

**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**

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

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

medical prevention of the most significant illnesses, san

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.

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 of 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.

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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 opera

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- 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

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;

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.

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With the objective of protection of the health of married couples and their descendants, citizens entering into a

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

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,

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;

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