

Law of the Republic of Kazakhstan No. 430-II of 4 June 2003
On Health Care System
(as amended through RK Law No. 13-III dated December 20, 2004
(effective since January 1, 2005))

This law regulates social relations in the sphere of health care and determines legal, organizational, economic and social activity bases of health care system of the Republic of Kazakhstan with the purpose to implement citizens constitutional rights to health protection and provision of their observance guarantees.

Chapter 1. General provisions

Article 1. Principle conceptions used in this Law

The following principle conceptions are used in this Law:

- 1) military-medical service – set of military-medical subdivisions, divisions and institutions in which military or special service assigned for medical provision of these bodies activity, is stipulated by the law;
- 2) health care – set of medical, social-economic, political and other measures directed to citizens health protection;
- 3) medical activity – professional activity of natural persons with higher and secondary professional medical education as well as of legal persons, directed to citizens health protection;
- 4) medical aid – prophylaxis, diagnostics of diseases, treatment and rehabilitation of citizens in connection with diseases, other health disorders, pregnancy and delivery, fulfilled by medical workers;
- 5) medical organizations – health care organizations which principle activity is rendering of medical aid and medical services for population;
- 6) medical services – services of natural and legal persons acting on the basis of corresponding licenses on rendering of medical aid for citizens;
- 7) medical examination – set of organizational, analytical and practical measures directed to the determination of level, quality and condition rate of various activity spheres in health care;
- 8) health care organization – a legal person, irrespective of organizational-legal form and property, carrying out activity in the sphere of health care;
- Subparagraph 9 has been amended under RK Law No. 13-III dated December 20, 2004*
- 9) health care management authorities –authorized body in the sphere of health care, local authorities of health care public administration of oblasts (cities of the republican importance, capitals), bodies of medical services of the Republic of Kazakhstan;
- 10) health care system – set of state bodies and health care subjects which activity is directed to the ensuring of citizens rights to health protection and receiving of medical aid;
- 11) health care subjects – health care organizations and natural persons carrying out private medical practice;
- 12) authorized body in the sphere of health care – central executive body of the Republic of Kazakhstan carrying out management in the sphere of citizens health protection, medical and pharmaceutical education.

Article 2. Health care legislation of the Republic of Kazakhstan

1. Health care legislation of the Republic of Kazakhstan is based on the Constitution of the Republic of Kazakhstan and consists of the present Law and other statutory legal acts of the Republic of Kazakhstan.

2. If the international agreement ratified by the Republic of Kazakhstan has established the rules other than rules contained in this Law, the rules of the international agreement shall be applied.

Article 3. Basic principles and objectives of state policy in the sphere of health care

1. Basic principles of state policy in the sphere of health care:

- 1) attribution of population health to factors of ensuring national security;
- 2) observance of citizens rights in the sphere of health protection and their provision with state guarantees;
- 3) availability of medical aid to population irrespective of their social and property status;
- 4) provision of sanitary-epidemiological welfare of population;
- 5) state regulation and state control in the sphere of citizens health protection during all life long;
- 6) social justice and equality of citizens in receiving of medical aid;
- 7) sensitivity of health care system to citizens needs in the sphere of health protection;
- 8) responsibility of state authorities for creation of conditions providing preservation and strengthening of citizens health.

2. Main tasks of state policy in the sphere of health care:

- 1) providing citizens of the Republic of Kazakhstan with guaranteed volume of free medical aid;
- 2) safety observance in the sphere of the provision with medicines;
- 3) providing development of domestic medical and pharmaceutical industry;
- 4) providing continuity and succession of medical education using modern training technologies;
- 5) establishment of financing norms upon the formation of the national and local budgets in the sphere of health care;
- 6) succession of actions of medical organizations upon rendering of medical aid;
- 7) standards establishment in the sphere of health care;
- 8) state support of scientific research activity, information and communication systems in the sphere of health care;
- 9) rendering of medical aid in accordance with recent achievements of medical science and technique, new treatment technologies;
- 10) organization and taking of health protection measures on citizens belonging to socially vulnerable population groups including mothers, children, invalids and pensioners;
- 11) presentation of statistics and other information on population health state and habitat factors;
- 12) fulfillment of state control over the quality and completeness of rendered medical services as well as observance of other requirements of the health care legislation of the Republic of Kazakhstan;
- 13) development of international collaboration in the sphere of citizens health protection.

Article 4. Health care system

1. Health care system in the Republic of Kazakhstan consists of public and private sectors of health care.

2. Public sector of health care consists of state authorities in the sphere of health care, health care organizations, scientific and educational organizations in the sphere of health care based on the right of state property.

Private sector of health care consists of health care organizations, scientific and educational organizations in the sphere of health care based on the right of private property as well as natural persons fulfilling private medical practice.

3. State regulation and state control of the activity of health care system is fulfilled by the authorized body in the sphere of health care.

Chapter 2. State regulation in the sphere of health care

Article 5. Providing guarantees of citizens right in the sphere of health care

The state shall guarantee to the citizens of the Republic of Kazakhstan:

- 1) receiving of guaranteed volume of free medical aid;
- 2) equal access to primary medical-sanitary aid;
- 3) receiving of paid medical aid in the public and private treatment organizations as well as from natural persons fulfilling private medical practice;
- 4) sanitary-epidemiological welfare;
- 5) provision with medicines, medical and sanitary- hygienic products;

- 6) quality, composition and volume of medical aid rendered on free of charge and (or) paid basis according to integrated medical standards;
- 7) right of freedom of entrepreneurial activity in the sphere of medical assistance rendering, manufacture and selling of pharmaceutical products.

Article 6. Competence of the Government of the Republic of Kazakhstan
in the sphere of health care

Government of the Republic of Kazakhstan:

Subparagraph 1 has been amended under RK Law No. 13-III dated December 20, 2004

- 1) works out main directions of state policy on health care development;

Subparagraph 2 has been amended under RK Law No. 13-III dated December 20, 2004

- 2) works out and provides the program implementation in the sphere of health care, medical science, medical and pharmaceutical education;
- 3) within its competence issues statutory legal acts in the sphere of health care;
- 4) provides citizens receipt of free guaranteed volume of medical aid determined by this law;
- 5) approves qualification requirements and procedure of licensing of medical and pharmaceutical activity;
- 6) approves state standard of health care organizations network depending on population density and settlements distance;
- 7) determines the order of accreditation, attestation, certification and standardization in the sphere of health care;
- 8) establishes the procedure for provision of public health care organizations with medical equipment, medical and sanitary-hygienic products and medicines purchased in centralized way at the expense of the national budget funds;
- 9) determines the order of free medical aid rendering and providing citizens with medicines and medical products in emergency situations.

Article 7. Competence of the authorized body in the sphere of health care

Authorized Body in the sphere of health care:

- 1) provides carrying out of state policy in the sphere of health care, medical science, medical and pharmaceutical education;
 - 2) fulfills management of activity of medical and pharmaceutical education organizations;
- Subparagraph 3 has been amended under RK Law No. 13-III dated December 20, 2004*
- 3) implements programs in the sphere of health care, medical science, medical and pharmaceutical education;
 - 4) fulfills inter-branch collaboration in the interests of citizens health;
 - 5) determines the procedure for medical aid rendering and provision of citizens with medicines;
 - 6) works out and approves statutory legal acts and normative documents in the sphere of health care;
 - 7) fulfills standards development in the sphere of medical and pharmaceutical activity as well as in the sphere of medical and pharmaceutical education;
 - 8) carries out attestation for professional competence of heads of local authorities of health care public management and heads of public health care organizations;
 - 9) provides keeping of state statistic records and accountability in the sphere of health care;
 - 10) determines the procedure of medical organizations interaction;
- Subparagraph 11 has been amended under RK Law No. 13-III dated December 20, 2004*
- 11) develops rules of expenditure compensation of medical organizations at the expense of budget funds in accordance with the procedure established by the legislation of the Republic of Kazakhstan;
 - 12) fulfills control over the sanitary-epidemiological population welfare on the territory of the Republic of Kazakhstan;
- Subparagraph 13 has been amended under RK Law No. 13-III dated December 20, 2004*
- 13) fulfills licensing of medical activity in the sphere of works and services made by organizations of the republican importance as well as which activity spreads beyond the bounds of one oblast (cities

of the republican importance, capitals), and types of obstetrics, gynecology, venereology, immunology, narcology, physiology, neonatology, pediatrics and narcological examination;

14) gives the conclusion and takes part in licensing for carrying out the activity in the sphere of medical and pharmaceutical education;

15) fulfills state control over the licensing rules observance on carrying out medical activity, manufacture and selling of medicines (except for growing, collection and sale of medical products of animals, plants and herbs not containing narcotic drugs and psychotropic substances);

16) fulfills state control over the manufacture and quality of medical equipment, medical and sanitary-hygienic products as well as in the sphere of medicines circulation;

Subparagraph 17 has been eliminated under RK Law No. 13-III dated December 20, 2004

18) fulfills control over the medical provision of patients being at the hospitalization in health care organizations;

19) develops and approves nomenclature of health care organizations, their activity provision; nomenclature of medical positions and specialties; structure, standard staffs and staff normatives of health care organizations; standards of volume and level of population medical service;

20) provides the development of medical science and coordinates scientific activity in the sphere of health care;

21) determines the procedure of conducting qualification exams;

Subparagraph 21-1 has been inserted under RK Law No. 13-III dated December 20, 2004

21-1) conducts the exams for awarding of qualification category except for the second and third categories;

22) coordinates the activity of departmental and military-medical services;

23) provides the establishment and functioning of the republican informational and communication systems in the sphere of health care including medicines administration;

24) provides the equipping of the republican state medical organizations;

25) develops and approves branch incentive system;

26) fulfills quality control over the rendered medical services;

27) fulfills international collaboration in the sphere of health care, medical science and education;

28) *Has been eliminated under RK Law No. 13-III dated December 20, 2004*

Article 8 has been amended under RK Law No. 13-III dated December 20, 2004

Article 8. Competence of local authorities of public administration of oblasts (cities of the republican importance, capitals) in the sphere of health care

Paragraph 1 has been amended under RK Law No. 13-III dated December 20, 2004

1. Local representative authorities of oblasts (cities of the republican importance, capitals):

1) approve regional programs in the sphere of health care and control their implementation;

2) take decision on rendering of social assistance to health care employees residing in rural area at the expense of local budget funds;

3) approve the amount of financing of health care, determine expenses share for health care and medical education upon the formation of corresponding budgets;

4) take decision on the provision of citizens with free of charge or privileged trip out of the settlement for treatment at the expense of local budget funds in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

5) *Has been eliminated under RK Law No. 13-III dated December 20, 2004*

Paragraph 2 has been amended under RK Law No. 13-III dated December 20, 2004

2. Local executive authorities of oblasts (cities of the republican importance, capitals):

1) implement state policy in the sphere of health care on corresponding territory;

2) provide implementation of state programs in the sphere of health care on corresponding territory;

3) provide implementation of regional programs in the sphere of health care;

4) ensure implementation of the rights of citizens for guaranteed volume of free medical aid;

5) provide sanitary-epidemiological welfare of population;

6) establish local authorities of health care public administration;

7) take measures on network development of health care organizations and their financial and logistics support;

8) coordinate and provide control over the public and private health care sectors activity;

9) *Has been eliminated under RK Law No. 13-III dated December 20, 2004*

10) provide citizens with free medical aid, medicines and medical products upon emergency situations;

11) fulfill interregional and international collaboration in the sphere of health care;

Subparagraph 11-1 and 11-2 have been inserted under RK Law No. 13-III dated December 20, 2004

11-1) fulfill licensing of:

medical activity, with the exception of works and services made by organizations of the republican importance as well as which activity spreads beyond the bounds of one oblast (cities of the republican importance, capitals) and types of obstetrics, gynecology, venereology, immunology, narcology, phthisiology, neonatology, pediatrics and narcological examination;

manufacture, preparation, wholesale and retail selling of medicines, types of activity connected with circulation of narcotic drugs, psychotropic substances and precursors in health care system: manufacture, transportation, procurement, storage, distribution, selling, use, elimination;

types of works and services connected with use of disinfecting, disinsection and deratization substances and preparations;

11-2) provide upgrading of qualification and retraining of medical and pharmaceutical workers.

12) *Has been eliminated under RK Law No. 13-III dated December 20, 2004*

Article 9 has been amended under RK Law No. 13-III dated December 20, 2004

Article 9. Competence of local authorities of oblasts health care public administration (cities of the republican importance, capitals)

Local authorities of oblasts health care public administration (cities of the republican importance, capitals) within their power:

1) implement state policy in the sphere of health care, medical science and education;

2) provide the execution of the legislation of the Republic of Kazakhstan in the sphere of health care, medical science and medical education;

3) provide citizens with medical aid and medicines within the framework of guaranteed volume of free medical aid;

4) organize and conduct monitoring and control over health care subjects activity;

5) take measures on the implementation of the legislation of the Republic of Kazakhstan in the sphere of sanitary-epidemiological welfare of population;

6) carry out measures on providing citizens with availability of medicines and medical and sanitary-hygienic products;

7) organize providing health care organizations with personnel;

Subparagraph 8 has been inserted under RK Law No. 13-III dated December 20, 2004

8) conduct attestation of specialists carrying out medical and pharmaceutical activity for their professional competence;

9) provide the equipping of state medical organizations;

10) provide the establishment and functioning of regional information and communication systems in the sphere of health care including medicines administration;

11) present clinical bases in public health care organizations financed at the expense of local budget funds, for higher and secondary medical educational institutions;

Subparagraph 11-1 has been inserted under RK Law No. 13-III dated December 20, 2004

11-1) carry out exams on awarding of qualification categories, except for higher and first categories;

Subparagraph 12 has been amended under RK Law No. 13-III dated December 20, 2004

12) organize and provide citizens with free medical aid, medicines and medical products in emergency situations;

13) organize and coordinate activity on training and upgrading qualification of specialists in the sphere of health care;

- 14) organize hygienic training and education of population, promotion of healthy life-style;
- 15) inform population on spreading of socially significant diseases and diseases hazardous for population;
- 16) cooperate with public associations in the sphere of citizens health protection;
- 17) *Has been eliminated under RK Law No. 13-III dated December 20, 2004*

Article 10 has been amended under RK Law No. 13-III dated December 20, 2004

Article 10. Licensing of medical and pharmaceutical activity

Medical and pharmaceutical activity is subject to licensing in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 11. Accreditation of health care organizations

Accreditation of health care organizations is carried out by the authorized body in the sphere of health care with the purpose to acknowledge their status and competence to carry out medical, pharmaceutical, scientific and educational activity in accordance with the legislation of the Republic of Kazakhstan.

Article 12. Certification of goods (works, services) in the sphere of health care

1. Certification of goods (works, services) in the sphere of health care is fulfilled with the purpose to confirm their safety for human life and health.
2. List of goods (works, services) in the sphere of health care subject to compulsory certification is determined by the Government of the Republic of Kazakhstan.
3. Certification is fulfilled in accordance with the legislation of the Republic of Kazakhstan.

Article 13. Standards in the sphere of health care

1. Medical standards are developed by the authorized body in the sphere of health care, the procedure and terms of carrying out standardization are determined by the Government of the Republic of Kazakhstan.
2. Standards in the sphere of health care include:
 - 1) organizational technologies;
 - 2) medical services;
 - 3) technologies used in the process of medical and pharmaceutical activity implementation;
 - 4) manufacture, terms of selling, quality of medicines and medical products;
 - 5) qualification of medical and pharmaceutical workers;
 - 6) accounting and reporting documentation.
3. Standards of health care are established by the authorized body in the sphere of health care in accordance with the legislation of the Republic of Kazakhstan.
4. Standards of health care are compulsory for health care organizations and natural persons fulfilling private medical practice.
5. Standards observance control in the sphere of health care is carried out by the authorized body in the sphere of health care in accordance with the procedure established by the Government of the Republic of Kazakhstan. Certain standards observance control is fulfilled by other state authorities of the Republic of Kazakhstan in accordance with legislative acts of the Republic of Kazakhstan.

Chapter 3. Subjects of health care

Article 14. Health care organizations

The following health care organizations act in the health care system of the Republic of Kazakhstan:

- 1) organizations rendering outpatient-polyclinic and inpatient medical aid to citizens;
- 2) infant outpatient-polyclinic and inpatient medical organizations;
- 3) emergency medical aid organizations;

- 4) health care organizations carrying out the activity in the sphere of sanitary-epidemiological welfare of population;
 - 5) health care organizations carrying out pharmaceutical activity;
 - 6) scientific organizations in the sphere of health care;
 - 7) educational organizations in the sphere of health care;
 - 8) health care organizations carrying out the activity in the sphere of blood service, forensic medicine;
 - 9) other health care organizations stipulated by the legislation of the Republic of Kazakhstan.
- See Provision on narcological organizations (hospitals, dispensaries, centers, departments, cabinets).

Article 15. Natural persons carrying out private medical practice

1. Natural persons have a right to render medical aid and medical services in the presence of the license for the fulfillment of medical and pharmaceutical activity.
2. Natural persons with medical education of corresponding profile and record of service not less than five years on specialty have the right to carry out private medical activity.

Chapter 4. Financial provision of health care system

Article 16. Sources of the financial provision of health care system

1. Financial provision of public health care organizations is fulfilled at the expense of:
state budget funds;
medical insurance funds;
funds received for rendering of medical services on paid basis;
other sources not contradicting to the legislation of the Republic of Kazakhstan.
2. Financial provision of private health care organizations is fulfilled at the expense of:
state budget funds for rendering of guaranteed volume of free medical aid;
medical insurance funds;
funds received for rendering of medical services on paid basis;
other sources not contradicting to the legislation of the Republic of Kazakhstan.
3. Financing of expenses of guaranteed volume of free medical aid rendering is fulfilled in accordance with the legislation of the Republic of Kazakhstan.

Article 17. Forms of medical organizations financing

- Financing of medical organizations is fulfilled in the following forms:
- public medical institutions according to costs estimate;
 - medical organizations by means of compensation of expenditures for fulfilled volume of medical services on contractual basis with budget programs administrators;
 - organizations rendering primary medical-sanitary aid and having attached population according to per capita standard.

Article 18. Use of financial resources of health care organizations

1. Financial resources of health care system are assigned to:
compensation of expenditures on rendering of free guaranteed volume of medical aid;
implementation of programs in the sphere of health care;
logistics support for health care organizations;
purchase of vitally important medicines, blood and its components, vaccines and other immuno-biological medical preparations as well as medical equipment and medical products;
liquidation of cases and epidemics of infectious diseases;
training and upgrading qualification of medical and pharmaceutical personnel;
development and introduction of medical science achievements;

other expenses not contradicting to the legislation of the Republic of Kazakhstan.

2. Procedure for compensation of medical organizations expenditures on rendering of guaranteed volume of free medical aid is determined by the Government of the Republic of Kazakhstan.

Chapter 5. Medical activity

Article 19. Types of medical activity in the Republic of Kazakhstan

The following types of medical activity are fulfilled in the Republic of Kazakhstan:

- 1) medical aid;
- 2) sanitary aviation;
- 3) sanitary-hygienic and anti-epidemic;
- 4) promotion of healthy life-style;
- 5) sanatorium-and-spa;
- 6) folk medicine (healing);
- 7) blood service;
- 8) forensic medicine;
- 9) in the sphere of medicines circulation;
- 10) scientific in the sphere of health care;
- 11) education in the sphere of health care;
- 12) other types of activity not prohibited by the legislation of the Republic of Kazakhstan.

Article 20. Medical aid

1. Medical aid is carried out by health care organizations and natural persons engaged in private medical practice.

2. The main types of medical aid are:

- 1) primary medical-sanitary aid;
- 2) qualified medical aid;
- 3) specialized medical aid;
- 4) highly specialized medical aid.

3. Guaranteed volume of free medical aid includes:

- 1) rendering of primary medical-sanitary aid to population;
- 2) rendering of urgent and emergency medical aid;
- 3) inpatient medical aid according to referral of specialists of primary medical-sanitary aid and health care organizations;
- 4) rendering of medical aid to persons suffering from socially important diseases and diseases hazardous for population according to the list determined by the Government of the Republic of Kazakhstan;

5) additional types of medical aid taken in accordance with the procedure determined by the legislation of the Republic of Kazakhstan.

Article 21. Primary medical-sanitary aid

1. Primary medical-sanitary aid – state activity on permanent and free of charge provision of population with accessible types of medical aid, carried out by medical workers of outpatient-polyclinic medical organizations upon citizens application for medical aid. Primary medical-sanitary aid includes:

- 1) diagnostics and treatment of widespread diseases as well as injuries, poisonings and other urgent conditions;
- 2) sanitary-hygienic, anti-epidemic measures and prophylaxis of diseases;
- 3) hygienic training and education of population, family, maternity, paternity and childhood protection;
- 4) explanatory work on safe water supply and rational nutrition of population.

2. Primary medical-sanitary aid is provided by health care organizations and public sanitary-epidemiological service.

3. Primary medical-sanitary aid is rendered to population in form of outpatient-polyclinic, inpatient-substituting, emergency aid.

Paragraph 4 has been amended under RK Law No. 13-III dated December 20, 2004

4. Types and volume of primary medical-sanitary aid are determined by the authorized body in the sphere of health care and local authorities of oblasts health care public administration (cities of the republican importance, capitals).

5. Organization of primary medical-sanitary aid is carried out by the authorities of local public administration in accordance with the legislation of the Republic of Kazakhstan.

Article 22. Qualified medical aid

1. Qualified medical aid – medical aid rendered to citizens upon diseases not requiring specialized methods of diagnostics, treatment and application of sophisticated medical technologies.

2. Procedure of rendering of qualified medical aid is determined by the authorized body in the sphere of health care.

Article 23. Specialized medical aid

1. Specialized medical aid – medical aid rendered by medical organizations to citizens upon diseases requiring special methods of diagnostics, treatment and use of sophisticated medical technologies.

2. Specialized medical aid is rendered by multi-field health care organizations in form of outpatient-polyclinic or inpatient medical aid.

See Rules for rendering of specialized medical aid to population, approved by the Order of the Health Minister of the Republic of Kazakhstan, No. 863 of 24 November 2003

Paragraph 3 has been amended under RK Law No. 13-III dated December 20, 2004

3. Types and volume of specialized medical aid are determined by the authorized body in the sphere of health care and local authorities of oblasts health care public administration (cities of the republican importance, capitals).

Article 24. High specialized medical aid

1. High specialized medical aid – medical aid rendered by medical organizations to citizens upon diseases requiring a very sophisticated methods of diagnostics and treatment as well as use of unique medical technologies.

2. Coordination of the activity of medical organizations rendering high specialized medical aid is carried out by the authorized body in the sphere of health care.

3. Types and volume of high specialized medical aid are determined by the authorized body in the sphere of health care.

See Rules on rendering of high specialized medical aid.

Article 25. Rehabilitation treatment and medical rehabilitation

1. Rehabilitation treatment and medical rehabilitation are rendered to citizens suffering from congenital and acquired diseases, consequences of acute, chronic diseases and injuries.

2. Rehabilitation treatment and medical rehabilitation are carried out in health care organizations, in organizations of the system of population social protection as well as in sanatorium-and-spa organizations.

3. Types and volume of rehabilitation treatment and medical rehabilitation are determined by the authorized bodies in the sphere of health care and social protection of population.

Article 26. Forms of medical aid rendering

Medical aid may be rendered to citizens in following forms:

1) emergency medical aid;

- 2) outpatient-polyclinic aid;
- 3) inpatient substituting aid;
- 4) inpatient aid;
- 5) sanitary aviation;
- 6) sanatorium-and-spa treatment;

Article 27. Emergency medical aid

1. Emergency medical aid is rendered by health care organizations as well as natural persons carrying out private medical practice to citizens upon the accidents, injuries, poisonings and other conditions and diseases requiring urgent medical aid.
2. Specialized organizations and emergency medical aid services are established for rendering of emergency medical aid in accordance with the procedure established by the legislation of the Republic of Kazakhstan.
3. Emergency medical aid is rendered free of charge to citizens of the Republic of Kazakhstan, foreigners and stateless persons being on its territory at the expense of state budget funds.
4. Emergency aid organizations are prohibited to fulfill paid services.

Article 28. Outpatient-polyclinic aid

1. Outpatient -polyclinic aid includes primary medical-sanitary, qualified and specialized medical aid which may be rendered without citizen's hospitalization.
2. Activity of outpatient polyclinic organizations is built on territorial principle in order to provide accessibility of medical aid to citizens at their domicile taking into account the right of free choice of the doctor. Volume of outpatient -polyclinic organizations activity depends on its type and category which are determined in accordance with the procedure established by the authorized body in the sphere of health care.
3. Outpatient -polyclinic aid to children is organized on principle of accessibility and approaching of medical aid to their domicile.

Article 29. Inpatient aid

1. Inpatient aid includes qualified, specialized and highly-specialized medical aid which may be rendered upon citizen's hospitalization.
2. Inpatient aid is rendered in health care organizations in accordance with the course of their activity determined by the license. Activity order of health care organization rendering inpatient aid is determined by the authorized body in the sphere of health care.
3. Volume and types of medical aid in health care organization rendering inpatient aid are determined by the authorized body in the sphere of health care.
4. Health care organizations rendering inpatient aid provide citizens with proper care and nutrition.

Article 30. Inpatient-substituting aid

1. Health care organizations may establish inpatient-substituting day stay departments.
2. Activity order of inpatient-substituting departments, their profiles and volume of aid rendered are determined by the authorized body in the sphere of health care.

Article 31. Organization of sanitary aviation service

1. Sanitary aviation service is provided for rendering of urgent medical aid to citizens in difficult of access regions in the Republic of Kazakhstan.
2. Activity organization order of sanitary aviation service is determined by the Government of the Republic of Kazakhstan.

Article 32. Sanatorium-and-spa treatment

1. Sanatorium-and-spa treatment is the form of medical aid based on application of natural therapeutic factors in complex with prophylactic, rehabilitation and treatment-sanitary measures.
2. The authorized body in the sphere of health care determines the list of diseases and health disorders upon which sanatorium-and-spa treatment is assigned.
3. Sanatorium-and-spa organizations rendering medical aid carry out their activity on the basis of the license.
4. Permits for sanatorium-and-spa treatment are given to citizens in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 33. Folk medicine (healing)

1. Persons with medical education in the presence of corresponding license issued by the authorized body in the sphere of health care, have the right to treat by methods of folk medicine (healing).
Licenses to treatment by methods of folk medicine (healing) may be issued as the exception to persons without medical education in accordance with the procedure determined by the authorized body in the sphere of health care.
2. Carrying out of mass healing performances including use of mass media is prohibited.
3. Terms, procedure of issue and withdrawal of a license for the right to carry out folk medicine (healing) and order of this activity fulfillment are determined by the authorized body in the sphere of health care.
4. Folk medicine (healing) services rendering is controlled by the authorized body in the sphere of health care.
5. Persons illegally carrying out folk medicine (healing) bear responsibility in accordance with laws of the Republic of Kazakhstan.

Article 34. Bases and procedure of paid medical aid receipt

1. Paid medical services are rendered by public and private medical organizations, natural persons carrying out private medical practice upon the conformity of the disease profile and license for the fulfillment of medical activity.
2. Citizens are informed on types of paid services and their price list via visual information in public and private medical organizations and natural persons fulfilling private medical practice.
3. Prices for medical services rendered on paid basis are established in accordance with the legislation of the Republic of Kazakhstan.
4. Keeping of accounting-reporting medical documentation upon rendering of paid services to citizens is fulfilled according to forms established by the body authorized in the sphere of health care.
5. Health care organization bears responsibility for timely and qualitative rendering of paid medical services to citizens since the moment of their application in accordance with the procedure established by laws of the Republic of Kazakhstan.

Chapter 6. Medical expert activity

Article 35. Types of medical examination

1. Following types of medical examination are fulfilled in the Republic of Kazakhstan:
 - 1) examination of treatment-prophylactic work;
 - 2) examination of temporary disability;
 - 3) medical-social examination;
 - 4) military-medical examination;
 - 5) forensic medical, forensic psychiatric and forensic narcological examinations;
 - 6) sanitary-epidemiological examination;
 - 7) examination of medicines;
 - 8) scientific medical examination.

Other types of medical examination may be carried out in accordance with the procedure stipulated by the legislation of the Republic of Kazakhstan.

2. Medical examination is the component part of assurance of the citizens health protection.

3. Accreditation of experts carrying out medical examination is fulfilled by the body authorized in the sphere of health care.

4. Procedure of organization and carrying out of medical examination is determined by the body authorized in the sphere of health care.

Article 36. Examination of treatment-prophylactic work

1. Examination of treatment-prophylactic work – set of organizational, analytic and practical measures fulfilled for the conclusion-making on level and quality of treatment-prophylactic activity of natural and legal persons rendering medical aid and medical services.

2. Examination of treatment-prophylactic work is carried out by medical organization having appropriate conditions and opportunities for its carrying out in accordance with the procedure determined by the legislation of the Republic of Kazakhstan.

3. Examination of treatment-prophylactic work includes:

1) determination of volume and quality of rendered medical aid, validity of volumes of medical organizations financing;

2) determination of conformity of medical workers qualification level to the requirements of branch standards;

3) determination of conformity of equipping with medical equipment to the established standards;

4) ensuring protection of citizens rights in the sphere of health care;

5) determination of rate of citizens satisfaction with level and quality of rendered medical aid and medical services;

6) determination of conformity of medical aid types determined by the license;

7) detection of problems connected with quality of medical aid and medical services, submission of proposals on their improvement and organization enhancement.

4. Procedure of organization and carrying out of treatment-prophylactic work examination is determined by the Government of the Republic of Kazakhstan.

5. Conclusion of treatment-prophylactic work examination may be appealed in accordance with the procedure determined by the legislation of the Republic of Kazakhstan.

Article 37. Examination of temporary disability

1. Examination of temporary disability of citizens is fulfilled by doctors of medical organizations or medical commission in accordance with the procedure determined by the legislation of the Republic of Kazakhstan.

Paragraph 2 has been amended under RK Law No. 13-III dated December 20, 2004

2. In certain cases upon the decision of local authorities of oblasts health care public administrations (cities of the republican importance, capitals), examination of citizens temporary disability in medical organizations of public sector may be entrusted to the worker with secondary medical education.

Article 38. Medical-social examination

1. Territorial subdivisions of the body authorized in the sphere of social protection of population determine disablement group, its reasons, terms, time of disablement beginning and disablement degree for citizens including children under sixteen, as well as determine types, terms and volume of measures on medical-social and professional rehabilitation.

2. Procedure of medical-social examination organization and carrying out is determined by the legislation of the Republic of Kazakhstan.

3. Conclusion of medical-social examination may be appealed in court by a citizen or his legal representative in accordance with the procedure determined by the legislation of the Republic of Kazakhstan.

Article 39. Military-medical examination

1. Military-medical examination is carried out for determination of fitness, according to health condition, to military or special service equated to military, as well as for determination of casual connection of diseases, mutilations (wounds, injuries, contusions) and death of citizens because of the military or special service (military training).

2. Organization and conducting of military-medical examination are carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

3. In case of knowingly incorrect determination of degree of fitness to military service according to health condition entailing health worsening of a citizen, disablement or death, person or persons responsible for made decision bear responsibility in accordance with laws of the Republic of Kazakhstan.

4. Upon disagreement with the conclusion of military-medical commission citizens have the right to apply to the higher organs or court in accordance with the legislation of the Republic of Kazakhstan.

Article 40. Forensic medical, forensic psychiatric and forensic narcological examinations

1. Forensic medical, forensic psychiatric and forensic narcological examinations are carried out in medical organizations of health care public sector.

2. Citizen or his legal representative has the right to apply to authority assigned forensic medical, forensic psychiatric and forensic narcological examinations on inclusion into expert commission composition of corresponding specialist with his consent.

3. Procedure for organization and execution of forensic medical, forensic psychiatric and forensic narcological examinations is determined by the legislation of the Republic of Kazakhstan.

4. Conclusion of forensic medical, forensic psychiatric and forensic narcological examinations may be appealed in court in accordance with the procedure determined by the legislation of the Republic of Kazakhstan.

Article 41. Sanitary-epidemiological examination

1. Sanitary-epidemiological examination is the component part of population sanitary-epidemiological welfare provision.

2. Sanitary-epidemiological examination is carried out by organizations of sanitary-epidemiological service in accordance with the legislation of the Republic of Kazakhstan on sanitary-epidemiological welfare of population and provides for:

- 1) over-all assessment of habitat environment objects influence on sanitary-epidemiological situation, health of population;
- 2) study of reasons and conditions of diseases and human poisonings rise;
- 3) assessment of conformity of decisions made in the process of economic or other activity to the requirements of sanitary-hygienic rules, hygienic standards.

Article 42. Examination of medicines

1. Expertise of medicines – research or testing of medicine with the object of its safety, effectiveness and quality by means of carrying out of physical-chemical, biological tests, clinical researches as well as study of normative documents submitted to registration of medicine in accordance with the procedure determined by the body authorized in the sphere of health care.

2. Expert commissions carry out the assessment of safety, effectiveness and quality of medicines on the basis of medicines examination according to their normative documents in accordance with the procedure determined by the body authorized in the sphere of health care.

3. Examination is carried out by organizations and persons not directly participating in the development and manufacture of medicines.

Article 43. Scientific medical examination

1. The objects of scientific medical examination are:

- 1) draft programs of fundamental and applied scientific researches;
- 2) republican special scientific medical programs;
- 3) results of completed scientific medical programs and projects;
- 4) scientific works nominated to competition for state awards of the Republic of Kazakhstan;
- 5) scientific medical developments planned for introduction into health care practice.

2. Procedure of scientific medical examination carrying out is determined by the body authorized in the sphere of health care.

Chapter 7. Pharmaceutical activity**Article 44. State regulation of pharmaceutical activity**

Paragraph 1 has been amended under RK Law No. 13-III dated December 20, 2004

1. State regulation of pharmaceutical activity is carried out by:

the Government of the Republic of Kazakhstan;

the body authorized in the sphere of health care;

local authorities of oblasts health care public administrations (cities of the republican importance, capitals);

the state body fulfilling management in the sphere of pharmaceutical activity;

2. State regulation of pharmaceutical activity is carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan by means of carrying out of:

- 1) state registration of medicines;
- 2) licensing of pharmaceutical activity;
- 3) certification of medicines;
- 4) attestation of natural persons fulfilling pharmaceutical activity;
- 5) state supervision over the pharmaceutical activity;
- 6) procedures of approval by authorized body of:

list of principal (vitally important) medicines;

list of diseases types and separate categories of population, upon out-patient treatment of which the medicines and specialized clinical nutrition on prescriptions are available free of charge or on preferential terms.

Article 45. State medicines safety and quality control system

1. Medicines manufactured on the territory of the Republic of Kazakhstan and imported to its territory are subject to state control.

2. State medicines safety and quality control system includes:

state body fulfilling management in the sphere of pharmaceutical activity;

scientific research organizations, institutes, centers, laboratories for development, examinations and tests of medicines safety, effectiveness and quality;

expert commissions on the assessment of medicines safety, effectiveness and quality;

information system on medicines;

medicines examination center.

Chapter 8. Scientific activity in the sphere of health care**Article 46. Subjects of scientific activity in the sphere of health care**

1. Scientific organization in the sphere of health care (hereinafter referred as scientific organization) shall be a legal person carrying out training of scientific personnel in the sphere of health care as principal scientific and (or) scientific-technical activity.

2. Scientific organizations are subdivided into scientific-research organizations (scientific-research institutes, scientific centers), higher medical educational organizations and other organizations carrying out scientific-medical activity.

3. Scientific organizations may carry out medical and educational activity in accordance with the legislation of the Republic of Kazakhstan.

In the sphere of medical science and education additional payment for academic degrees of candidate of science and doctor of science is established to the following persons:

1) pedagogical workers of medical educational organizations in accordance with the legislation of the Republic of Kazakhstan on education;

2) scientific workers of medical scientific organizations implementing scientific programs in accordance with the legislation of the Republic of Kazakhstan on science;

4. Regulation of relations with participation of scientific activity subjects in the sphere of health care is established by the legislation of the Republic of Kazakhstan.

Article 47. Coordination of scientific activity in the sphere of health care

1. Determination of priority scientific developments of fundamental and applied character, coordination of national programs in the sphere of scientific provision of citizens health protection, development of medical science conception are carried out by the body authorized in the sphere of health care.

2. The body authorized in the sphere of health care acts as the founder of scientific organizations.

Paragraph 3 has been amended under RK Law No. 13-III dated December 20, 2004

3. Financing of scientific research programs is made at the expense of budget funds.

4. The body authorized in the sphere of health care carries out complex examination of scientific programs in the sphere of health care.

Chapter 9. Education in the sphere of health care

Article 48. Educational activity in the sphere of health care

1. Tasks of educational activity in the sphere of health care include training of professional research-educational, medical and pharmaceutical workers for health care system, retraining and upgrading their qualification.

See Rules of upgrading qualification and retraining of specialists with medical and pharmaceutical education.

2. Educational activity in the sphere of health care is carried out in higher, secondary medical educational organizations and medical faculties of educational organizations in accordance with the legislation of the Republic of Kazakhstan in the presence of clinical bases and necessary potential for the provision of high quality of specialized training. Financing of educational activity is made from sources not prohibited by the legislation of the Republic of Kazakhstan.

3. State diploma and state certificate confirming graduation of internship on clinical specialties is the basis for holding positions in medical organizations for persons assimilated educational programs of higher and secondary medical and pharmaceutical education.

4. Post-graduate professional education of medical and pharmaceutical workers is carried out in clinical residency, magistracy, post-graduate study in organizations of higher medical education and science. Provisions on the procedure of training of medical and pharmaceutical workers in clinical residency, magistracy, post-graduate study are approved by the body authorized in the sphere of health care.

5. The body authorized in the sphere of health care provides training planning system of specialists with secondary, higher and post-graduate professional education taking into considerations needs.

Article 49. Qualification exams in the sphere of health care

1. Qualification exams for specialists in the sphere of health care are carried out to determine readiness of persons with higher and secondary medical or pharmaceutical education to the fulfillment of professional medical and pharmaceutical activity.

2. First qualification exam on category awarding is conducted after completion of training in internship, clinical residency, post-graduate study, and for secondary medical workers after three years of work on specialty. Qualification exams are carried out every five years. A specialist is allowed to next qualification exam on the condition of upgrading qualification for the last five years in health care organizations having the license for medical educational activity.

3. Qualification level document (certificate of specialist) of standard form with validity term for five years is issued to specialists in the sphere of health care according to the results of qualification exams.

See Rules of qualification exams conducting in the sphere of health care.

Article 50. Medical oath of the Republic of Kazakhstan

1. Graduates of higher medical educational institutions studied on medical specialties take the oath of a doctor of the Republic of Kazakhstan.

2. Text of medical oath of the Republic of Kazakhstan is approved by the Government of the Republic of Kazakhstan.

Chapter 10. Rights and obligations of medical and pharmaceutical workers

Article 51. Rights and obligations of medical and pharmaceutical workers

Paragraph 1 has been amended under RK Law No. 13-III dated December 20, 2004

1. Medical and pharmaceutical workers have a right to:

provision of conditions for the fulfillment of professional activity;

upgrading of their qualification level not less than once every five years at the expense of state budget funds or employer if they are employees of private sector organizations of health care;

retraining at the expense of state budget funds or employer in cases of employees dismissal in connection with staff reduction or liquidation of health care organizations;

compensation of damage caused to their health or property in connection with the execution of labor obligations in accordance with the procedure stipulated by the legislation of the Republic of Kazakhstan;

unimpeded and free of charge use of communication facilities belonging to organizations or citizens as well as any existing type of transport for the citizens transportation to the nearest medical organization in cases threatening to their lives;

reimbursement of transport expenses connected with traveling character of the activity in accordance with the legislation of the Republic of Kazakhstan;

protection of their professional honor and dignity.

Paragraph 2 has been amended under RK Law No. 13-III dated December 20, 2004

2. Upgrading qualification and retraining of research-educational personnel of public health care organizations are carried out at the expense of budget funds, funds of employer, own funds as well as at the expense of other sources not prohibited by the legislation of the Republic of Kazakhstan.

Paragraph 3 has been amended under RK Law No. 13-III dated December 20, 2004

3. Medical and pharmaceutical workers of public sector health care organizations working in rural area and urban villages are provided with following compensations:

additional payment to official salary at the rate determined by local representative authorities;

reimbursement of public utilities and fuel expenses at the cost of budget funds at the rate determined by oblast local representative authorities (cities of the republican importance, capitals);

persons having livestock in personal property are provided with fodders, land plots for livestock pasturage and haymaking, on the decision of local representative and executive authorities.

4. Medical and pharmaceutical workers are obliged to:

assist to diseases prophylaxis and citizens health strengthening, render medical aid;

render urgent medical aid to the population in emergency situations;

carry out the work on promotion of medical knowledge and healthy life-style among population;
meet the requirements of professional ethics, keep medical secrecy, not disclose information on diseases, intimate and family life of citizens;
constantly upgrade the professional level.

Article 52. Remuneration of labor of public health care organizations workers

1. Remuneration of labor of public health care organizations workers is fulfilled in accordance with the procedure determined by the Government of the Republic of Kazakhstan.
2. Labor relations of health care organizations workers are regulated by the legislation of the Republic of Kazakhstan.

Chapter 11. Final provisions

Article 53. International collaboration in the sphere of health care

1. Health care public administration authorities, health care organizations have the right to carry out international collaboration and foreign-economic activity in accordance with the legislation of the Republic of Kazakhstan and international agreements.
2. Procedure and terms of the Republic of Kazakhstan citizens referral abroad for the treatment are determined by the Government of the Republic of Kazakhstan.

Article 54. Responsibility for the violation of this law

Persons guilty in violation of this law bear responsibility in accordance with laws of the Republic of Kazakhstan.

**President of the
Republic of Kazakhstan**

N. NAZARBAYEV