

On approval of the Rules for artificial abortion and the list of medical and social indications, as well as contraindications for artificial abortion

Unofficial translation

Order of the Minister of Healthcare of the Republic of Kazakhstan dated October 9, 2020 № ҚР ДСМ-122/2020. Registered with the Ministry of Justice on October 12, 2020 № 21412.

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In accordance with clause 7 of article 150 of the Code of the Republic of Kazakhstan dated July 7, 2020 "On public health and Health Care System", **I HEREBY ORDER:**

1. To approve:

1) Rules for artificial abortion according to Appendix 1 to this order;

2) The list of medical and social indications, as well as contraindications for artificial abortion according to Appendix 2 to this order.

2. To recognize as invalid the order of the Acting Minister of Healthcare of the Republic of Kazakhstan dated October 30, 2009 № 626 "On approval of the Rules for artificial abortion" (registered with the Ministry of Justice of the Republic of Kazakhstan dated November 20, 2009 № 5864, published in 2010 in the Collection of the acts of central executive and other central state bodies of the Republic of Kazakhstan).

3. The Department for Organization of Medical Care of the Ministry of Health of the Republic of Kazakhstan, in accordance with the procedure, established by law, shall ensure:

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

2) placement of this order on the Internet resource of the Ministry of Healthcare of the Republic of Kazakhstan after its official publication;

3) within ten working days after the state registration of this order, submission to the Legal Department of the Ministry of Healthcare of the Republic of Kazakhstan, of information about implementation of activities, stipulated by subclauses 1), 2) of this clause.

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

5. This order shall come 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. Tsoy

Appendix 1
to the to the Order of the Minister
of Healthcare of the Republic of
Kazakhstan dated October 9, 2020
№ ҚР ДСМ-122/2020

Rules for artificial abortion Chapter 1. General Provisions

1. These Rules for artificial abortion have been developed in accordance with clause 7 of article 150 of the Code of the Republic of Kazakhstan dated July 7, 2020 "On public health and Health Care System" (hereinafter referred to as the Code) and shall determine the procedure for the artificial abortion in all medical organizations, providing medical aid of obstetrics and gynecological profile.

In order to prevent the artificial abortion, doctors are obliged to hold conversations aimed at clarifying the moral, ethical, psychological and negative physiological consequences, possible complications.

Chapter 2. Procedure for artificial abortion

2. The artificial abortion shall be performed using pharmacological or surgical methods:

- 1) at the request of a woman at a gestational age of up to twelve weeks;
- 2) given medical indications and conditions that threaten the life of the pregnant woman and (or) the fetus (in the presence of monogenic genetic disorders, uncorrected congenital anomalies and fetal abnormalities incompatible with life) - regardless of the gestational age.
- 3) for social indications shall be performed at a gestational age of up to twenty-two weeks

3. Methods of artificial abortion:

- 1) pharmaceutical (oral, sublingual, or vaginal administration of medications);
- 2) surgical (vacuum aspiration, dilatation and curettage), a minor cesarean section for the possibility of terminating pregnancy on medical indications in a period of more than 12 weeks , if there are contraindications for the use of medications according to the clinical protocol " therapeutic abortion".

4. The method and technique of abortion is determined by the medical organization in which this procedure will be carried out.

5. At a gestation period of up to 63 days, the artificial abortion shall be carried out in outpatient -polyclinic organizations.

6. At a gestation period of more than 63 days up to 22 weeks of pregnancy, the artificial abortion shall be carried out in medical organizations of obstetrics and gynecological profile, comprising of an operating unit, a 24-hour intensive care unit and day care wards to ensure post-abortion observation.

7. When planning a pregnancy with contraindications to carrying of a pregnancy, a woman shall take full responsibility for all the risks to the health of the woman herself and the fetus that follow during pregnancy and up to forty-two calendar days after childbirth in accordance with clause 5 of article 81 of the Code.

8. A woman, who want to terminate pregnancy, at the place of consultation, outpatient medical record in electronic or paper format, in the form approved according to subclause 31) of article 7 of the Code.

9. An obstetrician-gynecologist of a medical organization of an outpatient-polyclinic level determines the duration of pregnancy, prescribes the necessary examination according to the clinical protocol "Therapeutic abortion", determines the presence of medical and social indications or contraindications for artificial abortion согласно Appendix 2 of this order.

10. When determining medical and social indications for artificial abortion, a woman shall be sent to a medical consultative board (hereinafter referred to as the MCB) consisting of: the head of a health organization (department), an obstetrician-gynecologist, a doctor of the specialty to which the disease (condition) of a pregnant woman belongs and (or) the fetus, where the indications for abortion are considered and confirmed.

11. If there are social indications for artificial termination of pregnancy, a conclusion from the medical advisory commission (hereinafter referred to as the MAC) shall be issued upon provision of the original of the following supporting documents:

- 1) a copy of the certificate or notification of the death of the spouse in electronic form or on paper;
- 2) a court decision on the deprivation of liberty of a woman or her spouse;
- 3) certificate of registration as unemployed;
- 4) a court decision on deprivation or limitation of parental rights;
- 5) the conclusion of a forensic medical examination on the existence of rape;
- 6) certificate of a refugee or forced migrant;
- 7) certificate of disability (child and (or) children);
- 8) certificate of divorce, in electronic form or on paper;
- 9) mothers of many children (4 or more children): a copy of the birth certificate of all children;
- 10) minors – birth certificate, in electronic form or on paper.

Footnote. Paragraph 11 – as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 13.10.2022, № ҚР ДСМ-113 (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

12. If there are medical indications for a pregnant woman, a conclusion of specialized specialists with a full clinical diagnosis shall be issued, certified by the signatures of these specialists and the seal of the medical organization.

13. In the absence of contraindications for artificial abortion, a woman shall be issued:
- At a gestation period of up to 63 days, a referral to the artificial abortion with results of analyses, including, if there are medical or social indications, a MCB conclusion;
 - more than 63 days up to 12 weeks – referral to the artificial abortion through the Portal of hospitalization bureau, an extract from the record of an outpatient patient with the results of analyses, in addition, if there are medical or social indications, the MCB conclusion;

- more than 12 weeks up to 22 weeks of pregnancy - referral to the artificial abortion through the Portal of hospitalization bureau, the MCB conclusion, an extract from the record of an outpatient patient with the results of analyses.

14. The artificial abortion shall be carried out upon written informed consent of the woman herself, approved according to subclause 279) of article 1 of the Code.

15. The performance of artificial abortion upon minors requires the written informed consent of parents and (or) legal representatives of the minor (custodians), in accordance with clause 4 of article 150 of the Code.

16. The period of stay of a patient in a medical organization after artificial abortion shall be determined by the attending physician individually, depending on the patient's health condition.

17. In connection with carrying out artificial abortion, the employed women shall be issued a list of temporary disability in accordance with the established order.

Appendix 2
to the Order of the Minister of
Healthcare of the Republic of
Kazakhstan dated October 9, 2020
№ ҚР ДСМ-122/2020

The list of medical and social indications, as well as contraindications for artificial abortion

1. Medical indications for artificial abortion:

1) infectious and parasitic diseases:

tuberculosis, all active forms;

acute toxoplasmosis;

early syphilis with symptoms, syphilis of the nervous system, late latent syphilis, syphilis resistant to anti-syphilitic treatment;

HIV infection;

rubella before 16 weeks of gestation;

measles in the first 3 months of pregnancy;

primary cytomegalovirus infection before 12 weeks of gestation;

acute herpes infection (HSV-1 and 2 types) before 12 weeks of pregnancy;

chickenpox in the first 20 weeks of pregnancy;

parvovirus B 19 infection with the development of severe edematous forms of fetal hemolytic disease;

severe forms of chronic viral hepatitis B, C and liver cirrhosis.

2) neoplasms: the presence in the present or the past of malignant neoplasms of all localizations, with the exception of hemoblastoses.

3) endocrine system diseases:

thyrotoxicosis (hyperthyroidism) with diffuse goiter, with toxic nodular goiter of heavy severity or of any severity with complications;

diabetes mellitus with severe complications (progressive diabetic nephropathy and proliferative retinopathy);

diabetes mellitus in combination with active tuberculosis;

hyperparathyroidism, a severe form with visceral and bone manifestations;

Itsenko-Cushing's syndrome (active phase);

acromegaly (active phase);

benign neoplasm of the pituitary gland (active phase of prolactinoma).

4) mental disorders:

organic, including symptomatic, mental disorders, schizophrenia of psychotic level, schizotypal and delusional disorders, during an exacerbation and / or with significant personality changes;

mood disorders (affective disorders), during an exacerbation

dementia;

mental and behavioral disorders due to the use of psychoactive substances with a formed dependence syndrome during the period of manifestation of psychotic disorders and amnesic syndrome;

disorders of mature personality and behavior in adults, during a period of severe decompensation;

mental retardation of moderate, severe and profound severity;

emotional and behavioral disorders that usually begin in childhood and adolescence during a period of severe decompensation.

5) diseases of the nervous system and sensory organs:

inflammatory diseases of the central nervous system (bacterial meningitis, meningitis caused by other pathogens, encephalitis, myelitis, encephalomyelitis);

cysticercosis;

hereditary and degenerative diseases of the central nervous system;

acute disorders of cerebral circulation (cerebral, spinal)

demyelinating diseases of the central nervous system (multiple sclerosis);

epilepsy, severe course, in the presence of frequent seizures resistant to antiepileptic therapy and epileptic psychosis;

cataplexy and narcolepsy;

inflammatory and toxic polyneuropathy;

diseases of the neuromuscular synapse and muscles;

malignant neoplasms of the organ of visual system;

damage to the nerve roots and plexuses.

6) diseases of the circulatory system:

pulmonary arterial hypertension;

a history of periportal cardiomyopathy with a persisting decrease in left ventricular function;

severe mitral stenosis;
severe systemic ventricular dysfunction (ejection fraction <30% or NYXA III-IV);
severe symptomatic aortic valve stenosis;
systemic right ventricle with moderate or severely reduced function;
severe aortic dilatation (> 45 mm with Marfan syndrome or other inherited thoracic aortic disease (ITAD); (> 50 mm with bicuspid aortic valve; Turner syndrome if the aortic size index (ASI) > 25 mm / m²; tetrad of Fallot > 50 mm);

Ehlers-Danlos syndrome;

severe (re) coarctation;

Fontaine's operation with complications.

7) respiratory diseases:

diseases of the respiratory system and pleura, complicated by respiratory failure of the III degree (SpO₂ <75%, PaO₂ <40 mm Hg);

stenosis of the larynx, trachea or bronchi.

8) diseases of the digestive system:

decompensated stenosis (stricture) of the esophagus;

peptic ulcer complicated by bleeding, perforation, penetration, cicatricial decompensated pyloric stenosis;

Crohn's disease complicated by stenosis, fistulas with malabsorption and bleeding;

chronic hepatitis with high (pronounced activity with liver failure);

ulcerative colitis of high activity or fulminant, complicated by toxic dilatation of the colon, massive intestinal bleeding;

celiac disease with uncorrectable malnutrition;

cirrhosis of the liver in the presence of portal hypertension with the risk of bleeding from varicose veins of the esophagus and stomach, the presence of decompensation, liver failure;

non-cirrhotic portal hypertension with varicose veins of the esophagus and stomach;

acute fatty hepatosis of pregnant women;

excessive or severe vomiting of pregnant women with metabolic disorders (continuous for 3 days in the conditions of the intensive care unit);

condition after surgical interventions on the digestive organs with the presence of uncorrected malnutrition;

adhesive bowel disease with attacks of intestinal obstruction;

intestinal fistulas.

9) diseases of the genitourinary sphere:

nephrotic syndrome in early pregnancy;

acute nephritic syndrome;

progressive renal failure.

10) diseases of the musculoskeletal system and connective tissue:

systemic lupus erythematosus, acute / subacute course with clinical and laboratory signs of disease activity of 2-3 degrees and with dysfunction of the affected organs and complications; chronic course of 2-3 degrees of activity with impaired function of the affected organs and complications.

systemic scleroderma acute / subacute course with clinical and laboratory signs of disease activity of 2-3 degrees of activity with impaired function of the affected organs and complications; chronic course of 2-3 degrees of activity with impaired function of the affected organs and complications;

dermatomyositis or polymyositis acute / subacute course and with clinical and laboratory signs of 2-3 degrees of activity with impaired function of the affected organs and complications; chronic course of 2-3 degrees of activity with impaired function of the affected organs and complications; chronic course of 2-3 degrees of activity with impaired function of the affected organs and complications;

systemic vasculitis, acute, subacute course, 2-3 degrees of activity with impaired function of the affected organs and complications; chronic course of 2-3 degrees of activity with impaired function of the affected organs and complications;

rheumatoid arthritis with systemic manifestations and damage to internal organs (adult Still's disease), grade 3 activity.

11) genetic indications in the fetus:

chromosomal abnormality of the fetus, confirmed by karyotyping of the fetus;

hereditary monogenic diseases with a high genetic risk to the fetus;

congenital malformations of the fetus, established by prenatal ultrasound diagnostics methods: incompatible with life, not amenable to surgical correction, leading to severe disability;

multiple fetal malformations that are incompatible with life, established by prenatal diagnostic methods (ultrasound, fetal karyotyping, molecular diagnostics);

achondroplasia.

2. Social indications for artificial abortion:

1) spouse's death in the course of the current pregnancy;

2) imprisonment of a woman or her spouse in the places of deprivation of freedom;

3) cases, when a woman and her spouse were recognized in accordance with the established procedure as unemployed;

4) existence of a court's decision on deprivation or limitation of parental rights;

5) pregnancy after a rape;

6) a woman with a refugee status or a forced migrant;

7) existence of a disabled child in the family;

8) dissolution of marriage during pregnancy;

9) large number of children (4 and more children);

10) minor age.

3. Contraindications for artificial abortion

- 1) inflammatory processes of the genital organs;
- 2) the presence of purulent foci, regardless of their location;
- 3) acute infectious diseases;
- 4) late pregnancy.