

On approval of the Rules for giving the lifetime will of a person for posthumous donation of organs (part of the organ) and (or) tissues (part of the tissue) and notification of the spouse or one of the close relatives thereof

Unofficial translation

Order of the Minister of Healthcare of the Republic of Kazakhstan dated December 21, 2020 No. RK HM-308/2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on December 22, 2020 No. 21859.

Unofficial translation

In accordance with Article 212, paragraph 2, of the Code of the Republic of Kazakhstan dated July 7, 2020 “On public health and healthcare system and Article 10, paragraph 1, of the Law of the Republic of Kazakhstan dated April 15, 2013 “On public services”, **I hereby ORDER:**

1. To approve the attached rules for giving the lifetime will of a person for posthumous donation of organs (part of the organ) and (or) tissues (part of the tissue) and notification of the spouse or one of the close relatives thereof.

2. To recognize as invalid some orders of the Ministry of Healthcare of the Republic of Kazakhstan in accordance with the Annex to this order.

3. The Department of medical care organization of the Ministry of Healthcare of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall:

1) ensure the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) place this order on the Internet resource of the Ministry of Healthcare of the Republic of Kazakhstan;

3) within ten calendar days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan submit to the Legal Department of the Ministry of Healthcare of the Republic of Kazakhstan with information on the implementation of the measures provided for in subparagraphs 1) and 2) of this paragraph.

4. Control over the execution of this order shall be entrusted to the supervising Vice-Minister of Healthcare of the Republic of Kazakhstan.

5. This order shall enter into force upon expiry of ten calendar days after the date of its first official publication.

*Minister of Healthcare
of the Republic of Kazakhstan*

A. Tsoi

"AGREED"

Rules

for giving the lifetime will of a person's for posthumous donation of organs (part of the organ) and (or) tissues (part of the tissue) and notification of the spouse or one of the close relatives thereof

Chapter 1. General provisions

1. These rules for giving the lifetime will of a person for posthumous organ donation (organ parts) and/or tissues (tissue part) and notification of the spouse or one of the close relatives thereof (hereinafter referred to as the Rules) developed in accordance with Article 212, paragraph 2 of the Code of the Republic of Kazakhstan dated July 7, 2020 "On public health and healthcare system" (hereinafter referred to as the Code) and Article 10, subparagraph 1) of the Law of the Republic of Kazakhstan dated April 15, 2013 "On public services" (hereinafter referred to as the Law) and shall determine the procedure for giving the lifetime will of a person for posthumous organ donation (part of the organ) and (or) tissues (part of the tissue) for the purpose of transplantation and notification of the spouse or one of the close relatives thereof.

2. Registration of a person's will to refuse or consent to be removed from him after the death of organs (parts of organ) and (or) tissues (parts of tissue) for transplantation purposes shall be made in the register of citizens expressing the right to post-mortem organ donation (parts of the organ) and (or) tissues (parts of the tissue), when directly contacted by the medical organization providing primary health care (hereinafter referred to as PHC) or on the web portal "e-government" (hereinafter referred to as Portal).

3. The following concepts are used in these Rules:

1) a register of citizens who have expressed the right to donate organs (parts of an organ) and (or) tissues (parts of tissue) (hereinafter referred to as the Register) - a database of adults and capable persons who voluntarily expressed a desire to exercise their right to a lifetime refusal or consent to a posthumous donation of organs (parts of an organ) and (or) tissues (parts of tissue) for transplantation, created as a module in the state information system "Register of Attached Population" (hereinafter referred to as RAP);

2) the authorized body in the field of health care (hereinafter referred to as the authorized body) - the central executive body that manages and ensures inter-sectoral coordination in the

field of protecting the health of citizens of the Republic of Kazakhstan, medical and pharmaceutical science, medical and pharmaceutical education, sanitary and epidemiological welfare of the population, circulation of medicines and medical devices, the quality of medical services (assistance);

3) posthumous donor - a person aged eighteen years and older who has been diagnosed with irreversible brain death, whose organs (parts of an organ) and (or) tissues (parts of tissue) can be used for transplantation to a recipient;

4) public service - one of the forms of implementation of certain state functions, carried out individually at the request or without the request of service recipients and aimed at exercising their rights, freedoms and legitimate interests, providing them with appropriate material or intangible benefits;

5) public service standard - a list of basic requirements for provision of a public service, including the characteristics of the process, the form, content and result of the provision, as well as other information, taking into account the specifics of the provision of the public service;

6) irreversible brain death - the cessation of brain activity due to the death of the brain substance, in which artificial measures can be taken to maintain the functions of organs;

7) the applicant (hereinafter referred to as the service recipient) is an adult and capable person who voluntarily expressed a desire to exercise his right to a lifetime refusal or consent to posthumous donation of organs (parts of an organ) and (or) tissues (parts of tissue) for transplantation;

8) regional transplant coordinator - a doctor who provides interdepartmental interaction of medical organizations in the field of transplantation of organs (parts of an organ) and (or) tissues (parts of tissue) in regional centers, cities of republican significance and the capital, who is a staff member of the Transplant Coordination Center;

9) republican transplant coordinator (hereinafter referred to as an authorized person) - a doctor who ensures the coordination of the work of regional transplant coordinators and effective interdepartmental interaction of medical organizations on transplant service issues, who is a full-time employee of the Transplant Coordination Center;

10) Transplant Coordination Center - a healthcare organization dealing with the issues of coordination and support of transplantation of organs (parts of an organ) and (or) tissues (parts of tissue), the regulation of which is approved by the authorized body;

11) electronic digital signature (hereinafter - EDS) - a set of electronic digital symbols created by means of an electronic digital signature and confirming the authenticity of an electronic document, its ownership and the invariance of the content;

12) digital document service - an object of the information and communication infrastructure of "electronic government", assigned to the operator and intended for the

creation, storage and use of electronic documents in order to implement state functions and the public services arising from them, as well as in interaction with individuals and legal entities, receiving and providing services in electronic form.

Footnote. Paragraph 3 - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 07.12.2021 No. KP ДСМ-125 (shall be enforced ten calendar days after the day of its first official publication).

4. The collection, processing and protection of personal data shall be carried out in accordance with the Code of the Republic of Kazakhstan and Articles 23 and 29 of the Law of the Republic of Kazakhstan dated May 21, 2013 "On personal data and their protection."

Chapter 2.

Procedure for giving a lifetime will of a person for posthumous donation of organs (part of the organ) and (or) tissues (part of the tissue) and notification of the spouse or one of the close relatives thereof

5. The state service "Registration of lifetime refusal or consent to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) for transplantation purposes" (hereinafter referred to as the state service) shall be provided in the PHC or on the web portal of the "electronic government" (hereinafter referred to as the service provider).

The service recipient shall contact the service provider, at the place of attachment and complete the application for registration of lifetime refusal or consent to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) according to the form according to Annexes 1, 2 to these Rules.

6. A list of the main requirements for the provision of state services, including the characteristics of the process, the form, content and result of the provision, as well as other information taking into account the peculiarities of the provision of state services, shall be given in the register of state services "Registration of lifetime refusal or consent to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) for transplantation purposes" according to Annex 3 to these Rules.

7. The service provider, by order of the first manager, shall fix the person responsible for accepting, registering applications in the Register and issuing registration certificates.

8. In case of provision of a complete package of documents by the service recipient, confirmation of its attachment to the personal data register and conformity of personal data, the responsible person of the PHC shall enter the following information into the register:

- 1) individual identification number (hereinafter referred to as IIN) of the service recipient;
- 2) electronic copy of the application (scanned document).

9. The following applications from the service recipient shall be registered in the Register:

- 1) lifetime refusal for post-mortem donation of organs (part of organ) and (or) tissues (part of tissue) for transplantation purposes;

2) lifetime consent to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) for transplantation purposes.

10. After entering the information in the Register, the responsible person of the PHC organization shall issue within one calendar day a corresponding certificate of registration of lifetime refusal or consent to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) for transplantation purposes signed by the head of the PHC, sealed in a form according to Annexes 1, 2 to the state service.

11. In cases where the service recipient presents an incomplete package of documents according to the list and (or) documents with expired validity, the service provider shall refuse to accept the application.

12. When submitting an application in electronic form, the service provider receives information about an identity document from the digital document service (for identification) through the implemented integration, subject to the consent of the owner of the document, provided through the user's mobile phone number registered on the e-government web portal by transmitting a one-time password or sending a short text message as a response to the notification of the e-government web portal.

Footnote. Paragraph 12 - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 07.12.2021 No. КР ДСМ -125 (shall be enforced ten calendar days after the day of its first official publication).

13. To receive the state service in electronic format, the service recipient shall form an application for receiving the state service on the portal signed by the EDS. The result of the provision of the state service shall be sent to the service recipient in the "Personal Account" in the form of an electronic document.

14. In accordance with Article 5, paragraph 2, subparagraph 11), of the Law of the Republic of Kazakhstan, data entry into the information system for monitoring the provision of state services on the stage of provision of state services shall be provided in accordance with the Order of the Acting Minister of Transport and Communications of the Republic of Kazakhstan dated June 14, 2013 No. 452 "On approval of the Rules for entering data into the information system for monitoring the provision of state services on the stage of provision of state services" (registered in the Register of state registration of regulatory legal acts under No . 8555).

15. The Republican state healthcare organization, providing information services for organizations and specialists of healthcare (hereinafter referred to as an organization for information services), to register and record the lifetime will of citizens for post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) for transplantation purposes shall:

1) provide access by authorized persons to the Register of citizens having expressed the right to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue)

in the manner determined by the authorized body in accordance with Article 209, paragraph 8 of the Code;

2) branches of the information service organization provide access to the register to responsible employees of the PHC as "Administrator of the register of citizens who expressed the right to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue)."

16. The PHC submit to the branches of the information service organization lists of responsible employees with copies of appointment orders to provide them with access to the Register, with the aim of registering the lifetime will of the applicant for post-mortem donation and issuing a certificate of registration of the application.

17. The coordination center for transplantation shall submit to the information service organization a list of authorized persons with a copy of the order of appointment to provide them with access to the Register in order to view the information of the lifetime will of the posthumous donor.

18. In case of lifetime consent of the deceased to the removal of his organs (part of the organ) and (or) tissues (part of the tissue) for transplantation, the regional transplant coordinator shall notify the spouse or one of the close relatives within six hours and provide a certificate from the Register for consultation, in case of refusal to familiarize themselves, make an act on this.

19. The spouse, and in his/her absence, one of the close relatives, after their notification, shall declare disagreement or consent to the removal of organs (part of the organ) and (or) tissues (part of the tissue) from the deceased in writing, in accordance with Annex 4 to these Rules.

Chapter 3. Procedure for appealing decisions, actions (inaction) of the service provider and (or) its officials on provision of a public service

Footnote. Chapter 3 - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 07.12.2021 No. ҚР ДСМ -125 (shall be enforced ten calendar days after the day of its first official publication).

20. A complaint against decisions, actions (inaction) of the service provider and (or) their employees on the provision of public services is submitted to the head of the service provider.

The complaint of the service recipient, received by the service provider directly providing the public service, in accordance with paragraph 2 of Article 25 of the Law "On Public Services" is subject to consideration within five working days from the date of its registration.

The complaint of the service recipient, received by the authorized body for assessment and control over the quality of the provision of public services, is subject to consideration within fifteen working days from the date of its registration.

When applying through the portal, information on the procedure for appealing can be obtained by calling the single contact center for the provision of public services.

21. Pre-trial consideration of a complaint on the provision of public services is carried out by a higher administrative body, an authorized body for assessment and control over the quality of public services (hereinafter referred to as the body considering the complaint).

The complaint is submitted to the service provider, whose decision, action (inaction) is being appealed.

The service provider, whose decision, action (inaction) is being appealed, no later than three working days from the date of receipt of the complaint, sends it and the administrative file to the body considering the complaint.

At the same time, the service provider, whose decision, action (inaction) is being appealed, has the right not to send a complaint to the body considering the complaint if it makes a decision or other administrative action within three working days that fully meets the requirements specified in the complaint.

Unless otherwise provided by law, the appeal to the court is allowed after an appeal in the pre-trial procedure.

Annex 1
to the rules for giving lifetime
will of the person on
postmortem organ donation
(organ parts) and (or) tissues
(fabric parts) and notifications
of the spouse or one of
close relatives thereof
Form

**Application for registration of lifetime refusal for posthumous donation
organs (part of organ) and (or) tissues (part of tissue) for transplantation purposes**

I hereby, _____

(last name, first name, patronymic (if any) of the person)

Date of birth " ____ " _____

IIN _____

(Number, date of issue of identity document, by whom and when issued)

During my lifetime, I hereby refuse posthumous organ donation (part of the organ) and (or) tissues

(tissue parts) for transplantation purposes.

I hereby consent to the recording, collection, processing and storage of my personal data.

_____/_____
_____/_____

(last name, first name, patronymic (if any) of the person) signature

_____ "____"20 _____.

Date of signing

Annex 2
to the rules for giving lifetime
will of the person on
postmortem organ donation
(organ parts) and (or) tissues
(fabric parts) and notifications
of the spouse or one of
close relatives thereof
Form

**Application for registration of lifetime consent for post-mortem donation organs (part of organ)
and (or) tissues (part of tissue) for transplantation purposes**

I hereby, _____

(Last name, first name, patronymic (if any) of the person)

Date of birth "____" _____

IIN _____

(identity document: number, by whom and when issued)

Choose one of the following options:

1. I hereby confirm that in case of the established fact of my death, any of my internal organs and tissues can be removed for transplantation (note the necessary).

2. You can pick up all organs except those indicated (mark the desired):

☐

heart

☐

liver

☐

kidney

☐

pancreas

lung

☐

eyeballs



tissue (skin, muscles, cartilages, bone tissue, blood vessels).

I hereby consent to the recording, collection, processing and storage of my personal data.

_____/_____
/

(last name, first name, patronymic (if any) of the person) signature

_____ " _____ " 20 _____.

Date of signing

Annex 3
to the rules for giving lifetime
will of the person on
postmortem organ donation
(organ parts) and (or) tissues
(fabric parts) and notifications
of the spouse or one of
close relatives thereof

Footnote. Appendix 3 - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 07.12.2021 No. КР ДСМ -125 (shall be enforced ten calendar days after the day of its first official publication).

Public service Standard "Registration of lifetime refusal or consent to posthumous donation of organs (parts of an organ) and (or) tissues (parts of tissue) for transplantation"		
1	Name of the service provider	Medical organizations providing primary health care
2	Ways to provide a public service	1) Medical organizations providing primary health care; 2) web portal of "electronic government".
3	The term for provision of a public service	1) through the service provider, the term of provision is within 1 (one) working day; 2) through the portal - the maximum allowable waiting time for submitting a package of documents is no more than 15 (fifteen) minutes; The maximum allowable service time for the service recipient through the portal is 30 (thirty) minutes The maximum allowable time for servicing the service recipient through the service provider is 1 (one) working day.
4	Form of provision of public service	Electronic (partially automated)/ paper .
		Certificate of registration of a lifetime refusal for posthumous

5	Result of provision of a public service	<p>donation of organs (parts of an organ) and (or) tissues (parts of tissue) according to the form in accordance with Appendix 1 to this public service;</p> <p>certificate of registration of lifetime consent for posthumous donation of organs (parts of an organ) and (or) tissues (parts of tissue) according to the form in accordance with Appendix 2 to this public service.</p>
6	The amount of payment charged from the service recipient in the provision of a public service, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	The public service is provided to individuals free of charge.
7	Schedule	<p>1) service provider - from Monday to Friday from 8.00 to 20.00 without a break, on Saturday from 9.00 to 14.00, except weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan.</p> <p>Public service is provided on a first-come, first-served basis, without prior appointment and expedited service.</p> <p>2) portal - around the clock, except for technical breaks due to repair work.</p>
8	List of documents required for provision of a public service	<p>To the service provider:</p> <p>1) an identity document or an electronic document from a digital document service for personal identification when contacting the service provider directly;</p> <p>2) an application according to the forms, in accordance with appendices 1, 2 to these Rules.</p> <p>To the portal:</p> <p>1) an application in the form of an electronic request.</p>
9	Grounds for refusal to provide a public service, established by the legislation of the Republic of Kazakhstan	<p>1) establishing the unreliability of the documents submitted by the service recipient for the receipt of the public service, and (or) the data (information) contained in them;</p> <p>2) provision by the service recipient of an incomplete package of</p>

		documents in accordance with the list provided for in paragraph 8 of this public service standard; 3) lack of attachment to this medical organization of primary health care.
10	Other requirements, taking into account the specifics of provision of public services, including those provided in electronic form and through the State Corporation	<p>The service recipient has the opportunity to receive the public service in electronic form by means of the service recipient's mobile subscriber number registered on the portal by transmitting a one-time password or by sending a short text message as a response to the notification of the portal.</p> <p>The service recipient has the opportunity to receive public services in electronic form through the portal, subject to the availability of an EDS.</p> <p>For persons with disabilities, the presence of a ramp, a call button, a tactile track for the blind and visually impaired, a waiting room, a rack with sample documents.</p> <p>The service recipient has the opportunity to obtain information about the procedure and status of the provision of public services in the information services of the service provider, as well as the Unified Contact Center "1414", 8-800-080-7777.</p>

Annex 4
to the rules for giving lifetime
will of the person on
postmortem organ donation
(organ parts) and (or) tissues
(fabric parts) and notifications
of the spouse or one of
close relatives thereof
Form

Certificate on consent or refusal to remove organs (part of the organ) and (or) tissues (tissue parts) for transplantation purposes

I hereby, _____
(last name, first name, patronymic (if any) of the person)

IIN _____

(No., date of issue of identity document, by whom and when issued)

I hereby agree/refuse to (underline the need for) the removal of organs from the deceased spouse, close relative

(to specify the degree of kinship, surname, first name, patronymic (if any) of the deceased)
for transplantation purposes.

(last name, first name, patronymic (if any) of the person) signature

_____ "_____" 20 _____.
Date of signing

Appendix 2 to the order
of the Minister of Healthcare
of the Republic of Kazakhstan
dated December 21, 2020
No. RK HM-308/2020

List of orders recognized as invalid of the Ministry of Healthcare of the Republic of Kazakhstan

1. Order No. 360 of the Minister of Healthcare and Social Development dated May 18, 2015 "On approval of the rules for the lifetime voluntary donation of tissues (part of tissue) and (or) organs (part of organs) after death for transplantation purposes" (registered in the Register of state registration of regulatory legal acts No. 11381, published on June 30, 2015 in the Information Legal System "Adilet").

2. Order of the Minister of Healthcare of the Republic of Kazakhstan dated February 1, 2018 No. 43 "On introduction of amendments to the order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated May 18, 2015 No. 360" "On approval of the rules for the lifetime voluntary donation of tissues (part of tissue) and (or) organs (part of organs) after death for transplantation purposes" (registered in the Register of state registration of regulatory legal acts under No. 16411, published on April 3, 2018 in the Reference Control Bank of the NAP of the Republic of Kazakhstan in electronic form).

3. Order of the Minister of Healthcare of the Republic of Kazakhstan dated May 18, 2020 No. RK HM-50/2020 "On introduction of amendments to the order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated May 18, 2015 No. 360 "On approval of the rules for the lifetime voluntary donation of tissues (part of tissue) and (or) organs (part of organs) after death for transplantation purposes" (registered in the Register of state registration of regulatory legal acts under No. 20662, published on May 20,

2020 in the Reference Control Bank of the NAP of the Republic of Kazakhstan in electronic form).

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