

On Approval of the Rules for Medical Examination of Persons Applying for the Right to Operate Vehicles, Medical Re-Examination of Drivers of Motor Vehicles

Unofficial translation

Order of the Acting Minister of Healthcare of the Republic of Kazakhstan № KR DSM-172/2020 dated October 30, 2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 30, 2020 under № 21557.

Unofficial translation

In accordance with subparagraph 73) of Article 7 of the Code of the Republic of Kazakhstan “On people’s health and the healthcare system”, with subparagraph 2) of Article 12 of the Law of the Republic of Kazakhstan “On Road Traffic” and paragraph 1 of Article 10 of the Law of the Republic of Kazakhstan “On Public Services”, **I ORDER:**

Footnote. Preamble - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 18.10.2022 № KR DSM-117 (shall be enforced ten calendar days after the day of its first official publication).

1. That the Rules for Medical Examination of Persons Applying for the Right to Operate Vehicles, Medical Re-examination of Drivers of Motor Vehicles according to Annex 1 hereto shall be approved.

2. That certain orders of the Minister of Healthcare of the Republic of Kazakhstan shall be deemed to have lost force in compliance with Annex 2 hereto.

3. That in obedience to the legislation of the Republic of Kazakhstan, the Department of Organization of Medical Care of the Ministry of Healthcare of the Republic of Kazakhstan shall ensure:

- 1) state registration hereof with the Ministry of Justice of the Republic of Kazakhstan;
- 2) placement hereof on the website of the Ministry of Health of the Republic of Kazakhstan after its official publication;
- 3) within ten working days after the state registration hereof, submit to the Legal Department of the Ministry of Health of the Republic of Kazakhstan information on the implementation of the measures stipulated in sub-paragraphs 1) and 2) of this paragraph.

4. That the supervising Vice-Minister of Health of the Republic of Kazakhstan shall be charged with control over execution hereof.

5. That this order shall be put into effect ten calendar days after the date of its first official publication.

*Acting Minister of Healthcare of
the Republic of Kazakhstan*

A. Giniyat

AGREED BY

Ministry of Digital Development,
Innovation and Aerospace Industry
of the Republic of Kazakhstan
AGREED BY
Ministry of Internal Affairs
of the Republic of Kazakhstan

Annex 1 to order
of the Acting Minister
of Healthcare
of the Republic of Kazakhstan
№ KR DSM-172/2020
dated October 30, 2020

Rules for Medical Examination of Persons Applying for the Right to Operate Vehicles, Medical Re-Examination of Drivers of Motor Vehicles

Chapter 1. General provisions

1. These Rules for conducting a medical examination of persons applying for the right to drive vehicles, repeated medical examination of the driver of motor vehicles (hereinafter referred to as the Rules) were developed in accordance with subparagraph 73) of Article 7 of the Code of the Republic of Kazakhstan “On people’s health and the healthcare system”, subparagraph 2) of Article 12 of the Law of the Republic of Kazakhstan “On Road Traffic” and paragraph 1 of Article 10 of the Law of the Republic of Kazakhstan “On Public Services”

Footnote. Paragraph 1 - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 18.10.2022 № KR DSM-117 (shall be enforced ten calendar days after the day of its first official publication).

2. These Rules shall determine the procedure for medical examination of persons applying for the right to drive motor vehicles (hereinafter - medical examination), as well as medical re-examination of the driver of motor vehicles (hereinafter - medical re-examination of the driver).

3. Medical examination of persons applying for the right to drive motor vehicles (hereinafter referred to as "Applicants") shall be carried out in medical health care organisations licensed to carry out medical activities of professional aptitude testing (hereinafter referred to as "healthcare organisations").

Chapter 2: Procedures for medical examinations of persons applying for the right to drive vehicles

Section 1. Procedures for medical examinations.

4. In order to carry out a medical examination of the Applicants, a Medical Commission (hereinafter referred to as the Commission) shall be established in medical organisations.

5. The composition of the Commission is approved by the head of the medical organization. The commission includes: a local doctor or general practitioner, a psychiatrist, an ophthalmologist and an otolaryngologist. If there are no specified specialists on the staff of the medical commission, specialists of the relevant profile are included in the commission in agreement with the heads of medical organizations.

The deputy head of the medical organization for clinical work is appointed as the chairman of the Commission.

Footnote. Paragraph 5 - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 07.12.2021 № KR DSM-125 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

6. Medical examination of Applicants includes examination by a therapist, specialists specified in paragraph 5 of these Rules, and examination for the use of psychoactive substances.

Footnote. Paragraph 6 - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 11.05.2021 № KR DSM -38 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

7. The data of the medical examination of Applicants shall be recorded in an outpatient medical card in the form approved in accordance with Article 7 (31) of the Code, which shall reflect data on the state of health.

8. The issue of admission of persons to drive a vehicle who are (or are not) registered with an organization providing medical care in the field of mental health and persons with the presence of psychoactive substance metabolic products in their bodies based on the results of the study is resolved by the medical advisory commissions of organizations providing medical care in the field of mental health with a mandatory indication of the period for repeated medical examination, no less than after one year.

Footnote. Paragraph 8 - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 07.12.2021 № KR DSM-125 (shall be enforced ten calendar days after the day of its first official publication).

9. Each specialist shall submit the conclusion on the Applicants' fitness for driving individually.

10. Persons declared fit to drive shall be issued a certificate. Persons declared fit to drive with glasses shall be issued a certificate with a note after the word "Medical Statement": "Glasses are Compulsory".

Paragraph 2: Procedures for medical re-examinations

11. Repeated medical examination shall be carried out for the following cohort of persons:

- 1) drivers of motor vehicles transporting passengers, dangerous goods;
- 2) drivers of motor vehicles who have reached sixty-five years of age;
- 3) drivers with disabilities;

4) persons deprived of the right to operate motor vehicles for operating them in a state of intoxication or for giving over the right to operate a motor vehicle to a person in such a state or for evading from medical examination to find out whether the driver is intoxicated.

Footnote. Paragraph 11 – as amended by the order of the Minister of Healthcare of the RK dated 02.05.2024 № 17 (shall enter into force upon expiry of ten calendar days after the date of its first official publication).

12. The time limit for drivers to undergo a medical re-examination shall be stipulated by paragraph 5 of Article 29 of the Law of the Republic of Kazakhstan “On the Road Traffic”.

Chapter 3: Procedure for issuing a certificate allowing to operate a transport vehicle"

13. The public service “Issuance of a Certificate Allowing to Operate a Vehicle” shall be rendered by the service provider.

14. The list of basic requirements for the public service provision “Issuance of certificate of authorization to drive a vehicle”, including methods of provision, term, form of public service provision and the result of public service provision shall be given in the List of basic requirements for the public service provision “Issuance of certificate of authorization to drive a vehicle” (hereinafter referred to as the List) according to Annex 1 to these Rules.

The authorized body in the field of healthcare within three working days from the date of approval or amendment of these Rules, shall update them and shall send them to the subjects of healthcare, the operator of information and communication infrastructure “e-government” and the Unified Contact Center.

Footnote. Paragraph 14 - in the wording of the order of the Minister of Healthcare of the RK from 02.05.2024 № 17 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

15. Acceptance of documents shall be carried out through the service provider (medical organizations), and issuance of the results of public service shall be carried out through the web portal of “e-government” (hereinafter referred to as the portal).

When submitting an application electronically, the service provider receives information about the identity document from the digital document service (for identification) through the implemented integration on condition of the document holder's consent, provided through the user's cellular subscriber number registered on the portal by transmitting a one-time password or sending a short text message as a response to the portal notification.

To receive a public service in electronic format, the service provider shall form a request for a public service on the portal, signed with an electronic digital signature (hereinafter referred to as the EDS). The service provider shall send the result of rendering the state service to the service recipient in the “Personal cabinet” in the form of an electronic document ”.

When the service-recipient submits the documents stipulated by Paragraph 8 of the List in the “Personal cabinet” the notification of the date of issuance of the result of the state service

in the form of an electronic document signed by the EDS of the authorized person of the service provider or a reasoned answer on refusal to provide the state service in the form of an electronic document shall be sent.

If the service recipient submits an incomplete set of documents according to the list provided by Paragraph 8 of the List and (or) documents with expired validity period, unreliable information, the service provider shall refuse to provide a public service in the form of a reasoned refusal on the grounds provided by Paragraph 9 of the List.

Footnote. Paragraph 15 - in the wording of the order of the Minister of Healthcare of the RK dated 02.05.2024 № 17 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

15-1. Cross-border transfer of personal medical data to the territory of foreign states is carried out with the consent of the service recipient in the form in accordance with Appendix 2 to these Rules, with the exception of cases provided for in Article 16 of the Law of the Republic of Kazakhstan “On personal data and their protection”.

Footnote. The Rules are supplemented by paragraph 15-1 in accordance with the order of the Minister of Health of the Republic of Kazakhstan dated 18.10.2022 № KR DSM-117 (shall be enforced ten calendar days after the day of its first official publication).

16. Grounds for refusal in public service provision shall be:

1) establishment of unreliability of the documents submitted by the service recipient to receive the state service and (or) data (information) contained in them;

2) submission by the service recipient of an incomplete set of documents according to the list provided for by Paragraph 8 of the List and (or) documents with expired validity;

3) negative result of medical examination in accordance with the Rules;

4) absence of the service recipient's consent, provided in accordance with Article 8 of the Law of the Republic of Kazakhstan “On personal data and their protection”, to access to personal data of limited access, which shall be required for the public service provision.

Refusal in public service provision shall be formalized by the letter signed by the head of the service provider or the individual performing his duties, indicating the grounds for refusal.

Footnote. Paragraph 16 - in the wording of the order of the Minister of Healthcare of the RK dated 02.05.2024 № 17 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

17. The Service Provider shall ensure entering of data on the stage of rendering a public service into the information system for monitoring the provision of public services in conformity with the procedure established by the authorized body in the field of informatization.

18. The addresses of places of public service delivery shall be available on the internet resources of the Public Health Office of the city of Nur-Sultan, the Public Health Office of Almaty, of Turkestan Oblast, Public Health Office of Regions, of Shymkent city, as well as on the internet resources of healthcare organisations providing primary health care.

Chapter 4. Procedure for appealing decisions, actions (inaction) of the service provider and (or) its officials on provision of a public service

Footnote. Chapter 4 - as amended by the order of the Minister of Health of the Republic of Kazakhstan dated 07.12.2021 № ҚР ДСМ-125 (shall be enforced ten calendar days after the day of its first official publication).

19. A complaint against decisions, actions (inaction) of the service provider and (or) their employees on provision of public services is filed in the name of the head of the service provider.

20. 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.

21. The complaint of the service recipient received by the authorized body for assessment and control over the quality of 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 provision of public services.

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 conducting
medical examination of individuals,
applying for the right
to drive vehicles,
as well as for repeat of medical inspection
of drivers
of mechanical vehicles

List of basic requirements for the public services provision "Issuing a certificate of admission to driving"

Footnote. Annex 1 – in the wording of the Order of the Minister of Healthcare of the Republic of Kazakhstan dated 02.05.2024 № 17 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Public service "Issuing a certificate of admission to driving"		
1	Name of service provider	Medical organizations (hereinafter referred to as the service provider)
2	Methods of public service provision	portal
3	Term of public service provision	through the portal - from the moment of submission of the document no more than thirty (30) minutes.
4	Form of public service provision	Electronic (fully automated)
5	Result of public service provision	Medical certificate of admission to driving, issued in accordance with form № 073/y, approved by the order of the Acting Minister of Healthcare of the Republic of Kazakhstan dated October 30, 2020 № RK HM-175/2020 "On approval of forms of accounting documentation in the field of healthcare, as well as instructions for their filling" (registered in the Register of State Registration of Regulatory Legal Acts under № 21579) or a motivated response on refusal to provide public services on the grounds specified in paragraph 9 of this List.
6	The amount of payment charged from the service recipient in the public service provision, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	On a paid basis, the cost of providing public services shall be determined in accordance with the Article 202 of the Code of the Republic of Kazakhstan "On health of the people and the healthcare system."
7		1) service provider - from Monday to Friday from 9.00 to 18.00 with a lunch break from 13-00 to 14-00, with the exception of Saturday, Sunday and holidays in accordance with the Labor Code of the Republic of Kazakhstan. At the same time, each service provider shall approve the mode of operation by the employer, in accordance with the Rules of the labor order in accordance with the Article 63 of the Labor Code;

	Service provider and information objects schedule	2) the portal - around the clock, with the exception of technical breaks associated with the repair work (when the service recipient applies after the end of working hours, on weekends and holidays in accordance with the Labor Code of the Republic of Kazakhstan, applications shall be accepted and the results of the public service provision shall be issued the next working day).
8	List of documents and information requested from the service recipient for the public service provision	application in the form of an electronic request. The service provider shall receive information about identity documents from the relevant state information systems through the "e-government" gateway .
9	Grounds for refusal to provide public services established by the Laws of the Republic of Kazakhstan	<p>1) determination of the inaccuracy of the documents submitted by the service recipient to receive the public service, and (or) the data (information) contained in them;</p> <p>2) provision by the service recipient of an incomplete package of documents in accordance with the list provided for in Paragraph 8 of this list of basic requirements for the public service provision, and (or) expired documents;</p> <p>3) a negative result of a medical examination in accordance with the Rules;</p> <p>4) lack of consent of the service recipient provided in accordance with Article 8 of the Law of the Republic of Kazakhstan "On personal data and their protection" to access personal data of limited access that shall be required for the public service provision.</p>
		<p>The issuance of a medical certificate of form 073/y shall be carried out only in electronic format by entering into the medical information system and a signed the EDS of a doctor.</p> <p>The service recipient shall have the opportunity to receive a public service in electronic form through the portal, subject to the availability of an EDS.</p>

10	Other requirements taking into account the specifics of the public service provision	<p>To form a complete package through the portal, the service recipient must undergo a medical examination at a medical institution in order to form an electronic medical certificate of admission to driving.</p> <p>For people with disabilities, there is a ramp, a call button, a waiting room, a rack with sample documents.</p> <p>The service recipient shall have the opportunity to receive information about the procedure and status of the public service provision in the service provider's reference services, as well as the Unified Contact Center "1414," 8-800-080-7777.</p>
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Annex 2
to the Rules for conducting
a medical examination of persons
applying for the right to drive vehicles,
repeated medical examination
of a driver of motor vehicles

Consent of the service recipient for cross-border transfer of personal medical data

Footnote. The rules are supplemented by Appendix 2 in accordance with the order of the Minister of Health of the Republic of Kazakhstan dated 18.10.2022 № KR DSM-117 (shall be enforced ten calendar days after the day of its first official publication).

I _____ last name, first name, patronymic (if any) give consent to access personal data of limited access in accordance with paragraph 15-1 of the order of the acting Minister of Health of the Republic of Kazakhstan dated 30.10.2020 № KR DSM-172/2020 "On approval of the Rules for conducting a medical examination of persons applying for the right to drive vehicles, repeated medical examination of driver of motor vehicles" (registered in the Register of state registration of regulatory legal acts under № 21557), which are required for the provision of public service in accordance with Article 8 of the Law of the Republic of Kazakhstan "On personal data and their protection", including the following:

- 1) transfer of personal data to third parties;
- 2) cross-border transfer of personal data in the process of their processing;
- 3) dissemination of personal data in publicly available sources.

I agree to access to personal data of limited access, which includes other information that is required to confirm the accuracy of the documents provided.

This consent is valid for the entire period until the result of the provision of public service is received.

Signature _____ last name, first name, patronymic (if any)

" ____ " _____ 20 ____

Annex 2 to the order

List of certain repealed legal acts in the field of health

1) Order of the Minister of Healthcare of the Republic of Kazakhstan № 166 of March 20, 2013 "On Approval of the Rules for Medical Inspections of Persons Applying for the Right to Drive Vehicles" (registered with the Register of State Registration of Regulatory Legal Acts under № 8437, published on December 20, 2013 in the newspaper "Yurydychna Gazeta" № 190 (2565));

2) Order of the Minister of Healthcare of the Republic of Kazakhstan № 350 of June 26, 2014 "On Amendments to Order of the Minister of Healthcare of the Republic of Kazakhstan № 166 of March 20, 2013 "On Approval of the Rules for Medical Inspections of Persons Applying for the Right to Drive Vehicles" (registered with the Register of State Registration of Regulatory Legal Acts under № 9619, published on August 6, 2014 in Adilet, the information and legal system);

3) sub-paragraph 1) of paragraph 1 of Order № KP DSM -106 of the Minister of Healthcare of the Republic of Kazakhstan of July 19, 2019 "On Amending Certain Orders of the Ministry of Healthcare of the Republic of Kazakhstan" (registered with the Register of State Registration of Regulatory Legal Acts under № 19072, published on July 31, 2019 in the Reference Data Bank of Regulatory Legal Acts).