

KAZAKHSTAN'S NEW HEALTHCARE CODE

The new **Healthcare Code**¹ in Kazakhstan effective from 19 July 2020 introduced valuable novelties in public healthcare regulation in Kazakhstan.

The Healthcare Code strengthened legal protection for medical workers, introduced a differentiated approach to medical errors, and redefined a citizen's rights in vaccination matters, among the main amendments, which we briefly detail in this Client alert.

Vaccination

The Healthcare Code granted the right to Kazakh citizens to give informed consent or to refuse to receive the treatment and other medical interventions, including preventive vaccinations.

The Healthcare Code divided the vaccination protocols into obligatory and voluntary, and the Government is responsible for approving the list of vaccines obligatory for Kazakhstan citizens living in the country.²

Decriminalising Medical Errors

The new Healthcare Code providing stronger legal protection for medical workers, who have not caused serious damage to the health of a patient.

The term «medical error» has been replaced with the term «medical accident», which lead to easing the punishment for medical workers. Although, it will now be harder to initiate a criminal case for medical error, the Healthcare Code will still allow criminal prosecution in cases where medical errors that caused serious consequences to the health of a patient.³ Other cases will be treated as an administrative offence.

Protection of public against tobacco

One of the most important amendment related to the health of the public effects the restrictions on the consumption of e-cigarettes and the change of status of e-cigarettes to tobacco products. The Healthcare Code introduced a ban on the import, production and distribution of snus and other non-smoking tobacco products, as well as introduced administrative responsibility for the sale of tobacco products to persons under the age of 21 and application of all restrictive measures used for tobacco products.



¹ The Code of the Republic of Kazakhstan «On Public Health and Healthcare System» № 360-VI dated 7 July 2020

² Article 85 of the Healthcare Code.

³ Article 270 of the Healthcare Code.

Measures induced by COVID - 19

The Healthcare Code strengthened the powers of chief state sanitary doctors empowering to introduce restrictive measures and quarantines and vested the Ministry of Healthcare with the competence to determine the procedure to organize the provision of medical care during a period of a state of emergency.

National Operator in Healthcare

The Healthcare Code introduced the new concept of National operator in healthcare, who is responsible for investment programmes and PPP projects in healthcare. The National operator has various instruments and powers detailed in the Healthcare Code to manage these activities for the purposes of development of the healthcare sector in Kazakhstan.

Medical Check-ups

The Healthcare Code introduces the provisions regulating medical check-ups of the Kazakhstan public. One of the important element of these provisions becomes the application to the employers at large. Thus, in accordance with the new provisions of the Healthcare Code, the employers shall ensure and adjust the working conditions to allow the employee to undertake the medical check-up, including during the normal working hours.

We note, that associated amendments have been introduced to the Labour Code of Kazakhstan to reflect the changes.

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