



On approval of the Rules for engaging independent experts and specialized professionals in the evaluation of medical services (care) quality, and also qualification requirements for them

Unofficial translation

Order of the Minister of Healthcare of the Republic of Kazakhstan dated September 16, 2020 № RK HM-103/2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 17, 2020 № 21218.

Unofficial translation

Footnote. The title - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 21.06.2024 № 26 (effective f ten calendar days after the date of its first official publication).

In accordance with subparagraph 15) of Article 8 of the Code of the Republic of Kazakhstan "On healthcare of the people and the healthcare system" **I hereby ORDER:**

Footnote. Preamble – in the wording of the order of the Minister of Healthcare of the Republic of Kazakhstan dated 29.04.2022 № RK HM-39 (shall enter into force from 01.07.2022).

1. Approve the attached Rules for engaging independent experts and specialized professionals in the evaluation of medical services (care) quality, and also qualification requirements for them.

Footnote. Paragraph 1- as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 21.06.2024 № 26 (effective f ten calendar days after the date of its first official publication).

2. To recognize as invalid:

1) order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated April 28, 2015 № 274 "On approval of the Rules for the involvement of independent experts in external expertise" (registered in the Register of State Registration of Regulatory Legal Acts under № 11207, published June 17, 2015 in the information and legal system "Adilet");

2) order of the Acting Minister of Healthcare and Social Development of the Republic of Kazakhstan dated August 2, 2016 № 683 "On introduction of amendments to the order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated April 28, 2015 № 274 "On approval of the Rules for the involvement of independent experts in the field of healthcare" (registered in the Register of State Registration of Regulatory Legal Acts under № 14201, published on September 13, 2016 in the information and legal system "Adilet").

3. The Committee of medical and pharmaceutical control 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) 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 Health of the Republic of Kazakhstan after its official publication;

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

Footnote. Paragraph 3 - in the wording of the order of the Minister of Healthcare of the Republic of Kazakhstan dated 29.04.2022 № RK HM-39 (shall enter into force from 01.07.2022).

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

Approved
by the order of the Minister
of Healthcare of the
Republic of Kazakhstan
dated September 16, 2020
№ RK HM-103/2020

The Rules

for engaging independent experts and specialized professionals in the evaluation of medical services (care) quality, and also qualification requirements for them

Footnote. The Rules- as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 21.06.2024 № 26 (effective f ten calendar days after the date of its first official publication).

Chapter 1. General provisions

1. These Rules for engaging independent experts and specialized professionals in the evaluation of medical services (care) quality (further-the Rules) have been developed pursuant to subparagraph 15, of Article 8 of the Code of the Republic of Kazakhstan “On

Public Health and Health Care System” (hereinafter - the Code) and establish the procedure for engaging independent experts and specialized professionals in the evaluation of medical services (care) quality.

2. Basic concepts used in these Rules:

- 1) accredited entity - an entity that has undergone accreditation in the field of healthcare;
- 2) social health insurance fund (hereinafter referred to as the Fund) - a non-profit organization that accumulates deductions and contributions, and also procures and pays for the services of healthcare entities providing medical care in the scope and on the terms stipulated by the contract for procuring medical services, and other functions determined by the laws of the Republic of Kazakhstan;
- 2) specialized professional- a medical professional with higher medical education who has a certificate in the field of health care;
- 3) healthcare entities – healthcare organizations, as well as individuals engaged in private medical practice and pharmaceutical activities;
- 4) state body in the medical services (care)provision – a state body exercising management in the area of medical services (care)provision, monitoring medical services (care) quality (hereinafter – the state body);
- 5) an independent expert – an individual who meets the requirements established by the authorized body and is included in the register of independent experts.

3. The purpose of engaging independent experts and specialized professionals shall be:

- 1) issuing a conclusion on the quality of medical services (care) provided by healthcare entities, using indicators reflecting the efficacy, completeness and compliance of the provided medical services (care) with the standards;
- 2) expert examination of medical services (care) for the patients to receive the required scope and appropriate quality of medical care based on the optimal use of human, material and technical resources of healthcare entities and the use of modern healthcare technologies;
- 3) ensuring transparency and objectivity in assessing the activities of healthcare entities, competence of medical workers, and qualification level of specialists.

4. Information on independent experts is contained in the Register of independent experts formed by the state body in accordance with the Order of the Minister of Health of the Republic of Kazakhstan dated October 21, 2020 № KP DSM-145/2020 “On approval of the Rules for maintaining the register of independent experts, as well as the grounds for inclusion in the unified register of independent experts and exclusion from it” (registered in the Register of State Registration of Regulatory Legal Acts under № 21509).

Chapter 2: Procedure for engaging independent experts and specialized professionals in the evaluation of medical services (care) quality

5. Within expert evaluation of the quality of medical services (care) independent experts and specialized professionals shall be engaged:

- 1) by the state body, as well as its territorial subdivisions;
- 2) local public health authorities of oblasts, cities of republican status and the capital;
- 3) by the Fund;
- 4) individuals or legal entities.

6. When independent experts are engaged by the state body, as well as its territorial subdivisions, a letter of request on the need to provide the expert(s) for expert evaluation, specifying the required specialty, shall be sent to the commission from the date of conclusion of the contract with an accredited health care entity performing expert examination in the field of health care (hereinafter - accredited health care entity).

To engage specialized professionals by the body in the commission, the state body, as well as its territorial subdivisions shall send a letter of request to state bodies and subordinate organizations.

The accredited health care entity shall provide experts according to the requested specialty, included in the register of independent experts within three working days from the date of receipt of the letter of request.

The specialist of the state body shall provide the expert with all the necessary materials that are the subject of evaluation. If necessary, he shall organize a meeting with the applicant (with the applicant's consent).

7. The Fund shall engage independent experts and specialized professionals for:

1) confirmation of the quality of medical care when considering lethal cases, treated cases with rare diseases, highly specialized treated cases (in clinical terms), treated cases with complications, lethal cases of citizens of the Republic of Kazakhstan in foreign clinics, referred to foreign clinics in accordance with the Order of the Minister of Health of the Republic of Kazakhstan dated May 26, 2021 № KR DSM -45 "On approval of the rules for referring citizens of the Republic of Kazakhstan for treatment abroad and (or) involvement of foreign specialists to provide treatment in domestic medical organizations within the framework of the guaranteed volume of free medical care" (registered in the Register of State Registration of Regulatory Legal Acts under № 22866), also when paying for services for actual expenses incurred;

2) conducting planned, unscheduled, targeted, medico-economic monitoring of provided medical services;

3) participation as a party to civil proceedings.

8. Local public health authorities of oblasts, cities of republican status and the capital shall engage independent experts and specialized professionals for:

1) confirming the quality of medical care for persons held in remand prisons and penal (penitentiary) system institutions when considering appeals, including those related to deterioration of health, disability;

2) current (planned), unscheduled, proactive, targeted monitoring of cases of lethality and mortality, medico-economic monitoring of the scope and quality of medical services (care)

provided under contractual obligations within the framework of additional medical care for persons held in remand prisons and penal (penitentiary) system institutions.

9. Individuals or legal entities shall engage independent experts and specialized professionals on the grounds and under the terms and conditions defined in civil law contracts

10. Independent experts and specialized professionals shall be engaged for expert evaluation with or without a visit to the place of expert evaluation.

Evaluation without traveling of independent experts and specialized professionals to the place is conducted remotely using information and communication technologies, including with provision of electronic copies of medical and other documentation necessary for the evaluation.

11. When engaging independent experts, a state body in accordance with Article 5 of the Law of the Republic of Kazakhstan "On Public Procurement" shall conclude an agreement with an accredited healthcare entity.

12. The Fund, local state bodies of healthcare administration of oblasts, cities of republican status and the capital, when engaging independent experts and specialized healthcare professionals, shall conclude a civil law agreement directly with an independent expert or an accredited healthcare entity.

13. An independent expert and specialized professional shall not be engaged for expert examination in cases of:

- 1) labor or other contractual relations with the inspected healthcare entity;
- 2) personal, direct or indirect interest in the results of the conducted expert evaluation;
- 3) one or more justified complaints from individuals and legal entities about the quality of evaluation within one calendar year, confirmed by the decisions of the head of the state body on the results of the conclusion of the appeal commission in the field of medical services (care).

Chapter 3: Qualification requirements for independent experts and specialized professionals when engaging them for evaluation of medical services (care) quality

14. Specialized professionals shall be allowed to provide services on expert evaluation of the medical services (care) quality if they meet the following requirements:

1) a diploma of higher medical education (on the education documents issued by foreign educational organizations it is necessary to have a confirmation of the recognition or nostrification procedure in accordance with Article 39 of the Law of the Republic of Kazakhstan "On Education");

2) availability of a document confirming continuous work experience of at least 7 years in the declared qualification (employment record book or other document in accordance with Article 35 of the Labor Code of the Republic of Kazakhstan), and it is necessary to carry out activities in the field of health care in the declared qualification at the evaluation time, except

for a teaching faculty member of medical higher education institutions, that has at least 7 years of work experience;

3) a certificate of assignment of the first and (or) higher qualification category or a specialist certificate in the relevant specialty/specialization with a qualification level not lower than 7.2 (R), and for medics providing outpatient and polyclinic care not lower than 7.2 (I) in accordance with the Order of the Minister of Health of the Republic of Kazakhstan dated December 20, 2020 № ҚР ДСМ -283/2020 “On approval of the Rules for confirming the results of continuous professional development, assignment and confirmation of qualification levels of healthcare workers” (registered in the Register of State Registration of Regulatory Legal Acts under № 21843);

4) absence of one or more justified complaints from individuals and legal entities about the quality of evaluation within one calendar year, confirmed by decisions of the head of the state body on the results of the conclusion of the appeal commission in the field of medical services (care).

15. Independent experts shall be allowed to provide services on evaluation of the medical services (care) quality if they meet the following requirements:

1) a diploma of higher medical education (on the education documents issued by foreign educational organizations it is necessary to have a document confirming completion of the recognition or nostrification procedure in accordance with Article 39 of the Law of the Republic of Kazakhstan “On Education”);

2) availability of a document confirming continuous work experience of at least 7 years in the declared qualification (employment record book or other document in accordance with Article 35 of the Labor Code of the Republic of Kazakhstan), and it is necessary to carry out activities in the field of health care in the declared qualification at the evaluation time, except for a teaching faculty member of medical higher education institutions, that has at least 7 years of work experience;

3) availability of a certificate of assignment of the first and (or) higher qualification category or a specialist certificate in the relevant specialty/specialization with a qualification level not lower than 7.2 (R), and for medics providing outpatient and polyclinic care not lower than 7.2 (I) in accordance with the Order of the Minister of Health of the Republic of Kazakhstan dated December 20, 2020 № ҚР ДСМ -283/2020 “On approval of the rules for confirming the results of continuous professional development, assignment and confirmation of qualification levels of healthcare workers” (registered in the Register of State Registration of Regulatory Legal Acts under № 21843);

4) availability of a document confirming completion of additional and informal education over the last 5 years in independent examination, in the total of at least 4 credits (120 hours);

5) absence of one or more justified complaints from individuals and legal entities about the quality of evaluation within one calendar year, confirmed by decisions of the head of the

state body on the results of the conclusion of the appeal commission in the field of medical services (care).

16. An independent expert or a specialized professional shall be involved in the evaluation with regard to his/her specialty in accordance with the Nomenclature of specialties and specializations in healthcare in accordance with the Order of the Minister of Health of the Republic of Kazakhstan dated December 21, 2020 № KR DSM-305/2020 “On approval of the Nomenclature of specialties and specializations in the field of health care, nomenclature and qualification characteristics of positions of healthcare employees” (registered in the Register of State Registration of Regulatory Legal Acts under № 21856).