



On approval of the Rules for the involvement of independent experts in the examination of the quality of medical services (assistance)

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

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 No. RK HM-39 (shall enter into force from 01.07.2022).

1. To approve the attached Rules for the involvement of independent experts in the examination of the quality of medical services (assistance).

2. To recognize as invalid:

1) order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated April 28, 2015 No. 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 No. 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 No. 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 No. 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 No. 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 No. 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

Rules for the involvement of independent experts in the examination of the quality of medical services (assistance) Chapter 1. General provisions

1. These Rules on the involvement of independent experts in the examination of the quality of medical services (assistance) (hereinafter referred to as the Rules) have been developed in accordance with Article 8, subparagraph 15, of the Code dated July 7, 2020 “On the public health and healthcare system (hereinafter referred to as the Code) and shall define the procedure for the involvement of independent experts in the examination of the quality of medical services (assistance).

2. The basic concepts used in these Rules shall be:

1) the social health insurance fund (hereinafter referred to as the Fund) shall be a non-profit organization that accumulates contributions and contributions, as well as purchases and pays for the services of healthcare entities providing medical care in the amounts and conditions provided for by the contract for the purchase of medical services, and other functions defined by the Laws of the Republic of Kazakhstan;

2) healthcare subjects - healthcare organizations, as well as individuals engaged in private medical practice and pharmaceutical activities;

3) independent examination of the quality of medical services (assistance) (hereinafter referred to as the Expertise) - a procedure carried out by independent experts in the framework of internal and external examinations in order to make a conclusion on the level of

quality of medical services (assistance) provided by healthcare entities, using indicators reflecting the indicator of effectiveness, completeness and compliance of medical services (assistance) provided with standards;

4) a state body in the field of provision of medical services (assistance) - a state body exercising leadership in the field of provision of medical services (assistance), control over the quality of medical services (assistance) (hereinafter referred to as the state body);

5) an independent expert – an individual who meets the requirements determined by an authorized body and is on the register of independent experts.

3. The purpose of engaging independent experts shall be to:

1) making a conclusion on the level of quality of medical services (assistance) provided by healthcare entities, using indicators reflecting the indicator of efficiency, completeness and compliance of medical services (assistance) provided with standards;

2) ensuring the rights of patients to receive the necessary amount of medical care and proper quality on the basis of optimal use of personnel, material and technical resources of healthcare subjects and the use of modern medical technologies;

3) ensuring transparency and objectivity in assessing the activities of healthcare entities, the competence of medical employees, and the qualification level of specialists.

4. Information on independent experts is contained in the Register of Independent Experts established by a state body in accordance with Article 8, subparagraph 18) of the Code.

5. The independent expert shall be subject to examination in the light of his specialization in accordance with the Nomenclature of specialties and specialization in the field of healthcare, in accordance with Article 7, subparagraph 42) of the Code.

Chapter 2. Procedure for the involvement of independent experts in the examination of the quality of medical services (assistance)

6. Independent experts in the framework of the examination of the quality of medical services (assistance) shall be involved:

1) a state body;

2) local public healthcare authorities of regions, cities of republican significance and the capital;

3) by the foundation;

4) individuals or legal entities.

Footnote. Paragraph 6 - in the wording of the order of the Minister of Healthcare of the Republic of Kazakhstan dated 29.04.2022 No. RK HM -39 (shall enter into force from 01.07.2022).

7. The State body shall involve independent experts in the commission in cases of:

1) state control in the provision of medical services (assistance) in accordance with the Entrepreneurial Code of the Republic of Kazakhstan;

2) external examination of the quality of medical services (assistance).

8. In case of involvement of independent experts by the state body in the commission from the moment of conclusion of an agreement with an accredited healthcare entity performing independent examination in the field of healthcare (hereinafter referred to as an accredited healthcare entity), a letter-request shall be sent on the need to provide an expert (s) for conducting inspections indicating the necessary specialty.

The accredited healthcare entity shall provide the experts according to the requested specialty, which are on the register of independent experts within three calendar days.

When conducting an inspection of healthcare entities, the specialist of the state body provides the expert with all the necessary materials that shall be the subject of examination. If necessary, they shall arrange a meeting with the applicant (with the applicant's consent).

9. Independent experts shall be engaged by the Fund in the following cases:

1) the need to confirm the quality of medical care when considering lethal cases, treated cases with rare diseases, highly specialized treated cases (clinically), treated cases with complications, fatal cases of citizens of the Republic of Kazakhstan in foreign clinics sent to foreign clinics in accordance with Article 7, subparagraph 60) of the Code, as well as when paying services for the actual expenses incurred;

2) conducting planned, unscheduled, targeted, medical and economic monitoring of the provided medical services;

3) participation as a party to the civil process.

9-1. Local public healthcare authorities of regions, cities of republican significance and the capital shall involve independent experts in cases:

1) the need to confirm the quality of medical care for persons held in pre-trial detention centers and institutions of the penal (penitentiary) system when considering appeals, including those related to deterioration of health and disability;

2) conducting current (planned), unscheduled, proactive, targeted monitoring of mortality and mortality cases, medical and economic monitoring of the volume and quality of medical services (assistance) provided within the framework of contractual obligations within the framework of additional medical care for persons held in pre-trial detention centers and institutions of the penitentiary system.

Footnote. The rules as added by paragraph 9-1 in accordance with the order of the Minister of Healthcare of the Republic of Kazakhstan dated 29.04.2022 No. RK HM -39 (shall enter into force from 01.07.2022).

10. Independent experts shall be engaged by individual or legal entities on the grounds and conditions defined in civil agreement.

11. Independent experts shall be engaged to conduct an examination with and without departure to the place of independent examination.

Examination without leaving the place of independent examination shall be carried out remotely at distance using information and communication technologies, including the

provision of electronic copies of medical and other documentation necessary for the examination.

12. With the involvement of independent experts by the state body in accordance with the Law of the Republic of Kazakhstan dated December 4, 2015 "On public procurement," an agreement shall be concluded with an accredited healthcare entity.

13. The Foundation, local public healthcare authorities of regions, cities of republican significance and the capital, when involving independent health experts, conclude a civil law agreement directly with an independent expert or an accredited healthcare subject.

Footnote. Paragraph 13 - in the wording of the order of the Minister of Healthcare of the Republic of Kazakhstan dated 29.04.2022 No. RK HM -39 (shall enter into force from 01.07.2022).

14. The independent expert shall not be engaged for examination, in cases of:

1) availability of labor or other contractual relations with the subject of healthcare to be verified;

2) having a personal, direct or indirect interest in the results of the examination.