

Technical Update

February 2023

1. Law on Medical Examination and Treatment 2023

On 9 January 2023, the XV National Assembly passed Law No. 15/2023/QH15 on medical examination and treatment (“**Law on Medical Examination and Treatment 2023**”) to replace Law No. 40/2009/QH12. Law on Medical Examination and Treatment 2023 will take effect on 1 January 2024, below are some highlights:

- Amending and supplementing regulations on practicing license for medical examination and treatment practitioners, in which:
 - i. practice license granted based on professional qualification to be amended to license granted based on professional title;
 - ii. the basis for granting practice license based on an assessment of application dossier will be amended to result of a practical assessment on medical examination and treatment activities;
 - iii. setting the practice license validity to 5 years and extensions will be granted subject to fulfilling certain continuing development knowledge criteria;
 - iv. allowing foreign medical practitioners in Vietnam to use languages other than Vietnamese in medical examination and treatment in some specific cases.
- Amending and supplementing regulations on management of medical examination and treatment establishments, in which:
 - i. supplementing regulations on the Information System on management of medical examination and treatment activities, which is a unified database system centrally managed by the Ministry of Health. This system is built to support the management of the Ministry of Health by specifying the units with responsibilities to provide adequate, accurate and timely statutory information to the Information System on management of medical examination and treatment activities;
 - ii. supplementing regulations on compulsory obligation for medical examination and treatment establishments to self-assess its own medical examination and treatment quality according to the set of quality standards promulgated annually by the Ministry of Health and update the self-assessment results to the Information System on management of medical examination and treatment activities;
 - iii. supplementing regulations on responsibility to disclose information of medical examination and treatment establishments on the Information System on management of medical examination and treatment activities.
- Amending and supplementing regulations on conditions to ensure medical examination and treatment, in which:
 - i. amending the system of organization of State medical examination and treatment establishments from 04 levels associated with administrative lines to 03 levels of technical expertise with different tasks:
 - ✓ initial medical examination and treatment;
 - ✓ basic medical examination and treatment; and
 - ✓ extensive medical examination and treatment.

This is intended to ensure the continuity and connectivity in providing medical examination and treatment services according to the condition and severity of the disease and shall enhance people's access to medical examination and treatment services;

- ii. supplementing the regulations on security and order for medical examination, treatment establishments and safety for practitioners and other people working at medical examination, treatment establishments. Accordingly, establishments are allowed to apply preventive measures and notify police in case of threats from patients, relatives of patients or other people whose acts of causing public disorder, infringing the life, health and safety of patients, practitioners, other people working at medical examination and treatment establishments, persons entering the medical examination and treatment establishment;
 - iii. specifying the medical examination and treatment service prices such as labor costs, drugs, chemicals, and medical equipment depreciation costs, management costs such as maintenance and repair of medical equipment, etc. and assigning the Minister of Health to coordinate with the Minister of Finance to regulate on pricing methods for medical examination and treatment services.
- Providing new regulations on National Medical Council, an independent organization established by the Government with the function of assessing the capacity of medical examination and treatment practice. Specifically, this Council is responsible for developing and promulgating a set of tools and organizing the examination and assessment of medical examination and treatment practice capacity; at the same time, receiving and settling requests, complaints and denunciations about the results of inspection and evaluation. The Government shall detail the organizational structure and operation of this Council.
 - Regulating the socialization in medical examination and treatment activities, which allows private investment and investment in the form of public-private partnership to establish of medical facilities; ability to get loans, rent medical equipment, etc.

2. Decision on the implementation of policies to support employees

On 16 January 2023, the Vietnam General Confederation of Labor issued Decision No. 6696/QĐ-TLĐ on the implementation of policies to support trade union members and employees whose working time is reduced, or labor contract is terminated due to the cancellation and reduction of orders of enterprises (“**Decision 6696**”). Decision 6696 takes effect from the signing date with the following notable contents:

- Regulating on the implementation of policies to support union members and employees from 01 October 2022 to 31 March 2023 (“**Prescribed Period**”) that are affected by: (i) working time reduction, termination of work, (ii) suspension of labor contract implementation, unpaid leave, and (iii) termination of labor contract but ineligible for severance allowance.
- Regulating the conditions for the receipt of support for each specific case as follows:
 - i. in case of working time reduction, termination of work: trade union members and employees must fully satisfy 3 conditions as (a) being affected in the Prescribed Period, (b) being affected for more than 14 days, and (c) earning less than or equal to the regional minimum wage;
 - ii. in case of suspension of labor contract implementation, unpaid leave: trade union members and employees must fully satisfy 2 conditions as (a) being affected in the Prescribed Period and (b) being affected for the period of 30 days or more;
 - iii. in case of termination of labor contract without eligibility for severance allowance: trade union members and employees must fully satisfy 2 conditions as (a) being affected in the Prescribed Period (except for unsatisfactory probation, unilateral termination, disciplinary dismissal, etc.), and (b) being ineligible for severance allowance.
- Regulating the support rate for each case, specifically as follows:
 - i. in case of working time reduction, termination of work: VND1,000,000/person for union members or women over 35 years old, pregnant women or raising children under 6 years old; VND700,000/person for non-union members;
 - ii. in case of suspension of labor contract implementation, unpaid leave: VND2,000,000/person for union members or women over 35 years old, pregnant women or raising children under 6 years old; VND1,400,000/person for non-union members;
 - iii. in case of termination of labor contract but ineligibility for severance allowance: VND3,000,000/person for union members or women over 35 years old, pregnant women or raising children under 6 years old; VND2,100,000/person for non-union members.

3. Official Letter from the Ministry of Planning and Investment on procedures for adjusting investment projects due to demerger of enterprise

On 17 January 2023, the Ministry of Planning and Investment issued Official Letter No. 432/BKHDT-PC to the Department of Planning and Investment of Bac Giang Province in response to Official Letter No. 3014/SKHDT-KTDN dated 25 October 2022 of the Department of Planning and Investment of Bac Giang Province, requesting guidance on procedures for amendment of investment projects due to demerger of enterprise (“**Official Letter 432**”). Accordingly, the Ministry of Planning and Investment provides the following notable opinions:

- Regarding the amendment of investment projects due to demerger of enterprise conducted under Article 51.1, Article 51.2 and Article 51.4 of Decree No. 31/2021/ND-CP:
 - i. The amendment of investment project and submission of application dossier for amendment of investment project shall be implemented after:
 - ✓ the demerger of enterprise and the enterprise-related procedures under prevailing regulations on enterprises are completed; and
 - ✓ the investor has completed the procedures for reorganization and the disposal of assets, rights and obligations in relevant to the investment project, as well as other relevant procedures.
 - ii. The competent authority shall assess and evaluate the amendment of investment projects based on:
 - ✓ the clarification on the relationship, method to transfer rights and obligations in relevant to the investment project of the investor and the post-demerger enterprise, based on the documents provided by such parties;
 - ✓ the evaluation on the project implementation capacity and the ability to satisfy the conditions for implementing the investment project of the post-demerger enterprise.
- The post-demerger enterprise must be capable of implementing the project in accordance with the contents, objectives, scale, schedule and other conditions recorded in relevant investment registration certificate and must also satisfy business investment conditions in the field of operation of the investment project.
- In case where the assignment of the investment project to the post-demerger enterprise gives rise to transaction of investment project transfer, the parties must satisfy the conditions and follow the procedures as prescribed in Article 46 of the Law on Investment and Article 48 of Decree No. 31/2021/ND-CP.

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