

# LAW OF THE KYRGYZ REPUBLIC

dated May 28, 2013 No. 81

About the status of a medical worker

Adopted by the Jogorku Kenesh of the Kyrgyz Republic on April 18, 2013

This Law regulates legal, socio-economic relations related to the activities of Medical Workers and is aimed at creating conditions that ensure a qualitative improvement in the legal status, the implementation of guarantees for their social protection, and also determines the requirements for persons wishing to engage in medical activities, their basic rights, obligations and responsibility in carrying out this activity.

## CHAPTER 1. GENERAL PROVISIONS

### Article 1. Status of medical workers

1. The status of medical workers is held by persons with a medical education, as well as with a biological education, holding the position of laboratory doctors and laboratory assistants, and with appropriate qualifications, carrying out their activities in healthcare organizations, including educational ones, private practitioners. The status of medical workers is determined by the conditions and nature of the activity, includes their rights, duties and responsibilities.

2. Medical workers include doctors, including chief doctors (directors) and their deputies, teachers and employees of organizations of higher and secondary medical vocational education and medical departments, specialists with secondary vocational medical education, orderlies.

3. Medical workers carry out their activities, guided by the principles of medical ethics and deontology, which regulate the moral relationship of Medical workers with patients, their relatives, among themselves.

### Article 2. Legislation of the Kyrgyz Republic on the status of a medical worker

The legislation of the Kyrgyz Republic on the status of a medical worker is based on [the Constitution](#) of the [Kyrgyz Republic](#), consists of this Law, other regulatory legal acts, as well as international treaties that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party.

### Article 3. Admission of medical workers to practice

1. Persons who have received a higher or secondary medical or higher biological education, who have a specialist diploma and certificate, and persons engaged in private medical practice, have a license to carry out medical activities. A specialist certificate is issued on the basis of postgraduate professional (postgraduate study, residency, internship) and additional

education (training, specialization). For individuals with a degree and/or title in the field of medicine, a certificate is not required.

2. Students of higher and secondary medical educational organizations are allowed to participate in the provision of medical care to citizens according to training programs under the supervision of medical workers who are responsible for non-professional training.

3. Persons who have received medical training in other states are allowed to medical activities in the Kyrgyz Republic after attestation and registration with the authorized state body of the Kyrgyz Republic in the field of healthcare, unless otherwise provided by international treaties that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party. Republic.

4. Persons illegally engaged in medical activities bear responsibility in accordance with the law.

#### Article 4. Content of medical activity

1. Medical activity includes:

1) provision of medical care to a person regardless of gender, age, nationality and race, social status, political and religious views, religion, language and worldview;

2) promotion of a healthy lifestyle;

3) organization of preventive measures;

4) improvement of professional qualities and accumulation of medical experience;

5) teaching activities in medical educational organizations;

6) research activities of research organizations. in medical science

2. Regardless of the form of ownership of the medical institution in which the medical worker works, he can cooperate with professional and public organizations in the field of public health, social partners and authorities.

3. Medical activity activity incompatible with pharmaceutical manufacturing, distribution, distribution of pharmaceutical (unless otherwise provided by law) and parapharmaceutical products, as well as trade in these products.

#### Article 5. Humane nature of the profession of a medical worker

1. The profession of a medical worker is of a humane nature, since any of his professional activities is carried out solely in the interests of preserving, restoring and strengthening the health of the individual, as well as in the interests of society.

2. Under any conditions of professional activity

medical workers must demonstrate readiness for disinterested rendering of garbage, correctness, dedication and respect for the person.

**Article 6. Respect for the human person**

Human health is the highest value of a personal and social nature. Applying all their professional knowledge and skills, medical workers are obliged to contribute to the protection of public health, fight against any form of cruelty and humiliation of human dignity, and demonstrate respect for the person.

**Article 7. Restrictions on the implementation of medical activities**

1. Medical activity is incompatible with the use of medical knowledge to the detriment of the patient's health or for criminal purposes.

2. Cannot engage in medical activities:

1) a person previously convicted of intentionally committing a crime while implementation of medical activities;

2) a person who has been sentenced to deprivation of the right to engage in medical activities for a period established by a court decision;

3) a person recognized by the court as partially or completely incompetent;

4) a person who does not have a medical or biological education.

**Article 8. Continuity of medical education**

In the process of medical activity, the continuity of medical education carried out by:

1) continuous professional training in medical programs educational organizations;

2) systematic replenishment by medical workers of their knowledge and improving practical skills;

3) state support for medical workers who want to improve their professional knowledge.

**Article 9. Assistance to medical workers**

1. Officials and citizens are obliged to assist medical workers in the provision of medical care. In the event of a threat to human life, medical workers have the right to:

1) use any mode of transport available in this situation to travel to the location of the patient or to transport him to the nearest healthcare organization;

2) to freely and free of charge use the means of communication belonging to enterprises, institutions, organizations or citizens.

2. In case of refusal to comply with the legal requirement of a medical worker to provide transport, means of communication, an official or the owner of the vehicle shall bear the responsibility established by law.

3. The procedure for compensating expenses associated with the provision of medical care in case of threat to human life, is determined by the Government of the Kyrgyz Republic.

#### Article 10. Attestation of medical workers

1. In order to maintain qualifications, improve the level of training and professional responsibility, as well as determine the qualification category of compliance with the position held, medical workers, including teachers of clinical departments, are subject to periodic certification, but at least once every five years, which is carried out by the relevant authorized body or professional associations, associations in case of delegating to them the functions of conducting attestation by the authorized state body of the Kyrgyz Republic in the field of healthcare.

2. Foreign citizens and stateless persons who have the right to engage in medical activities in the Kyrgyz Republic, upon professional certification, have equal rights and obligations with citizens of the Kyrgyz Republic.

## CHAPTER 2. RIGHTS AND OBLIGATIONS OF MEDICAL WORKERS

#### Article 11. Rights of medical workers

1. Medical workers have the right:

1) on working conditions that ensure the quality provision of medical and sanitary care;

2) to choose methods of examination and treatment of patients based on clinical protocols approved by the authorized state body of the Kyrgyz Republic in the field of healthcare;

3) issue prescriptions for medicines, issue certificates and certificates of incapacity for work in the manner prescribed by law;

4) introduction of modern diagnostic methods into medical practice;

5) for individual medical activities in the manner prescribed by legislation;

6) to work part-time in accordance with the law;

7) to other rights provided by the legislation.

2. Medical workers have the right to exemption from liability in case of professional error. The professional mistake of medical workers is understood as an error in the performance of their professional duties under circumstances beyond their control, which is the result of a conscientious error and does not contain corpus delicti or a sign of misconduct.

1. Medical workers are entitled to guaranteed wages. The salaries of medical workers are established in the amount of official salaries established for workers in the healthcare system, in accordance with the current regulatory legal acts.
2. For medical workers who have a degree of Doctor or Candidate of Sciences, the honorary title "Honored Doctor of the Kyrgyz Republic" or "Honored Worker of Health of the Kyrgyz Republic", as well as for long service, bonuses are established:
  - 1) for the academic degree of doctor or candidate of sciences - in accordance with the law;
  - 2) for 5 years of work experience as a medical worker - in the amount of ten percent, 10 years - twenty percent, 15 years - thirty percent;
  - 3) for work in settlements located in high-mountainous and remote hard-to-reach areas - thirty percent.
3. In accordance with the qualification category assigned by the authorized state body of the Kyrgyz Republic in the field of healthcare, bonuses to official salaries are established for healthcare workers.
4. Sizes of allowances for the qualification category, as well as other types of allowances and additional payments, the procedure for their payment is determined by the Government of the Kyrgyz Republic.
5. Health care organizations within the limits of funds for remuneration, depending on the volume and quality of medical services provided by such organizations, can independently establish differentiated bonuses to official salaries for medical workers, apply various progressive forms of remuneration and its stimulation.
6. It is forbidden to make deductions from the salaries of medical workers that are not provided for by law.
7. The salary of medical workers who carry out their activities in healthcare organizations with a private form of ownership is established in accordance with an employment contract, taking into account the allowances established by law.
8. Medical workers and members of their families working and living in high mountains and remote hard-to-reach areas, in the absence of their own housing, are provided with official housing in accordance with the law. In the absence of service housing, local governments are obliged to pay the costs associated with renting housing by a medical worker.
9. Graduates of medical educational organizations of higher and secondary vocational education who arrived to work in healthcare organizations by referral, local state administrations are required to provide living space or land for individual construction and a one-time allowance in the amount of ten times the official salary.

Article 13. Right to rest

1. The right of medical workers to rest is ensured by rational planning and organization of labor, the provision of annual paid holidays provided for by law.

2. The duration of the working day and working week of medical workers is established within the limits provided for by law.

Article 14. Right to health care

1. Medical workers have the right to protect their health, implemented by carrying out sanitary and hygienic, anti-epidemic, therapeutic and preventive measures in accordance with the law.

2. Health care organizations may use their own funds to pay for medical workers the costs of vaccination, treatment of diseases associated with professional activities, in the amount provided for by the collective agreement, as well as ensure periodic mandatory medical examinations.

3. Medical and other workers carrying out their activities in healthcare organizations, the work in which is associated with harmful conditions and the possibility of causing damage to the health of workers, have the right to dispensary observation at the expense of the said organization.

4. In the event of harm to the health of medical workers in the performance of their labor duties or professional duty, they are compensated for damage in the amount and order established by law.

5. In the event of the death of employees of state and / or municipal healthcare organizations in the performance of their labor duties or professional duty during the provision of medical care or scientific research, the families of the victims are paid a one-time monetary allowance in accordance with the law.

6. Medical workers performing labor duties or professional duty in emergency situations of military operations, as well as infliction of harm to health, in case of death in the specified conditions, are paid compensation in the amount and in the manner established by law in similar cases for military personnel.

Article 15

For achieving high results in the field of protecting the health of citizens, medical and other health workers can be presented for awards by the authorized state body of the Kyrgyz Republic in the field of healthcare, departments and state awards in accordance with the law.

Article 16. Protection of honor, dignity and professional reputation of medical workers

Part of the dignity, the professional reputation of medical workers is protected by law. No one has the right to inflict physical, moral

and material damage to a medical worker in the performance of his professional activities Health Organizations facilitate the provision of legal assistance to their Medical Workers in the course of litigation on issues relating to medical and preventive organizations in general.

**Article 17. Associations of medical workers**

In order to protect their rights and interests, medical workers have the right to unite on a voluntary basis in professional associations, associations to resolve issues related to professional activities, and carry out their activities in accordance with the legislation on non-profit organizations.

**Article 18. Obligations of medical workers**

1. Medical workers are obliged:

- 1) carry out their professional activities in accordance with normative legal acts of the Kyrgyz Republic;
- 2) improve their professional knowledge and skills;
- 3) comply with sanitary and hygienic and anti-epidemic standards, as well as the rules established for this healthcare organization;
- 4) strictly observe the rights and interests of the patient;
- 5) provide adequate effective treatment of the patient until complete recovery or the maximum possible improvement in his health, if complete recovery is impossible for objective reasons;
- 6) to keep the secret of personal information obtained in the course of their "professional activities, except as otherwise provided by law;
- 7) provide first emergency medical care, regardless of time, place, with the exception of circumstances that, for objective reasons, prevent the reduction. emergency care;
- 8) Obtain patient consent for any proposed medical interventions in accordance with the law;
- 9) know and strictly perform their official duties;
- 10) comply with professional and ethical standards;
- 11) prevent unreasonable prescribing of medicines and examinations.

2. In the performance of their professional duties, medical workers do not have the right to expose the patient to unreasonable risk, even with his consent, except in cases that pose a threat to the patient's life.

3. It is forbidden to satisfy the request of the patient to interrupt his life (euthanasia).

4. Medical workers, as well as scientific and pedagogical ones. workers, and

Also, students admitted to work with the population are required to provide higher-level health care organizations and government bodies and government bodies with reliable information and reporting in accordance with the regulatory legal acts of the Kyrgyz Republic.

5. Medical workers admitted to work with biomaterials for scientific, educational, clinical purposes are required to comply with the rules approved by the Government of the Kyrgyz Republic.

6. Graduates of higher and secondary medical educational organizations who have been trained on a budgetary basis are required to work for at least 2 years in the regions in the direction of the authorized state body of the Kyrgyz Republic in the field of healthcare. In case of refusal to work in the direction, the graduate has the right to free employment after his training in the manner determined by the Government of the Kyrgyz Republic.

#### Article 19. Responsibility of medical workers

Medical workers, in accordance with the law, are responsible for violation of medical ethics, damage to the health of citizens, disclosure of medical confidentiality.

## **CHAPTER 3. RELATIONS IN THE IMPLEMENTATION OF MEDICAL ACTIVITIES**

#### Article 20. Attending physician

1. Attending physician - a doctor who provides medical care to a patient during his observation and treatment in healthcare organizations. The attending physician may be a doctor who has passed attestation and registration in the manner prescribed by law.

2. The attending physician is appointed at the choice of the patient or the head of the healthcare organization (its subdivision). In the event of a patient's request to change the attending physician, the head of the healthcare organization must facilitate the selection of another physician.

3. The attending physician may, in agreement with the relevant official of the healthcare organization, refuse to observe and treat the patient, if this does not threaten the life of the patient and the health of others, if the patient does not comply with the instructions or internal regulations of the healthcare organization.

4. The patient's relatives do not have the right to unjustified interference in matters that, by their nature, fall within the scope of the professional duties of the attending physician.

5. If necessary, the attending physician may convene a medical consultation.

#### Article 21. Guarantees of the independence of medical workers

1. It is forbidden to interfere with the actions of medical workers in the course of their professional activities, by exerting direct or indirect pressure, except as provided by law.



2. In the event of a threat to the life and health of the patient, another medical worker may intervene in the actions of a medical worker in order to correct the medical care provided.

3. When carrying out their professional activities, medical workers are irreplaceable. No one has the right to remove medical workers from providing medical care, with the exception of cases provided for by law.

**Article 22. Relations between a medical worker and a patient**

1. The relationship between healthcare professionals and patients is based on mutual respect and trust, on the patient's right to express his will.

2. A medical worker is obliged to inform the patient or his legal representative about the possible risk of medical intervention, as well as in case of refusal of medical intervention.

3. Any medical intervention may be carried out with the consent of the patient, except in cases where the physical and mental condition of the patient does not allow him to make an informed decision, or in other cases provided for by law.

**Article 23. Relations between medical workers**

1. Relationships between healthcare professionals are based on correctness, interactions and mutual respect.

2. Only professional actions and ethics can be criticized health worker behavior.

3. The doctor should not prevent the patient from choosing another attending physician.

The professional reputation of a doctor is based on the results of his activities.

4. The patient or his legal representative is responsible for refusing to mandatory medical intervention, resulting in complications.

## **CHAPTER 4. FINAL PROVISIONS**

**Article 24. Responsibility for violation of this Law**

Violation of this Law shall be liable in accordance with legislation of the Kyrgyz Republic.

**Article 25. Entry into force of this Law**

This Law shall enter into force on the day of its official publication.

President of the Kyrgyz Republic

A. Atambayev