

**The Law of the Republic of Kazakhstan N 111-1
On Protection of the Health of Citizens in the Republic of Kazakhstan dated May 19, 1997
(as amended through RK Laws N 259-1 dated July 1, 1998; N 325-1 dated December 17, 1998; N 374-1 dated
April 7, 1999; N 484-1 dated November 22, 1999;
N 308-II dated March 21, 2002; N 523-II dated January 13, 2004)**

The present Law specifies the legal, economic, and social grounds for protection of the health of citizens in the Republic of Kazakhstan, and regulates participation of governmental agencies, physical persons, and legal entities in implementation of the constitutional right of citizens to protection of health, regardless of forms of ownership.

Chapter I. GENERAL PROVISIONS

Article 1 has been amended under RK Law N 325-1 dated December 17, 1998

Article 1. The Basic Concepts.

The following concepts are used in the present Law:

Anatomical Gift – donation of organs and tissues;

Basic Mandatory Medical Insurance Program – a list of insured accidents (illnesses and injuries), at the occurrence of which the Fund for Mandatory Medical Insurance compensates to a medical institution, or to a person engaging in private medical practice, the expenses for medical services rendered to insured individuals;

Guaranteed Range of Free-of-Charge Medical Care Services – a range of medical care services, common for the entire territory of the Republic of Kazakhstan, rendered to citizens of the Republic of Kazakhstan, and financed directly from the republic-scale and local budgetary funds;

Voluntary Medical Insurance – a type of insurance provided to citizens that includes rendering of supplementary services to them in addition to the guaranteed range of free-of-charge medical care services;

Outpatient-Clinic Tariffs – a list of tariffs for specialized out-patient clinical care services that are being rendered;

Clinical Expense Groups – a clinically analogous groups of illnesses that are similar in expenses for their treatment;

Per-capita Standard – an established standard for expenditures, annually reviewed by the means of taking into account one single individual with the purpose of providing a specific range of medical services;

Folk Medicine (Healing) – aggregate of empirical information accumulated by a people in regards to healing remedies, as well as medicinal and hygienic procedures and practices, and practical application thereof, used with the purpose of preservation of health, prevention and treatment of illnesses;

Mandatory Medical Insurance – a type of social security for citizens which ensures provision of medical care services and is implemented by the government at the expense of insurance fees on the basis of mandatory payments of legal entities and physical persons;

Medical Rehabilitation – partial or full-scale recovery of health;

AIDS – acquired immunodeficiency syndrome – a particularly dangerous infectious disease connected with human immunodeficiency virus contagion;

Transplantation - transfer, engraftment of tissues and organs into another location within a body or into another organism;

Mandatory Medical Insurance Fund – a governmental non-profit organization, established for the purposes of accumulating insurance payments and discharge of insurance compensation, at the expense of which provision of the guaranteed range of medical care services to citizens is secured within the context of the basic mandatory medical insurance program;

Legal Entities and Physical Persons Engaging In Private Medical Practice – a type of entrepreneurship activity related to provision of preventive, diagnostic, and treatment-related medical care services to the population;

Euthanasia – satisfaction of a patient's request as to speeding up their death by some kind of action or means, including termination of artificial life-sustaining measures.

Article 2. The Subject Regulated under the Present Law.

Public relations arising in connection with the citizens of the Republic of Kazakhstan using their right to health protection constitute the subject regulated under the present Law.

Article 3. Legislation of the Republic of Kazakhstan on Protection of the Health of Citizens.

The legislation of the Republic of Kazakhstan On Protection of the Health of Citizens is based on the Constitution of the Republic of Kazakhstan and consists of the present Law, as well as other legislative and standard legal acts of the Republic of Kazakhstan.

Article 4 has been amended under RK Law N 325-1 dated December 17, 1998

Article 4. The Principles of the State Policy for Protection of the Health of Citizens.

The State policy of the Republic of Kazakhstan in the area of protection of the health of citizens shall be implemented on the basis of the following principles:

- securing governmental guarantees and adherence to the rights of citizens in the area of health protection;
- accessible, continuous and free-of charge services rendered by governmental healthcare entities within the context of the guaranteed range of medical-and-sanitary, medical-social, and medications-related care, and responsibility for implementation thereof;
- provision of social security to citizens in the event of an illness;
- social justice and equality in rendering medical care services within the context of the guaranteed range of medical care services;
- development of healthcare in correspondence with the needs of the population and creation of equal conditions for medical institutions, regardless of the forms of ownership;
- scientific validity of medical-and-social measures;
- promotion of mandatory and voluntary medical insurance and multi-structural medicine;
- responsibility of the central executive entities, as well as of the local representative and executive entities, the entities of local autonomous government, employers, and executives for creation of conditions that ensure the strengthening and protection of the health of citizens;
- responsibility of medical and pharmaceutical personnel, as well as of the persons who have the right to carry out medical and pharmaceutical activities, for the damages caused to the health of citizens;
- responsibility of citizens for preservation and strengthening their own health, as well as the health of those around them.

Article 5 has been amended under RK Law N 259-I dated July 1, 1998; N 325-I dated December 17, 1998; N 523-II dated January 13, 2004

Article 5. Authority of Governmental Entities in the Area of Protection of the Health of Citizens.

1. In the area of protection of the health of citizens, the Government of the Republic of Kazakhstan:
 - develops a unified State policy for protection of the health of citizens and the measures for its implementation, as well as the strategy for healthcare development;
 - develops State programs, submits them for approval to the President of the Republic of Kazakhstan, and incurs the responsibility for implementation thereof;
 - approves and finances comprehensive target programs for development of healthcare, the pharmaceutical and medical industry;
 - directs the work of executive agencies, ministries, governmental committees, and other central executive entities in the issues of protection of the health of citizens;
 - on the basis of proposals made by the central executive entity of the Republic of Kazakhstan authorized in the area of protection of the health of citizens, approves the guaranteed range of free-of-charge medical care services and publishes it in the press.

Subparagraph 9 has been eliminated under RK Law N 325-I dated December 17, 1998

2. The authorized central executive entity of the Republic of Kazakhstan that carries out management of work in the area of protection of the health of citizens:
 - implements a unified State policy for protection of the population health;
 - Carries out inter-branch coordination, as well as interaction with public organizations in the area of implementation of State, target, and comprehensive programs on health protection;
 - determines the measures needed for development of healthcare, the pharmaceutical and medical industry;
 - manages the work of republic-scale medical, educational, scientific-research, and sanitary-and-anti-epidemiological institutions;
 - aids in securing of material-and-technical maintenance for, and medications supply to healthcare institutions and the population;
 - coordinates and controls the work of territorial healthcare entities and institutions through the local executive entities, regardless of forms of ownership;
 - analyzes the state of population health;
 - determines the basic mandatory medical insurance program in collaboration with the Fund for Mandatory Medical Insurance;
 - within the limits of its jurisdiction, issues licenses for the types of activities that are subject to licensing, with the exception of cases stipulated in the legislation of the Republic of Kazakhstan;
 - coordinates the work of departmental medical-and-sanitary agencies;
 - approves the norms applicable to medications, classification of medications, and the State Pharmacopoeia of the Republic of Kazakhstan;
 - approves the list of main (vital) medications intended for the rendering free-of-charge medication-related services within the context of the guaranteed range of free-of-charge medical care services, set forth in the Law of the Republic of Kazakhstan;
 - determines the procedure for State registration, re-registration, and retraction of a decision on State registration of medications, in the event of discovery of side effects thereof that are dangerous to the health of humans, but are not indicated in the normative documents for these medications.

Article 6 has been amended under RK Law N 325-1 dated December 17, 1998

Article 6. The Entity Authorized in Reimbursement for Medical Services.

The entity authorized in reimbursement for medical services is a governmental institution that carries out compensation of expenditures of physical persons and legal entities in possession of a license for conducting medical activity in the area of rendering the guaranteed range of free-of-charge medical care services, regardless of the forms of ownership. The stated compensation of expenditures shall be mandatory.

In connection with a change in status of “The Center on Reimbursement for Medical Services” into the “Densaulyk” [“Health”] Republic’s State Public Enterprise under the Ministry of Healthcare, Education, and Sports of the Republic of Kazakhstan, the responsibility for financing of medical institutions shall be transferred to the local executive entities of the Republic of Kazakhstan.

Article 7. The Authority of the Local Representative and Executive Entities, as well as of the Local Autonomous Government Entities in the Area of Protection of the Health of Citizens.

1. The following shall belong within the jurisdiction of local representative and executive entities:

provision of the range of conditions necessary for vital activities of the population, which promote promotion and strengthening of health, reproduction of healthy population, prevention of illnesses, and sanitary-and-epidemic well-being;

implementation of the State policy in the field of protection of the health of citizens;

development, approval, and ensuring implementation of local budgets in the section of expenditures for protection of health and realization of regional-scale programs;

organization of resource, staff, and financial maintenance within the branch of healthcare and ensuring participation of the population in implementation of State programs on protection of health;

promotion of inter-industrial collaboration, creation of new special funds for intractable patients;

creation of conditions for development of the necessary material and technical grounds for the State healthcare institutions and State institutions within the medical and pharmaceutical industry;

introduction of multi-structural medicine and development of a mass sports-and-health oriented movement;

control over provision of safe, ecologically clean, efficient and high-quality medications to the population.

2. Local autonomous government entities shall carry out their functions set forth by the law in the area of protection of the health of citizens.

Article 8. Public Associations in the Area of Protection of the Health of Citizens in the Republic of Kazakhstan.

Professional unions, associations of doctors and pharmacists, paramedical workers/nurses, manufacturers of medical and pharmaceutical products, The Red Crescent and Red Cross Societies of the Republic of Kazakhstan, and other public associations shall take part in securing protection of the health of citizens in accordance with their statutes and in compliance with the procedure set forth in the legislation of the Republic of Kazakhstan.

Article 9. Responsibility of Employers for Creation of Conditions That Ensure Preservation of Citizens’ Health.

In accordance with the legislation of the Republic of Kazakhstan, and regardless of forms of ownership, employers shall be held responsible for the following:

ecological well-being of citizens; provision of healthy working, living, and leisure conditions to citizens;

informing governmental surveillance and control agencies as to the state of the surrounding and working environment;

compliance with sanitary norms and regulations, hygienic guidelines, appropriate maintenance of work space and work territory;

informing the population about harmful production factors;

damages caused to the health of citizens;

violation of the legislation of the Republic of Kazakhstan in the area of protection of the health of citizens.

Chapter II. ORGANIZATION OF PROTECTION OF THE HEALTH FOR CITIZENS IN THE REPUBLIC OF KAZAKHSTAN

Article 10 has been amended under RK Law N 325-1 dated December 17, 1998

Article 10. The State Healthcare System.

1. The following belongs within the State healthcare system:

The authorized central executive entity that carries out management in the area of protection of the health of citizens, the entities governing healthcare in regions, cities of republic-scale significance, and capitals, and the Fund for Mandatory Medical Insurance.

2. Out-patient clinical and hospital institutions, healthcare units, institutions engaged in protection of mothers and children, emergency medical care, or forensic medical examination, health centers/clinics, educational institutions, scientific-research, sanitary-resort, pharmaceutical organizations, material and technical maintenance

services, and other organizations that are in the ownership of the State and are subordinate to the governing entities of the State healthcare system

3. Treatment-and-prevention and pharmaceutical institutions that are created under other ministries, State committees, or other central executive entities and organizations of the Republic of Kazakhstan shall also belong to the State healthcare system, with the exception of the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

4. Organizations within the State healthcare system, regardless of their departmental subordination structure, as well as private medical institutions, shall be classified as legal entities and shall carry out their activities in accordance with the present Law and other standard legal acts of the Republic of Kazakhstan.

See also: The Rules and Regulations On Privatization of Healthcare Entities.

Article 11. Legal Entities and Physical Persons Engaging in Private Medical Practice.

1. Treatment-and-prevention, rest-and-resort, apothecary institutions, and medical technology organizations that are in private ownership, as well as physical persons that engage in private medical and pharmaceutical practice, shall be classified as legal entities or physical persons engaging in private medical practice.

2. Legal entities and physical persons engaging in private medical and pharmaceutical practice shall carry out their activities in accordance with the present Law and other standard legal acts of the Republic of Kazakhstan.

The Criminal Code of the Republic of Kazakhstan stipulates accountability for engaging in illegal private medical practice.

Article 12. Licensing of Activities of State and Private Healthcare Institutions and Physical Persons Engaging in Private Medical Practice.

1. Institutions within the State healthcare system, private organizations and physical persons engaging in private medical practice and folk medicine (healing), shall carry out their activities solely on the basis of a State license issued for the chosen type of activity.

2. The Procedure and Conditions for Licensing shall be determined in accordance with the legislation of the Republic of Kazakhstan.

Article 13. Ensuring Ecological, Sanitary-and-Anti-Epidemiological Well-Being and Radiation Safety of the Population.

Ecological, sanitary-and-anti-epidemiological well-being and radiation safety of the population shall be ensured by the means of implementing comprehensive measures on the part of authorized State entities in accordance with the legislation of the Republic of Kazakhstan.

See The Law of the Republic of Kazakhstan N 85 - I "On Ecological Examination" as of March 18, 1997, The Law of the Republic of Kazakhstan N 361-II "On Sanitary Well-Being of the Population" as of December 4, 2002, The Law of the Republic of Kazakhstan N 219-I "On Radiation Safety of the Population" as of April 23, 1998.

Chapter III. ORGANIZATION OF THE SYSTEM FOR PROVISION OF MEDICAL CARE TO CITIZENS IN THE REPUBLIC OF KAZAKHSTAN

Article 14. Organization of Provision of Medical Services to the Population.

1. The following items shall constitute the basis of the State healthcare system which provides accessibility and the rendering of the guaranteed range of free-of-charge medical care services to citizens:

medical-obstetrical units (pre-professional assistance/care);

medical dispensary centers, out-patient clinics, or divisional hospitals (medical assistance/care);

central district hospitals, health clinics (qualified medical assistance/care);

regional hospitals, city hospitals, health clinics, general hospitals or emergency medical care stations, republic-scale centers and scientific-research institute clinics (specialized medical assistance/care).

2. Legal entities and physical persons are permitted to open other types of medical institutions, provided the presence of a license.

Article 15. Types of Medical Care Services Rendered to the Population.

1. Medical care services rendered to the population shall include:

Primary healthcare services, specialized medical care services, medical-and-social care services, and rehabilitation services.

2. In life-threatening circumstances, in case of accidents or serious acute illnesses, emergency medical care services shall be rendered free of charge to the adult and children population by special medical institutions (stations and departments of emergency medical care) that belong within the State healthcare system.

See: The Rules and Regulations regarding the work of emergency care and first aid stations (departments), and The Rules and Regulations regarding calling for emergency and first aid medical care services.

3. Primary healthcare is a type of medical care that shall be basic, accessible, and free-of-charge for every citizen, and shall include: treatment of the most prevalent illnesses and diseases, injuries, poisonings, and other emergency conditions, obstetric services, implementation of sanitary-and-hygiene and anti-epidemic measures,

medical prevention of the most significant illnesses, sanitary-and-hygienic education, implementation of measures on protection of family, maternity, paternity, and childhood, organizing other initiatives connected with the rendering of medical care services on the basis of residency location.

4. In cases of illnesses requiring special methods of diagnostics, treatment and application of complex medical technologies, specialized medical care services shall be rendered to citizens by outpatient clinics and in-patient institutions.

See: The Order of the Ministry of Healthcare of the Republic of Kazakhstan N 860 "On Rendering of Highly Specialized Medical Care to the Population on Republic-Wide Scale" as of September 16, 2002.

5. Medical-social care shall include a system of measures on creation and development of a medical-and-social institutions network, provision benefits related to living conditions, ensuring that employers follow medical recommendations on improvement of sanitary conditions for workers, and organization of a rational work and nutritional schedule.

6. Medical, physical, psychological and social rehabilitation in appropriate treatment-and-prevention and sanitary institutions shall be provided for citizens suffering from congenial and acquired, acute and chronic illnesses, and from the consequences of injuries.

Article 16. Medical-and-Social Care Services for Citizens Suffering from Socially Significant Diseases and the Diseases that Pose a Threat to the Health and Life of Individuals in the Surrounding Society.

1. Medical-and-sanitary services, regular medical check-ups shall be rendered free of charge or at a reduced cost to citizens suffering from socially significant diseases that pose a threat to the health and life of individuals in the surrounding society.

2. The List of socially significant diseases and diseases that pose a threat to the health and life of individuals in the surrounding society shall be subject to approval by the Government of the Republic of Kazakhstan.

3. The types and the range of medical-and-sanitary services rendered to citizens suffering from socially significant diseases that pose a threat to the health and life of individuals in the surrounding society, shall be determined by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens

Article 17. Special Measures on Prevention of Diseases that Pose a Threat to the Health and Life of Individuals in the Surrounding Society.

1. The process of detection of diseases (including confidential detection) that pose a threat to the health and life of individuals in the surrounding society (tuberculosis, mental disorders and sexually transmitted diseases, leprosy, AIDS, and quarantine infections), as well as implementation of special measures for prevention thereof shall be carried out by healthcare entities, institutions, and medical workers.

2. The procedure for implementation of special measures for prevention of the stated diseases that pose a threat to the health and life of individuals in the surrounding society shall be determined by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

See: The Order of the Republic of Kazakhstan Agency for the Issues of Healthcare N 689 "On Organization of Aid to Leprosy Patients and Leprosy Control in the Republic of Kazakhstan" as of November 3, 2000.

Article 18. Rendering of Medical-and-Sanitary Care Services to Individuals Suffering from Tuberculosis and Diabetes.

1. Individuals suffering from tuberculosis shall be subject to mandatory regular medical check-ups and treatment, shall be provided with anti-tuberculosis medications and rest-and-resort treatment free-of-charge, and shall be entitled to benefits stipulated in the legislation of the Republic of Kazakhstan.

2. In accordance with the legislation of the Republic of Kazakhstan, individuals secreting tuberculosis micro-bacteria shall be subject to mandatory hospitalization, and shall be provided with living quarters.

3. Individuals suffering from diabetes shall be subject to mandatory regular out-patient medical check-ups, receiving treatment services free-of-charge and medications at a reduced cost.

See The Order of the Minister of Healthcare of the Republic of Kazakhstan N 57 "On Mandatory Implementation of Limited Clinical Tests of Generic Preparations Used In Treatment of Socially Significant Diseases Within the Context of Republic's Budgetary Programs 39.00, 38.33, 52.34, 44.00, and 060" as of January 20, 2003.

Article 19. Rendering of Medical-and-Sanitary Care Services to Individuals Suffering from Sexually Transmitted Diseases and AIDS.

1. At a statement issued by healthcare entities and institutions, the local executive entities shall create special centers, laboratories, offices, including those providing confidential treatment services, as well as hospitals and clinics for timely detection and treatment of individuals infected with sexually transmitted diseases and AIDS. In the event of avoiding voluntary treatment, compulsory measures shall be applies. Individuals avoiding medical examination visits, as well as those spreading venereal diseases and AIDS, shall bear responsibility in accordance with the legislation of the Republic of Kazakhstan.

See: The Rules and Regulations for medical examination on detection of cases of infection with the human immunodeficiency virus (illness AIDS).

2. The rights of citizens suffering from AIDS are protected by the legislation of the Republic of Kazakhstan

Article 20. Rendering of Medical-and-Sanitary Care Services to Individuals Suffering from Mental Disorders, and Rehabilitation Thereof.

1. The grounds and the procedure for rendering medical-and-sanitary care services to individuals suffering from mental disorders and for rehabilitation thereof are regulated by a special law.

2. Individuals suffering from mental disorders are guaranteed the rights set forth in the legislation of the Republic of Kazakhstan.

3. Control over compliance with the legislation on protection of mental health of the population, treatment and rehabilitation of individuals suffering from mental disorders, shall be carried out by local representative and executive entities.

Article 21. Rendering of Medical-and-Sanitary Care Services to Individuals Suffering from Alcoholism, Drug Addiction and Toxicomania.

1. The system of measures on prevention and treatment of alcoholism, drug addiction, and toxicomania shall be implemented by local executive entities. At a statement made by healthcare entities and institutions, the local executive entities shall organize special offices, hospitals and clinics for treatment of the stated categories of patients, including those providing anonymous treatment services.

2. The rights of individuals suffering from alcoholism, drug addiction, and toxicomania are protected by the legislation of the Republic of Kazakhstan; such individuals shall be provided with rehabilitation services.

See The Order of the President of the Republic of Kazakhstan N 2184 “On Compulsory Treatment of Individuals Suffering From Alcoholism, Drug Addiction, and Toxicomania” as of April 7, 1995; the above-stated order holds the legal power of a law.

Article 22. Rendering of Medical Care Services to Citizens under Custodial Restraint.

1. Rendering of medical care services to citizens serving a penitentiary statement outside an institution of confinement as a result of a verdict reached in a court of law, or too those placed into temporary isolation ward/jail, or special institutions, shall be carried out on the basis of general care principles.

2. Individuals confined in investigation wards/jails, and those serving sentence in institutions of confinement/prisons shall be serviced by departmental medical agencies.

Article 23. Rendering of Medical-and-Sanitary Care Services to Citizens Engaging Into Physical Training and Sports.

1. For citizens engaging in physical training and sports, special clinics, offices, and networks for sports-and-health-improving complexes shall be established by the local executive entities.

2. Sanitary inspection entities shall carry out control over state of premises and the territories used for physical training and sports activities.

Article 24 has been amended under RK Law N 325-1 dated December 17, 1998

Article 24. Rendering of Medical Care Services to Military Personnel, the Staff of Internal Affairs Agencies, The State Investigative Committee, The Committee for National Security, and the National Guard of the Republic of Kazakhstan.

Medical care services to the Military Personnel, the staff of Internal Affairs Agencies, the State Investigative Committee, the Committee for National Security, and the National Guard of the Republic of Kazakhstan shall be rendered by the medical organizations functioning within these departments. In the event such are absent at the location of service, or at the location of residence, or in case of absence of appropriate sections, experts, or special equipment within departmental medical institutions, medical care services shall be rendered without hindrance and free-of-charge by territorial institutions of the central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens, at the expense of the funds in appropriate budgets within the context of the guaranteed range of medical care services and the basic program on mandatory medical insurance.

Article 25. The Procedure for Surgical Interventions, Blood Transfusion, and Application of Complex Diagnostic Methods.

1. Surgical operations, blood transfusions, and complex diagnostic methods shall be carried out at the patient’s consent, while for patients who have not yet reached the age of sixteen, or the patients suffering from mental disorders – at the consent of their parents, guardians, custodians, or close relatives.

2. The consent may be withdrawn, with the exceptions of those cases when doctors have already commenced a medical intervention, and its termination or return is not possible in connection with a threat to the life and health of the person concerned.

3. In cases when a delay of a surgical intervention, blood transfusion, or application of a complex diagnostic method poses a threat to the life of a patient, but it is impossible to obtain the consent of the individuals stated above, the decision shall be made by a doctor or a medical committee.

Article 26. Clinical and Medical-and-Biological Experiments and Application of New Diagnostic and Treatment Methods.

1. As a rule, clinical and medical-and-biological experiments are carried out on animals, while in order to engage a human being in this type of activity, either his/her written consent is required, or this can be done on the basis of a contract drawn up in the presence of his/her legal representative.

2. At a request made by the experimental subject, or in the event a danger to his/her life or health arises, experiments shall be stopped at any stage. Treatment-and-prevention institutions shall apply only experimentally proven methods of prevention, diagnostics, and treatment, provided the issuance of a special permission by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

3. The procedure for carrying out clinical and medical-and-biological experiments, as well as for application of new methods of diagnostic and treatment, shall be determined by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

Article 27. Determination of the Moment of Death. The Conditions for Disconnection of Life-Sustaining Equipment.

1. Ascertaining of death shall be carried out by a doctor or a doctor's assistant. The criteria for identification of the death of a human being shall be set forth by an act, in accordance with a provision subject to approval by the central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

2. Life-sustaining equipment may only be disconnected in cases when death has been ascertained.

3. Medical personnel shall be prohibited from performing euthanasia.

Article 28. Carrying Out Postmortem Examination.

1. Postmortem examination shall be carried out by doctors with the purpose of obtaining information as to the causes of death and for a more precise diagnosis of the illness.

2. The procedure for postmortem examination shall be determined by an act approved by the central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

Article 29. Anatomical Gift.

1. Anatomical gift may be made by the means of a will of the donor, and shall acquire legal validity after his/her death. A will containing information about an anatomical gift may be nullified by the donor. Relatives shall have the right to call the will to question by the means of a judicial procedure.

2. Information about anatomical gifts shall not be subject to disclosure.

3. In accordance with the legislation of the Republic of Kazakhstan, corpses of individuals that have been classified as unidentified or unclaimed may also be considered as an anatomical gift.

Chapter IV. DONOR ACTIVITIES

Article 30. Donating Blood and Its Components.

1. Every citizen of the age of 18 to 60 shall have the right to become a donor of blood or of its components. Donors shall be offered benefits in accordance with the legislation of the Republic of Kazakhstan.

Individuals, who have been infected with the human immunodeficiency virus, are prohibited from donating blood, tissues, or organs.

2. The procedure and conditions for operations on blood sampling, transfusion of blood and its components, and storage thereof, shall be regulated by a special provision approved by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

Article 31. Organs and Tissues Transplantation

1. A human body, a human corpse, as well as an animal may act as a donor for operations on tissue and organ transplantation.

2. Compulsory extraction of human tissues and organs and their transplantation are prohibited. Human organs may not be bought, sold, or transferred into new ownership as a result of a commercial bargain. Individuals that permitted such activities shall be called to account in accordance with the legislation of the Republic of Kazakhstan.

3. The procedure and the conditions for carrying out operations on transplantation of tissues and organs from one human being to another, from a human corpse to a living human being, and from animals to humans, shall be regulated by a provision approved by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

The Criminal Code of the Republic of Kazakhstan stipulates accountability for engaging in compulsory extraction or human tissues or organs with the purpose of transplantation thereof or for any other purposes.

Article 32. Donor's Right to Compensation and Social Assistance.

In the event of infliction of harm connected with fulfillment of the donor's functions, donors shall have the right to compensation of damages and social assistance, while and the wife (husband), children, parents, and dependents of the donor shall have the right to compensation and social assistance in the event of the donor's death.

Article 33. Artificial Insemination and Embryo Implantation.

1. Procedures on artificial insemination and embryo implantation may be carried out on the basis of a common written consent of the married couple, who have entered into a registered marriage. Artificial insemination or an operation on implantation of an embryo in relation to an unmarried woman may be carried out in accordance with her declaration of intent.

2. In accordance with the legislation of the Republic of Kazakhstan, healthcare institutions shall ensure compliance with anonymity of donation and privacy of operations on artificial insemination or embryo implantation and bear the responsibility for such confidential information.

3. The procedure and the conditions for donor activities carried out for the purposes of artificial insemination and embryo implantation shall be governed by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

4. The rights and obligations of parents in relation to children born after an operation on artificial insemination or embryo implantation shall be governed in accordance with the laws of the Republic of Kazakhstan.

See also: The Law of the Republic of Kazakhstan N 565-II "On Reproductive Rights of Citizens and The Guarantees for Realization Thereof" as of June 16, 2004.

Chapter V. MEDICATION AID AND PROSTHETIC-AND-ORTHOPEDIC CARE

Article 34 has been amended under RK Law N 523 dated January 13, 2004

Article 34. Medication Aid to Citizens.

1. The authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens shall be responsible for implementing the State policy on rendering of medication aid to citizens and shall manage the actions concerning its implementations on the basis of short-term and long-term forecasting of the demand in medications.

2. The selling of medications shall be carried out by subjects engaged in the area of medications circulation, who have received a license for selling of medications that passed State registration, provided the possession of a certificate of conformance issued in accordance with the legislation of the Republic of Kazakhstan.

3. The State entity authorized in the area of medications circulation, and its territorial subdivisions, shall regulate the governmental surveillance of pharmaceutical activity, as well as carry out safety, effectiveness and quality control of medications.

See The Law of the Republic of Kazakhstan N 522-II "On Medications" as of January 13, 2004.

Article 35. Manufacture, Usage, and Control of Narcotic Substances Applied in Clinical Practice.

1. Narcotic substances that are intended for medical, veterinary, and scientific purposes only shall be manufactured, processed and stored in the Republic of Kazakhstan.

2. The right to manufacture, process, import, store, transport, and sell narcotic substances shall belong to institutions that received permission from an authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens and the Ministry of Internal Affairs of the Republic of Kazakhstan.

3. Production, usage, and control of narcotic substances applied in clinical practice shall be carried out in compliance with the legislation of the Republic of Kazakhstan and international agreements.

4. The authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens and the Ministry of Internal Affairs of the Republic of Kazakhstan shall be entrusted with the control over manufacture, processing, import, storage, transportation, selling, usage, and destruction of narcotic substances intended for medical, veterinary, and scientific purposes.

Article 36. Prosthetic-and-Orthopedic Care

1. In accordance with medical recommendations, citizens shall have the right to be provided with prosthetic and orthopedic care. Handicapped individuals have the right to be provided with prosthetic and orthopedic products manufactured on the basis of modern technologies.

2. In accordance with the procedure set forth by the authorized governmental entity of the Republic of Kazakhstan, prosthetic and orthopedic products and shoes shall be provided to all handicapped individuals free-of-charge or at reduced cost.

3. The State shall allocate the necessary funds for conducting scientific-and-research work on perfecting of prosthetic and orthopedic care, introduction of high-quality prosthetic and orthopedic products into manufacture, modern technologies, training of experts, better organization and development of the prosthetic-and-orthopedic industry.

For individual questions as to the procedure for provision of prosthetic-and-orthopedic care to the population, see in The Order N 88-II of the Ministry of Labor and Social Security of the Population of the Republic of Kazakhstan as of April 2, 1998.

Chapter VI. THE RIGHTS AND OBLIGATIONS OF STATE AND PRIVATE MEDICAL INSTITUTIONS

Article 37. The Rights of Institutions within the State Healthcare System

Institutions within the State healthcare system shall have the right:

- to develop and approve their own organizational structure and staff, and to independently choose the form for organization and remuneration of labor, in accordance with the legislation of the Republic of Kazakhstan;
- to enjoy the rights of a legal entity in accordance with the legislation of the Republic of Kazakhstan.

Article 38. The Rights of Private Medical Institutions and Individuals Engaging in Private Medical Practice.

Private medical institutions and individuals engaging in private medical practice shall have the right:

- to render preventive, diagnostic, and treatment care services to the population in accordance with the obtained license;

- to set prices for the medical services being rendered;

- to hire medical workers and to establish the forms and the amounts for remuneration of their labor on the conditions not in conflict with the legislation of the Republic of Kazakhstan;

- to issue prescriptions for medications and give out medical reference information notes and disablement sheets in accordance with the procedure set forth by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens and the Ministry of Internal Affairs of the Republic of Kazakhstan.

Article 39 has been amended under RK Law N 308 dated March 21, 2002

Article 39. The Obligations of Institutions within the State Healthcare System

Institutions within the State healthcare system shall be obligated to provide:

- the rendering of emergency medical care services;

- accessible, timely, competent, specialized, as well as free-of-charge medical services to the patient within the range of State-guaranteed services;

- readiness to work in extreme conditions;

- implementation of special preventive medical measures on prevention, diagnostics, and treatment of illnesses that pose a threat to the life and health of individuals in the surrounding society, as well as of professional illnesses;

- free-of-charge, operational, and reliable information as to the forms and types of competent medical care services rendered by the institutions within the State healthcare system;

- adherence to sanitation-and-hygienic and anti-epidemic procedures;

- interaction and collaboration in working with other healthcare institutions, regardless of the forms of ownership;

- promotion of a healthy lifestyle and sanitary-hygienic education for the population;

- conditions for training and re-training of medical personnel;

- interaction in working on the issues of the health of citizens with other ministries and departments, as well as industrial, educational, trade, economic, and other types of organizations.

Article 40 has been amended under RK Law N 325-1 dated December 17, 1998

Article 40. The Obligations of Private Medical Institutions and Individuals Engaging in Private Medical Practice.

Private medical institutions and individuals engaging in private medical practice shall be obligated:

- to provide the rendering of emergency medical care services;

- to carry out medical activities only in the presence of a license permitting to conduct all types of preventive, diagnostic, and treatment care services rendered to the population;

- to be guided by sanitation rules and regulations, hygienic guidelines for organization of work of treatment-and-prevention institutions, approved by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens;

to apply the methods for diagnostics, prevention, and treatment, as well as use medications, the usage of which is permitted by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens;

to keep primary medical documents and present annual reports in accordance with the format, and the types and the required coverage range, set forth by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens;

to refrain from disclosing information in regards to diseases/illnesses, private and family life of citizens, which they have come to know in the process of fulfilling their professional duties. Disclosure of such information shall be permitted in cases stipulated in the present Law;

to provide citizens with reliable information and objective advertisement in mass-communication media about the rendered medical care services and the effectiveness of the methods used in treatment of patients;

to inform healthcare entities of the cases of infection with sexually transmitted diseases, AIDS, leprosy, microsporia, trichophytosis, scabies, infectious diseases, mental disorders, and to transfer the information about individuals, who were referred on the account of injuries and wounds – to the Internal Affair entities under the State Investigating Committee.

Chapter VII. HEALTHCARE FINANCING

Article 41 has been amended under RK Law N 325-1 dated December 17, 1998

Article 41. The Sources of Financing within the State Healthcare System.

Listed below are the sources of financing within the State healthcare system:

local budgetary funds, allocated for residents *per capita*;

republic's budgetary funds, allocated in accordance with the established procedure;

the assets provided by Fund for Mandatory Medical Insurance;

funds provided by international organizations for international programs;

medical institution funds received for rendering of medical care services in addition to the guaranteed range of services as well as for rendering of paid services and other types of activities that are not contradictory to the legislation;

voluntary allocations from the profits of organizations;

charity contributions made by organizations and citizens, including those of other countries;

funds contributed by citizens in the form of co-payment for the guaranteed range of free-of-charge medical care in out-patient and in-patient conditions, in accordance with the procedure, approved by the Government of the Republic of Kazakhstan;

voluntary medical insurance funds;

other sources, the use of which is in congruence with the legislation of the Republic of Kazakhstan.

Article 42 has been amended under RK Law N 325-1 dated December 17, 1998; N 523-II dated January 13, 2004

Article 42. The Usage of Funds within the State Healthcare System.

The funds within the State healthcare system are directed towards:

rendering of the guaranteed range of free-of-charge medical care services;

comprehensive target healthcare programs;

development and maintenance of the material-and-technical basis of State healthcare;

organization of manufacture and procurement of the basic medications;

training and continuous education for medical and pharmaceutical personnel;

development and introduction of achievements in medical and pharmaceutical science;

liquidation of infectious disease epidemics;

acquisition of blood and its components, vaccines, immune-biological other types of medications;

acquisition of medications for the purpose of free-of-charge and lowered-cost distribution to some population categories, as well as procurement of specialized children's and medical nutritional products in accordance with the procedure and the guidelines set forth by the Government of the Republic of Kazakhstan.

Article 43 has been amended under RK Law N 325-1 dated December 17, 1998

Article 43. Reimbursement of Expenses for Medical Care

1. Reimbursement of expenses for rendering of the guaranteed range of free-of-charge medical care services by physical persons and legal entities that are in possession of a license for engaging in medical activities, regardless of forms of ownership, shall be carried out:

in accordance with per capita norms for primary healthcare;

in accordance with outpatient-clinic tariffs for specialized outpatient clinical care services;

in accordance with clinical expense groups for in-hospital care.

2. The procedure for reimbursement of expenses for medical care services shall be determined by the Government of the Republic of Kazakhstan.

See also: The Rules and Regulations for governmental procurement of medical services at fixed tariffs.

Chapter VIII. THE RIGHTS OF CITIZENS IN THE AREA OF HEALTH PROTECTION

Article 44. The Rights of Citizens to Receive Medical Care.

Paragraph 1 has been amended under RK Law N 325-1 dated December 17, 1998

1. Citizens of the Republic of Kazakhstan have the right to the guaranteed range of free-of-charge medical care services rendered at the expense of funds within the republic's and local budgets, as well as the assets of the Fund for Mandatory Medical Insurance.
2. In addition to the guaranteed range of free-of-charge medical care services, citizens have the right to receive supplementary medical services at the expense of their own private funds, the funds provided by organizations, or received from other sources not prohibited by the legislation of the Republic of Kazakhstan. This right shall be exercised by the means of receiving paid medical services, and by the means of acquisition of voluntary medical insurance. The conditions and the procedure for rendering of paid medical services within the institutions of the State healthcare system shall be subject to approval by the Government of the Republic of Kazakhstan.
3. Citizens have the right to a free choice of medical institution, as well as to a free choice of doctor.
4. Emergency medical care and first aid shall be rendered to citizens by any closest treatment-and-prevention institution, regardless of its departmental subordination and the form of ownership.

Article 45. The Right of Citizens to Refusal of Medical Intervention.

1. With the exception of cases stipulated in Article 46 of the present Law, a citizen, or his/her legal representative, shall have the right to refuse to undergo medical examination, treatment, or medical intervention at any stage.
2. When a citizen, or his/her legal representative, refuses to undergo medical examination, treatment, or medical intervention, the possible outcomes of such actions should be explained to the citizen, or to his/her legal representative, in a form that is easily understood.
3. The refusal to undergo medical examination, treatment, or medical intervention, together with the indication of the possible consequences, shall be entered in an official medical documentation record, and shall be signed by the citizen, or his/her legal representative, as well as a medical worker.
4. In cases when administration of medical care is necessary for saving the life of the persons indicated below, but is refused by the parents, or other legal representatives (adoptive parents, guardians, custodians) of an individual who has not reach the age of 16, or by the legal representatives of an individual who, in accordance with a procedure set forth by the law, has been acknowledged to be incapable of making such decisions, the medical institution, as well as the medical worker shall have the right to appeal to a court of law in order to protect the interests of such persons.

Article 46. Medical Examination, Treatment, and Medical Intervention without the Consent of Citizens.

1. The rendering of medical examination, treatment and medical intervention without the consent of a citizen, or his/her legal representative, shall be permitted in regards to individuals:
 - who are in a condition of shock or coma, which prevents them from expressing their will and desire;
 - who suffer from an illness or a disease that poses a threat to the life and health of those around the ill individual;
 - who suffer from serious mental disorders;
 - who suffer from mental disorders and have committed a socially dangerous act, in accordance with the procedure stipulated in the legislation of the Republic of Kazakhstan.
2. Medical examination, treatment, and medical intervention without the consent of citizens shall be continued until the disappearance of the grounds stipulated by the present article, or in accordance with a decision issued by a court of law.

Article 47. The Right of Citizens to Ecological, Sanitary-and-Anti-Epidemiological Well-being and Radiation Safety.

1. Citizens shall have the right to ecological, sanitary-and-anti-epidemiological well-being and radiation safety.
2. The Government ensures preservation of favorable environment, which does not have a negative effect on the state of health of the present and future generations.

Article 48. The Right of Citizens to Being Provided with Medication Aid and Prosthetic-and-Orthopedic Care.

1. Citizens shall have the right to being provided with medication aid and orthopedic and prosthetic care.
2. The categories of persons subject to preferential provision with medications, orthopedic and prosthetic corrective products, hearing devices, instruments for physiotherapy exercises, and special means of transportation, as well as the conditions and the procedure for provision and usage thereof shall be governed by the legislation of the Republic of Kazakhstan.

Article 49. The Right to Medical-and-Genetic Testing for Citizens Entering into a Marriage.

With the objective of protection of the health of married couples and their descendants, citizens entering into a marriage on the territory of the Republic of Kazakhstan, shall have the right to undergo medical or medical-and-genetic testing at a healthcare institution of their choice.

Article 50. The Right of Citizens to Rest-and-Resort Medical Treatment, and to Reception of Services Rendered by Health-Improving Organizations.

Citizen shall have the right to receive the services of rest-a-resort organizations, holiday homes, prevention rest houses, boarding houses, tourist centers, sports venues, and other health-improving institutions.

Article 51. The Right of Citizens to Information as to the State of Their Health and the Health-Influencing Factors.

1. Citizens shall have the right to receive the necessary information as to the state of their health and the state of health of their children.

2. Citizens shall have the right to receive the necessary information as to the state of health of their wife/husband and parents, unless the law stipulates otherwise.

3. Citizens shall have the right to receive the necessary information from healthcare entities and institutions, as well as employers, about the methods of prevention and treatment, the rate of disease incidence within the population, the factors influencing their health, including the state of the environment, and the working, living and leisure conditions.

4. Citizens shall have the right to receive detailed information from apothecaries and treatment-and-prevention institutions about the quality, safety, and effectiveness of medications that are prescribed and sold.

5. Information as to the state of health of citizens shall be provided by the doctor who is in charge of medical examination and treatment.

Article 52. The Right of Citizens to Compensation of Harm Caused to Their Health.

Citizens shall have the right to compensation of moral and material damages to their health caused by the State, employers, or other persons. The grounds and the procedure for compensation of harm to health shall be regulated by the legislation of the Republic of Kazakhstan.

Article 53. The Right of Citizens to Receive Medical, Pharmaceutical, and Prosthetic-and-Orthopedic Care in Foreign Medical Institutions and Other Organizations.

Citizens shall have the right to receive medical, pharmaceutical, prosthetic-and-orthopedic care in foreign medical institutions or other organizations, provided the availability of reports made by specialized medical institutions as to the necessity of receiving such care. State entities are obliged to render assistance in reception thereof.

See: The Resolution of the Government of the Republic of Kazakhstan N 326 "On Approval of the Rules for Directing Citizens of the Republic Abroad for Medical Treatment" as of February 29, 2000.

Article 54. Mothers' Right to Protection of Health.

1. A woman is granted a choice as to her motherhood. With the objective of health preservation, a woman may grant her consent to undergo the modern methods for prevention of unwanted pregnancy. Surgical sterilization is carried out only provided the consent of the woman, in the presence of medical recommendations, as well as at her own initiative; the list of medical recommendations shall be determined by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens

2. In the Republic of Kazakhstan, motherhood is protected and encouraged by the State;

3. Protection of motherhood shall be ensured:

by the means of organizing of a wide network of special medical institutions;

by the means of payment of benefits to the woman on the occasion of birth of a child in accordance with the procedure and in the amount that complies with the legislation of the Republic of Kazakhstan;

by the means of rational job placement for pregnant women and through providing them with the opportunity to adhere to medical recommendations;

by the means of provision of vacation time in connection with pregnancy and childbirth to pregnant women, and payment of benefits for childcare in accordance with the legislation of the Republic of Kazakhstan;

by the means of setting up individual work schedules and part-time workdays.

4. The legislation may grant other benefits.

Article 55. The Right of Children to Health Protection.

1. The State protects the rights and interests of children, ensures their right to living conditions necessary for normal physical, intellectual, spiritual, moral, and social development.

2. The State entities and employers shall provide the development of a network of special medical and children's health-improving institutions, and shall be responsible for creation of the necessary conditions for the successful functioning thereof.

3. Children shall be subject to mandatory medical examinations and regular medical check-ups.

See: The Instructions on filling out and keeping of the "The Child's Health Passport" record form 026/y-3.

Paragraph 4 has been amended under RK Law N 325-1 dated December 17, 1998

4. The mother (father) or another person, who takes direct care of a child under 3 years of age during his/her hospital stay, or seriously ill children of an older age, who, according to conclusion made by doctors, are in need of additional care, shall be granted the opportunity to stay with the child in the medical institution, and shall be eligible for reception of benefits for temporary working incapacitation in connection to taking care of an ill person.

5. Children with physical or mental developmental defects shall have the right to receive medical-and-social care in children's institutions. The list of medical counter-indications which prevent the stated children from being placed into special homes for children, or into generalized educational-and-pedagogical institutions, shall be subject to approval by the authorized executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

6. Avoidance of fulfilling the family obligations on taking care and educating children, or being the perpetrator of child abuse which causes harm to the health thereof, shall result in accountability set forth by the legislation of the Republic of Kazakhstan.

Chapter IX. THE OBLIGATIONS OF CITIZENS IN THE AREA OF HEALTH PROTECTION

Article 56. The Obligations of Citizens on Compliance with the Legislation on Protection of the Health of Citizens.

Citizens are obligated to comply with the legislation on protection of the health of citizens, and to treat their own health and the health of individuals around them with care.

Article 57. The Obligations of Citizens on Compliance with Medical Recommendations.

1. With the purpose of prevention of infectious diseases, citizens are obligated to follow medical recommendations within the time limit set by healthcare institutions.

2. Individuals undergoing treatment in hospitals are obligated to comply with the regulations that are in force within the medical institutions.

3. Individuals, who suffer from infectious diseases, and who do not comply with medical recommendations, shall bear responsibility in accordance with the legislation of the Republic of Kazakhstan.

Article 58. The Obligations of Citizens on Taking Care of Children's Health.

1. Citizens are obligated to take care of children's health, their physical, spiritual, and moral development, to instill in them the habits of a healthy lifestyle.

2. Pregnant women are obligated to timely register with a medical institution, undergo medical examinations, and follow to medical recommendations.

3. Parents are obligated to adhere to the rules that promote the birth of healthy children, and to follow medical recommendations after the child's birth.

Article 59. The Obligations of Citizens Suffering from Tuberculosis, Leprosy, AIDS, Sexually Transmitted Diseases, and Quarantine Infections.

1. Citizens suffering from tuberculosis, leprosy, AIDS, sexually transmitted diseases, and quarantine infections are obligated to undergo medical examination and treatment at the request made by medical institutions.

2. In the event of avoidance of a medical examination or treatment, such citizens shall be subjected to examination and treatment in accordance with a compulsory procedure.

3. The grounds and procedure for directing citizens for compulsory treatment are regulated by the legislation of the Republic of Kazakhstan.

Article 60. The Obligations of Citizens on Collaboration in Transportation of, and Rendering of Medical Care Services to Ill Individuals.

Citizens are obligated to collaborate in transportation of, and rendering of medical aid to ill individuals in cases when the life of such ill individuals is in danger.

Chapter X. THE RIGHTS AND OBLIGATIONS OF FOREIGNERS AND NON-CITIZENS IN THE AREA OF HEALTH PROTECTION

Article 61. The Rights and Obligations of Foreigners and Non-Citizens in the Area of Health Protection in the Republic of Kazakhstan.

1. Foreigners who are situated on the territory of the Republic of Kazakhstan are guaranteed the right to protection of health in accordance with international agreements of the Republic of Kazakhstan.

2. Foreigners and non-citizens permanently residing on the territory of the Republic of Kazakhstan, as well as refugees, shall enjoy the same rights and bear the same obligations in the area of health protection, as do the citizens of the Republic of Kazakhstan, unless otherwise specified in international ratified agreements of the Republic of Kazakhstan.

3. The procedure for rendering of medical-and-sanitary and medical-and-social care to foreigners and non-citizens, as well as refugees, is regulated by the authorized executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

See: The Rules and Regulations on rendering medical-and-sanitary care services to foreigners, non-citizens, and refugees permanently residing on the territory of the Republic of Kazakhstan.

Chapter XI. SECURING HUMAN RESOURCES FOR HEALTHCARE INSTITUTIONS

Article 62. Healthcare Institutions Personnel.

1. Medical, pharmaceutical, research, scientific-and-pedagogical, pedagogical, technical-and-engineering workers shall be classified as healthcare employees, the list of which shall be determined by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

2. Training, usage, and continuous education of healthcare personnel shall be carried out at the expense of the State, employers, and private persons.

3. The authorized executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens shall ensure the following:

continuity of specialized secondary and higher medical and pharmaceutical education;

quality control in training of medical and pharmaceutical staff;

satisfaction of the republic's need in medical, pharmaceutical, scientific, and pedagogical personnel.

Article 63. The Right to Engage in Medical and Pharmaceutical Activities.

Persons who received specialized training and a diploma or a certificate on completion of an appropriate course in a higher or a secondary specialized educational institution of the Republic of Kazakhstan, or the former USSR, as well as persons who received a diploma through a nostrification procedure, shall have the right to engage in medical and pharmaceutical activities, including private practice

Article 64. The Right of Persons Who Do Not Have Specialized Medical Education to Engage in Folk Medicine Activities (Healing).

1. Persons, who do not have specialized medical education shall have the right to render medical treatment by the means of folk medicine (healing) solely on the basis of an appropriate certificate and a license issued by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

2. Engaging in sessions of mass-healing, including those involving the usage of mass-communication media, shall be prohibited.

3. Persons illegally engaging in healing activities shall bear full responsibility in accordance with the legislation of the Republic of Kazakhstan.

4. Control over the quality of medical care services rendering shall be carried out by the State healthcare entities. In case of detection of transgressions that resulted in causing harm to the health of citizens, the license may be withdrawn, or its effects may be terminated, while in case of healers – both the licenses and the certificates shall be withdrawn.

Article 65. Reinstatement and Revocation of the Right to Engage in Medical and Pharmaceutical Activities and Forfeiture Thereof.

1. Medical and pharmaceutical workers, who discontinued work in their profession for a period of time exceeding three years, shall be allowed to engage in medical and pharmaceutical activities after undergoing training in the appropriate educational institutions in accordance with the procedure set forth by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens.

2. Revocation of the right to engage in medical and pharmaceutical activities shall be carried out in accordance with a procedure set forth by a court of law.

Chapter XII. THE RIGHTS, OBLIGATIONS, AND LIABILITIES OF MEDICAL AND PHARMACEUTICAL WORKERS, AND SOCIAL SECURITY THEREOF

Article 66. Professional Rights of Medical and Pharmaceutical Workers.

1. The honor and dignity of medical and pharmaceutical workers, their professional and social rights shall be protected by law.

2. Medical and pharmaceutical workers shall have the right to:

receive classification into expert categories in accordance with the attained level of technical and practical training, within the deadlines set by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens;

improve the level of their professional expertise;

undergo re-training at the expense of the budgetary funds from all levels, and in the event of impossibility to carry out professional duties due to the state of their health, as well as in the event of dismissal of workers in connection with a reduction in force or in staff, or liquidation of organizations, shall undergo professional re-training at the expense of the funds of the organizations that granted a job position to such citizens;

be insured from professional mistakes not related to negligent or careless fulfillment of their professional duties, as a result of which harm or damage is caused to the health of another citizen;

unhindered and free-of-charge access to communication means belonging to institutions, or citizens, as well as to any transportation means for the purpose of being transported to the place of a patient's location, or for transportation of a patient to a treatment-and-preventive institution, in the event when the life of the patient is under a threat.

3. Intervention of State entities and other institutions, as well as citizens, into professional activities carried out by medical and pharmaceutical workers shall be prohibited, with the exception of cases when medical or pharmaceutical personnel transgress their professional duties or violate the legislation of the Republic of Kazakhstan.

Article 67. Professional Duties of Medical and Pharmaceutical Workers.

1. Medical and pharmaceutical workers shall be guided by the principles of medical ethics when carrying out their professional activities.

2. Medical and pharmaceutical workers shall be obligated:

to render medical care services in accordance with their official professional duties;

to render emergency medical care outside a medical institution to citizens in the event the necessity to do so arises. Failure to render such medical care shall result in accountability in accordance with the legislation of the Republic of Kazakhstan;

to refrain from disclosing information about diseases/illnesses, private and family life of citizens, the access to which was gained in the course of provision of professional services. Disclosure of such information shall be permitted in exceptional cases in the event of illnesses that are of socially dangerous nature, as well provided a written request made by investigative or judicial entities;

to increase the level of their professional expertise by the means of undergoing a series of post-graduate studies at a continuous education and retraining courses within healthcare organizations, regardless of forms of ownership, in accordance with the procedure and within the time limit set forth by the authorized central executive entity of the Republic of Kazakhstan that carries out management in the area of protection of the health of citizens;

See: The Order of the Healthcare Committee of the Ministry of Education, Healthcare, and Culture of the Republic of Kazakhstan N 595 "On Improving the Organization of Planning and Increasing the Professional Expertise Level of Medical and Pharmaceutical Workers with Higher Education" as of December 10, 1998.

Article 68. Liability of Medical and Pharmaceutical Workers in Regards to the Harm Caused to the Health of Citizens.

In accordance with the legislation of the Republic of Kazakhstan, medical and pharmaceutical workers, as well as the persons who have the right to engage in folk medicine (healing), shall bear liability for the harm they cause to the health of citizens.

Article 42 has been amended under RK Law N 484-1 dated November 22, 1999

Article 69. Social Security of Healthcare Workers.

1. Workers employed in the State healthcare system shall have the following rights:

experts of State healthcare institutions, who live and work in rural areas, shall be granted social benefits for purchasing of fuel at the expense of the local budgetary funds in compliance with a decision made by the local representative entities;

healthcare workers, who engage in travel-related work, shall have the right to free-of-charge usage of public transportation at the expense of local budgetary funds in compliance with a decision made by the local representative entities. The list of such workers shall be determined by a corresponding local executive entity;

healthcare workers, who possess livestock in their personal ownership, shall be provided with food for cattle, as well as land lots for pasturage of livestock and haymaking, on an equal basis with the workers of agricultural organizations.

2. In compliance with a decision made by local representative entities, healthcare experts, who work in rural areas, may be awarded no less than a 25 percent increase in incomes and tariff rates, in comparison with the salaries of the experts engaging in the same type of activities in city conditions.

3. In addition to benefits stipulated in the legislation of the Republic of Kazakhstan, local representative entities may grant additional benefits to healthcare workers at the expense of local budgetary funds.

See also: The Rules and Regulations of the Republic of Kazakhstan Agency for the Issues of Healthcare N 305 "On Additional Vacation Time for Medical and Apothecary Workers" as of May 22, 2000.

Chapter XIII. MEDICAL EXAMINATION

Article 70. Examination for Temporary Working Inability.

1. Examination of citizens for temporary working inability shall be carried out in treatment-and-prevention institutions by a doctor (doctor's assistant) or a medical-consultation commission (VVK) in accordance with the procedure set forth by the standard acts of the Government of the Republic of Kazakhstan.

Paragraph 2 has been amended under RK Law N 325-1 dated December 17, 1998

2. The fact of temporary working inability shall be certified in a disablement sheet. Disablement sheet grants citizens the right to being dismissed from a job and obtaining of temporary disablement aid in accordance with the legislation of the Republic of Kazakhstan.

See: The Rules and Regulations for the issuance of disablement sheets to citizens, The Instructions regarding the procedure for assigning and payment of social security aid at the expense of the employer.

Article 71 has been amended under RK Law N 308-II dated March 21, 2002

Article 71. Medical-and-Sanitary Examination.

1. Medical-and-sanitary examination of citizens shall be carried out by territorial subdivisions of the central executive entity engaged in the field of providing social security of the population.

2. The procedure for organizing and carrying out medical-and-sanitary examination shall be determined by the central executive entity engaged in the area of providing social security of the population, at coordination with the authorized central executive entity that carries out management in the area of protection of the health of citizens in accordance with the legislation of the Republic of Kazakhstan.

3. Conclusion made by a territorial subdivision of an executive entity engaged in the area of providing social security to the population may be appealed in a court of law at the initiative of a citizen, or his/her legal representative, in accordance with the procedure set forth in the legislation of the Republic of Kazakhstan.

Article 72. Forensic Medical Examination and Legal-Psychiatric Examination.

1. Forensic medical examination and legal-psychiatric examination shall be carried out in the medical institutions within the state healthcare system that are specially intended for this purpose.

2. The procedure for organization and conduction of forensic medical examination and legal-psychiatric examination shall be determined in the legislation of the Republic of Kazakhstan and standard acts issued by the Government of the Republic of Kazakhstan.

3. Citizen, or his/her legal representative, shall have the right to submit a request to the entity that assigned conduction of a forensic medical examination or a legal-psychiatric examination as to inclusion into the expert commission of an additional expert, who possesses appropriate professional training.

4. Conclusion made by the institution that carried out forensic medical examination or legal-psychiatric examination may be appealed in accordance with a procedure used in a court of law and set forth by the legislation of the Republic of Kazakhstan.

Chapter XIV. FINAL PROVISIONS

Article 73. The Liability for Transgression of the Present Law.

In the event of transgression of the present [Law](#), legal entities and physical person shall bear liability in accordance with the legislation of the Republic of Kazakhstan.

Article 74. International Agreements.

If regulations set forth by international agreements ratified by the Republic of Kazakhstan differ from the ones set forth in the present [Law](#), then the international agreement regulations shall be applicable.

**President
of the Republic of Kazakhstan**

N. NAZARBAYEV