

**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.

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;

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;

of the republican importance, capitals), and types of obstetrics, gynecology, venereology, immunology, narcology, phthisiology, neonthology, 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 grof tw of the 4.9-5re al actproatits)

- 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

- 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 contractua

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-epidemiological activities in the Republic of Kazakhstan.



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. 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

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.



**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 4ym..ethechart

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 persone



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 Armenia within the framework of the Law of the Republic of Armenia No. RA-158(e)-5