONE

Objective, Scope, Basis and Definitions

Objective

ARTICLE 1 - (1) The objective of this Regulation is to regulate the procedures and principles concerning: the establishment of the minimum service delivery standards for healthcare services provided on an international level within the scope of international health tourism and tourist health, the authorization of healthcare organizations and intermediaries that are going to conduct operations in international health tourism services, and the supervision of these operations.

Scope

ARTICLE 2 - (1) This Regulation covers persons who are not covered by Law No. 5510 on Social Securities and General Health Insurance dated 31/5/2006, or international bilateral reciprocity agreements, but have traveled to Turkey from abroad with the purpose of receiving healthcare, or face an emergent need for healthcare services while in Turkey as tourists; and public, university-affiliated and private healthcare institutions and organizations and intermediary organizations that provide healthcare services to these persons.

(2) The following are not covered under this regulation:

a) Foreign patients and casualties from such countries as determined by the Council of Ministers, by the order of the Prime Ministry or the relevant Ministry, who, in extraordinary circumstances such as war, disaster, famine and the like, receive healthcare services during their stay in Turkey, or are brought to Turkey from such countries by non government organizations for purposes of treatment, and their treatment expenses paid.

b) Patients brought to Turkey for purposes of treatment from the Balkans and Turkic Republics by non-government organizations approved by the Ministry, the Turkish Cooperation and Coordination Agency (TİKA), or the Prime Ministry Presidency for Turks Abroad and Related Communities.

c) Patients brought in by the Turkish Coordination and Cooperation Agency (TİKA).

ç) Citizens of certain countries who are entitled to receive medical assistance under Social Security Contracts in accordance with the international agreement signed by the Republic of Turkey; citizens of the Republic of Turkey; persons who come to Turkey for treatment under international bilateral cooperation agreements.

d) Persons who come to Turkey for purposes of education, training, or courses, and their dependents for the duration of the education.

e) Persons under temporary protection, refugees, persons who hold the status of asylum applicant or refuge applicant, asylum seekers, stateless persons, victims of human trafficking.

f) Those covered under articles 28 and 44 of Law No. 5901 on Turkish Citizenship dated 29/5/2009.

g) Foreigners of Turkish descent who present documentation of their Turkish descent.

ğ) Foreigners who receive emergency healthcare services upon being brought in by law enforcement officers as part of a judicial case.

(3) Persons mentioned in paragraph (2) may receive international health tourism services under this Regulation if they agree to be charged fees within the scope of international health tourism.

Basis

ARTICLE 3 - (1) This Regulation has been drawn up based on paragraph (c) of article 9, and annex article 11, of the Health Services Fundamental Law No. 3359 dated 7/5/1987; subparagraphs (a) and (i) of paragraph 1 of article 8, and article 40, of the Statutory Decree Concerning the Organization and Duties of the Ministry of Health and Affiliated Organizations No. 663 dated 11/10/2011.

Definitions

ARTICLE 4 - (1) The meanings of the following expressions that appear in this Regulation are;

- a) The Ministry: The Ministry of Health,
- b) Directorate General: The Directorate General of Health Services,
- c) Directorate: The Provincial/District Health Directorates,
- ç) SATURK: The Health Tourism Coordination Council established pursuant to Prime Ministry Memorandum No. 2015/3
- d) International Health Tourism: Any healthcare services and related support services rendered to natural persons coming to Turkey from abroad temporarily for health purposes, and are not citizens of the Republic of Turkey or are residents abroad as citizens of the Republic of Turkey,
- e) Tourist health: The rendition of healthcare services, to foreigners who are temporarily situated in Turkey for any reason, in cases of suddenly developing diseases and emergencies that occur during their stay in Turkey,
- f) International health tourist: A patient who is rendered healthcare services within the scope of international health tourism or tourist health,
- g) International health tourism intermediary organization: Group A travel agencies that have been granted operation licences in accordance with Law No. 1618 on Travel Agencies and Association of Travel Agencies dated 14/9/1972, and authorized by the Ministry to conduct operations comprising the provision of accommodation, transport and transfer services to an international health tourist and his/her attendants and other relatives or close associates in his/her company.
- ğ) International health tourism healthcare facility: A public, university-affiliated or private healthcare institution or organization that holds a healthcare facility licence and has been granted an international health tourism authorization certificate by the Ministry.
- h) Foreigner: A person not affiliated with the State of the Republic of Turkey by means of citizenship,
 - 1) Authorization certificate: The international health tourism authorization certificate

SECTION TWO

International Health Tourism

General principles

ARTICLE 5 - (1) The healthcare provider and the intermediary organization shall obtain international health tourism authorization certificates in order to operate within the scope of international health tourism. The Ministry suspends the international health tourism operations of those failing to obtain an authorization certificate

(2) Diagnostic, therapeutical, and rehabilitative healthcare services, as well as traditional and complementary medicine applications may be provided at the international health tourism facility in accordance with the criteria in this Regulation.

(3) An international health tourism healthcare facility may accept an international health tourist who applies directly to the facility. However, in the event that the operations of an intermediary organization are needed, a protocol shall be signed with an international health tourism intermediary organization that has been authorized by the Ministry. A copy of the protocol that is signed shall be sent to the Directorate General via the Directorate.

(4) It is the responsibility of the international health tourism healthcare facility to provide other services that the international health tourist may need in addition to the healthcare service they are to receive at the healthcare facility from their admission to their discharge. The facility may sign a contract with an international health tourism intermediary organization, as well as with other institutions and organizations, for the delivery of these services.

(5) The international health tourism healthcare facility shall register the recipients of healthcare services under this Regulation in the web-based system set up by the Ministry.

(6) Personal health data recorded by the international health tourism healthcare facility shall be processed in accordance with Law No. 6698 on Protection of Personal Data dated 24/3/2016, and transferred into the central health data system in accordance with the procedures and principles set out by the Ministry.

(7) The international health tourism healthcare facility and the international health tourism

intermediary organization shall send information and documents that are requested by the Ministry.

International Health Tourism Unit

ARTICLE 6 - (1) Within the international health tourism health facility, an international health tourism unit shall be established, which is assigned for international health tourists' admission, registration, diagnosis, treatment, billing, discharge, interpreting and coordination of operations and transactions related to intermediary institutions.

(2) In the international health tourism unit, a doctor/specialist shall be appointed as the health tourism unit supervisor and this supervisor shall be reported to the Directorate. According to the potential number of the health tourists, a health professional can also be employed as the international health tourism assistant unit supervisor. Those who will be assigned as unit supervisor and assistant unit supervisor must have the following qualifications:

- a) Be competent to perform his/her occupation in Turkey.
- b) To have foreign language skills with the required proficiency level stated in Paragraph 4 below
- c) To have document(s) attesting to skilled professional experience of at least five years, out of which at least two years is executed/performed in a public or private hospital in Turkey.

(3) In international health tourism unit, at least two persons including the supervisor who speak a foreign language shall be employed. One of the languages must be English.

(4) At least one of the following documents must be provided in order to prove the proficiency of the foreign language.

a) To have a minimum score of sixty-five points out of a hundred either in English or in another language used by the international health tourist, for whom the service will be provided; from the examination organized or held by Higher Education Board (YÖK) or from the Foreign Language Proficiency Examination organized by the Measuring, Selection and Placement Center (ÖSYM) or to have an internationally valid certificate which is deemed equivalent to this score by ÖSYM.

b) To have a document showing the B2 level (on the European Language Portfolio) language competence in English or in another language used by the international health tourist, for whom the service will be provided.

c) Those with dual-citizenship IDs must have a certificate showing the B2 language level on the European Language Portfolio in Turkish language.

ç) To have an undergraduate diploma showing that he/she has graduated from the Department of Translation & Interpreting.

(5) The international health tourism unit also provides orientation and guidance services to those who come to Turkey to obtain health services in accordance with international humanitarian agreements and international bilateral cooperation agreements in the field of international social security

Competency criteria

ARTICLE 7 - (1) In order to be granted an International Health Tourism Authorization Certificate by the Ministry of Health in the field of international health tourism:

a) It is obligatory for the health facility to fulfill the criteria set out in the International Health Tourism Healthcare Facility Competency Criteria listed in ANNEX-1.

b) It is obligatory for the intermediary institution to fulfill the criteria set out in the International Health Tourism Intermediary Organization Competency Criteria listed in ANNEX-2.

Authorization Certificate

ARTICLE 8 - (1) In order to obtain an authorization certificate, the health facility / intermediary organization shall fill in the application form of the authorization document in ANNEX-3 regarding their field of activity and add the application documents stated in the same annex to the application form and apply to the Directorate with above-mentioned documents.

(2) Submitted files are examined by the Directorate whether they meet the competency criteria of this Regulation or not. If the result of the examination indicates lack of any application documents or non-compliance with the criteria, the health facility / intermediary organization shall be notified within seven working days.

(3) If the result of the examination does not indicate lack of any application documents or non-compliance with the criteria, the health facility / intermediary organization shall be examined on-site by the team of surveyors formed by the Directorate. On the basis of on site examination, the applications which are determined to be eligible in terms of competency criteria are sent to the

Ministry within fifteen business days. If the application is deemed appropriate by the Ministry, An International Health Tourism Authorization Certificate in Annex-4 / A shall be issued to the health facility and that in ANNEX-4/B shall be issued to the intermediary organization.

SECTION THREE

Tourist Health

Services provided within the scope of tourist health

ARTICLE 9 - (1) Foreigners who are temporarily residing in our country for meetings, congresses, commercial or tourism purposes may benefit from the health services provided in public, university or private health institutions in emerging diseases and emergencies during the time of their stay in our country.

(2) Emergency medical services and emergency patient transportation services shall be charged. However, 112 emergency health services shall be provided free of charge to citizens of the Republic of Turkey who live abroad and have no social security. The income provided by the public ambulance service and the income from the emergency patient transportation are deposited to the revolving funds of the Directorate, which performed the first intervention for the patient.

(3) Admission of foreign patients who apply to a health care facility in order to receive emergency health care services and unconditional response to medical emergencies are obligatory. Transactions related to the collection of service charges are made after the emergency response and care is provided.

(4) Medical treatment expenses as a result of a traffic accident are covered by Social Security Institution according to the applicable legislation regardless of whether the related individual (Turkish citizen or foreign national) has any social security coverage or not and regardless of their nationality. In traffic accidents, the person himself can not be charged for treatment. However, if the person receiving the emergency medical treatment as a result of a traffic accident, has optional travel insurance, then the charges shall be billed to the insurance company and be the payment will be collected under the insurance policy.

SECTION FOUR

Pricing and Billing, Informing and Promotion

Pricing

ARTICLE 10 - (1) The cost of the health service provided within the scope of the international health tourism that will be provided within the scope of this Regulation shall be determined by the Ministry in accordance with the opinion of SATURK.

(2) The international health tourism health facilities are obliged to comply with the procedures and principles determined in the health tourism price list determined by the Ministry.

Billing and documents to be submitted

ARTICLE 11 - (1) It is obligatory to make out an invoice or prepare billing for those who get service from international health tourism healthcare facilities, within the scope of the relevant legislation. In receipt or invoice annex, a document including the detailed information of the health service provided to the patient and unit cost will be drafted. In addition, it is mandatory to give the following documents free of charge when the person who gets the service demands:

a) International health tourism facility will supply;

1) A list showing the types and quantities of the medicines provided by the international health tourism healthcare facility and paid by the patient.

2) Laboratory examination, analysis results, and X-ray films executed in the health facility or outside and paid by the patient will be given; however, the original documents will not be given on condition that they are relevant to judicial cases.

3) Prescriptions of medicines and materials purchased from outside.

b) The international health tourism intermediary organization will supply;

1) A detailed breakdown of the fees charged for services such as accommodation for hospital companion or other relatives, transportation, transferring, interpreting, and consultation.

Informing and promotion

ARTICLE 12 - (1) The healthcare facilities and intermediary organizations that are not authorized by the international health tourism regulations are not allowed to do informing or promotion.

(2) Promotional activities within the frame of international health tourism must be carried

out as follows:

a) The promotion can not be done in Turkish or in a way that it would generate demand within Turkey. The promotion can be done in the targetted country language and/or English.

b) International health tourism healthcare facility and international health tourism intermediary organizations will publish the information on the services to be provided within the frame of health tourism and detailed transportation information on the websites, indicating the latest updates.

c) Promotions can not contain information about health services that are not registered on the license, warrant or authorisation, information that is wrong, misleading, against ethical and professional rules and generate demand for the domestic community.

ç) Informing about the health services on the websites or other means of promotion instruments is to be executed by the members of the health profession who possess information and experience related to the field and are legally capable.

d) Provided that patient privacy and rights are considered and consent of the patient is taken and documented, the promotions can include the stories of the patients.

e) According to the legislation in force, medical operations or practices that are not allowed or banned in our country can not exist in the promotions.

SECTION FIVE

Miscellaneous and Final Provisions

Training

ARTICLE 13 - (1) The certification and vocational course training to be executed in the field of international health tourism are carried out by the joint cooperation of the Ministry and Higher Education Council.

Inspection

MADDE 14 - (1) International health tourism healthcare facility and international health tourism intermediary organization will be inspected at least once a year with regards to the suitability of this regulation, with the expectation of complaint or investigation. In addition to the general provisions of this regulation, the competence criteria and the sanction form partaking in the regulation appendix will be used.

(2) The necessary registration and notice system to assess the disagreements that may occur during international health tourism and tourist health practices will be established by the Ministry. On complaint method, the foreigners are informed before the health service presentation by international health tourism healthcare facility.

(3) The health tourism facility or mediary organization whose operation is suspended due to the inconsistency with the procedure and principle stated in this regulation is reported to the Ministry of Economy.

Sanctions

MADDE 15 - (1) Those facilities who don't adapt the procedure and principle stated in this regulation will be subjected to the other regulatory provisions which are about judicial sanctions indicated in ANNEX-5 and ANNEX-6.

In case of those who already conduct an existing international health tourism activity

PROVISIONAL ARTICLE 1 - (1) The health facilities and intermediary organizations carrying out international health tourism activities before the publication of this regulation are required to comply with the competence criteria revealed in this document with 1 (one) year and get the certificate of authority from the Ministry. The facilities or firms who fail to get International Health Tourism Competence document stated in this regulation have to stop their activities.

Effect

ARTICLE 16 - (1) This regulation will go into effect following its publication.

Execution

ARTICLE 17 - (1) The provisions stated in this regulation will be executed by the Health Minister.