



**On approval of internal regulations for persons with mental, behavioral disorders (diseases) associated with the use of psychoactive substances for compulsory treatment in facilities providing medical care in the field of mental health**

*Unofficial translation*

Order № KR DSM-237/2020 of the Minister of Healthcare of the Republic of Kazakhstan as of December 8, 2020. It is registered with the Ministry of Justice of the Republic of Kazakhstan on December 10, 2020 under № 21747

*Unofficial translation*

In accordance with paragraph 5 of Article 173 of the Code of the Republic of Kazakhstan “On Public Health and the Healthcare System” as of July 7, 2020, I hereby **ORDER**:

1. To approve internal regulations for persons with mental, behavioral disorder (disease) associated with the use of psychoactive substances for compulsory treatment in facilities providing medical care in the field of mental health in accordance with Appendix 1 to this order.

2. To invalidate some orders of the Ministry of Healthcare of the Republic of Kazakhstan in accordance with Appendix 2 to this order.

3. In the manner prescribed by the legislation of the Republic of Kazakhstan, the Medical Aid Department of the Ministry of Healthcare of the Republic of Kazakhstan shall ensure:

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

2) the posting of this order on the website of the Ministry of Healthcare of the Republic of Kazakhstan after its official publication;

3) the submission of information on the implementation of the measures provided for in subparagraphs 1), 2) of this paragraph to the Legal Department of the Ministry of Healthcare of the Republic of Kazakhstan within ten working days of the state registration of this order.

4. Control over the execution of this order shall be entrusted to the supervising deputy minister of healthcare of the Republic of Kazakhstan.

5. This order comes into effect ten calendar days of its first official publication.

*Minister of Healthcare of  
the Republic of Kazakhstan*

*A.Tsoi*

the Ministry of Internal Affairs of the Republic of Kazakhstan " A P P R O V E D " by

Appendix 1 to Order  
№ KR DSM-237/2020  
of the Minister of Healthcare

**Internal regulations for persons with mental, behavioral disorders (diseases) associated with the use of psychoactive substances for compulsory treatment in facilities providing medical care in the field of mental health**

**Chapter 1. General provisions**

1. These internal regulations for persons with mental and behavioral disorders (diseases) associated with the use of psychoactive substances for compulsory treatment in facilities providing medical care in the field of mental health (hereinafter - the Rules) are developed in accordance with paragraph 5 of Article 173 of the Code Of the Republic of Kazakhstan “On Public Health and the Healthcare System” as of July 7, 2020 (hereinafter - the Code) and establish the internal regulations for persons with mental and behavioral disorders (diseases) (hereinafter - MBD) associated with the use of psychoactive substances for compulsory treatment in facilities providing medical care in the field of mental health (hereinafter referred to as the organization of FMC MH).

2. The following terms are used in these Rules:

1) psychoactive substances (hereinafter - PAS) - synthetic or natural substances (alcohol, narcotic drugs, psychotropic substances, their analogues, other intoxicating substances), which, when taken once, have an effect on mental and physical functions, human behavior, and their prolonged use causes psychological and physical dependence;

2) mental, behavioral disorders (diseases) - a group of diseases according to the international classification of diseases characterized by mental impairments.

**Chapter 2.**

**Internal order for persons with mental, behavioral disorders (diseases) associated with the use of psychoactive substances for compulsory treatment in facilities providing medical care in the field of mental health**

3. Compulsory treatment of persons with MBD associated with the use of PAS (hereinafter referred to as patients) is carried out in specialized departments (hereinafter referred to as departments) of FMC MH.

4. Access to the department, except for waiting rooms, is available to FMC MH personnel, employees of the security organization and other persons, in accordance with the legislation of the Republic of Kazakhstan.

5. Patients leave the premises of the department and the exercise yard only for medical diagnostic and rehabilitation work activities and shall be accompanied by medical personnel and an employee of a security organization.

6. At FMC MH, women are accommodated separately from men.

7. The department provides for the following types of supervision:

1) general supervision mode - round-the-clock supervision without restriction of movement within the department. Patients are subject to the general supervision mode if:

they pose no danger to themselves and others;

they can maintain personal hygiene without assistance;

they have no behavioral disorders manifested in non-compliance with the daily routine, incorrect attitude towards the staff and patients of the department;

2) medium-security supervision mode - round-the-clock supervision and restriction of movement outside the department. Patients are subject to the medium-security supervision mode if:

they manifest MBD that do not pose danger to themselves and others;

they can maintain personal hygiene without assistance;

they have behavioral disorders manifested in non-compliance with the daily routine, tactless attitude towards the staff and patients of the department, but not requiring their placement in a special ward for violators of the regime;

3) high-security supervision mode – round-the-clock continuous supervision in the observation room, constant accompaniment by medical personnel and an employee of a security organization within the department and outside it. Patients are subject to the high-security supervision mode if:

they pose direct danger to themselves and others;

cannot independently satisfy their vital needs in the absence of proper care (helplessness);

4) special-ward regime for violators of the regime - round-the-clock continuous supervision, constant accompaniment by a security officer within the department and outside it. The special-ward regime is established for patients violating internal regulations or evading treatment if his/her actions threaten the life and health of others or him/her personally.

Placement in a special ward for violators of the regime is carried out in accordance with paragraph 6 of Article 173 of the Code.

8. Regimes of partial hospitalization, medical leaves are not applied to persons undergoing compulsory treatment by a court decision.

9. Upon admission, patients are familiarized with the internal regulations of the department and other documents governing the order of stay in this department.

10. While in the department, patients, except for those under the high-security supervision mode and being in a special ward for violators of the regime, can:

1) carry on correspondence, receive and send parcels, packages, money, postal money orders, subscribe to periodicals;

2) be employed in accordance with the labor legislation of the Republic of Kazakhstan;

3) purchase, using funds in their personal account, food and basic necessities, as well as other items (board games, musical instruments, hygiene products, etc.) that are not prohibited for storage and use in the department;

4) meet with close relatives, spouse in the manner prescribed by paragraph 12 of these Rules;

5) take daily walks in accordance with the daily routine, accompanied by a medical worker and an employee of a security organization.

11. Patients of the department shall:

1) comply with the internal regulations;

2) comply with the legal requirements of the administration and medical personnel of FMC MH providing compulsory treatment;

3) take prescribed treatment;

4) participate in cultural and leisure, sports (with account of their somatic health) events, in socially useful events, taking into account medical recommendations;

5) take good care of the property of the department;

6) keep clean and tidy the department and also clean its premises no more than two hours a week;

7) maintain personal hygiene.

12. Visits of close relatives, spouse are allowed on weekdays in a specially designated area of the department from 08.00 to 17.00, except for the time for treatment procedures, meals and quiet hours determined by the FMC MH administration.

13. Parcels for patients are delivered in a packing container indicating the name and surname of the patient, the date and time of transfer. Lists of permitted (with an indication of their quantity) meals and ready-to-eat food products are placed in the areas for receiving parcels and in the departments.

14. The list of prohibited meals and ready-to-eat food products is approved by the FMC MH head based on the specifics of the department, the dietary nutritional standards of patients, in accordance with the epidemiological situation in the region.

15. The medical staff shall explain the impermissibility to transfer items, products, substances that are prohibited as personal belongings of patients.

16. In case of patients' violation of the internal regulations, committing an administrative, criminal offense and (or) causing material damage, the FMC MH administration:

1) notifies the internal affairs bodies, close relatives, the patient's spouse (if any) in case of the patient's unauthorized leave from the department.

A patient is delivered for compulsory treatment by employees of the internal affairs bodies of the Republic of Kazakhstan on the basis of a court order.

The period of the patient's unauthorized absence from FMC MH is not included in the treatment period;

2) notifies the internal affairs bodies about an offense committed by a patient and (or) material damage caused by him/her during compulsory treatment;

3) withdraws items prohibited for storage and use in the department if they are found in parcels (packages) and (or) among personal belongings of patients, and draws up a statement

thereon. Depending on the nature of the items, the administration saves them until the patient is discharged or transfers them to his/her relatives, or declares them to law enforcement agencies;

4) applies measures of physical restraint in compliance with the requirements regulated by paragraph 2 of Article 175 of the Code in case of psychomotor agitation and a high probability of danger to themselves and others.

17. Organization of the department's security is entrusted to the FMC MH administration and is carried out in accordance with the legislation of the Republic of Kazakhstan in the field of security activities.

18. Security services are provided by organizations licensed to carry out security activities in accordance with the Law of the Republic of Kazakhstan "On Permits and Notifications" as of May 16, 2014.

### **Chapter 3. Procedure for discharging a patient from a specialized department**

19. The patient stops compulsory treatment and is discharged from the FMC MH department in accordance with paragraph 1 of Article 174 of the Code.

20. In the event of a patient's evasion of treatment, the period of stay may be extended by a court decision based on a request from the FMC MH administration pursuant to a medical opinion, but for no more than for one year. At the same time, the time spent in the FMC MH may not exceed two years.

21. The FMC MH administration notifies the local executive body at the patient's place of residence about patients discharged from the department to provide them assistance in the household and work arrangement and to the healthcare entity at the place of residence for further observation.

22. When a person is discharged from the department, he/she is returned documents, money and items seized and stored in the storage room of the facility.

Appendix 2 to Order  
№ KR DSM-237/2020  
of the Minister of Healthcare  
of the Republic of Kazakhstan  
as of December 8, 2020

### **List of some invalidated orders of the Ministry of Healthcare of the Republic of Kazakhstan**

1. Order № 383 of the Minister of Healthcare of the Republic of Kazakhstan as of June 10, 2011 "On approval of the Regulation on a drug detox center for compulsory treatment and the Internal Regulations in a drug detox center for compulsory treatment" (registered in the State Registration Register of Regulatory Legal Acts under № 7048, published on August 4, 2011 in № 111 (2101) of the "Yuridicheskaya Gazeta").

2. Order № 770 of the Acting Minister of Healthcare of the Republic of Kazakhstan as of November 3, 2011 "On Amendments and Additions to Order № 383 of the Minister of

Healthcare of the Republic of Kazakhstan as of June 10, 2011 “On approval of the Regulation on a drug detox center for compulsory treatment and the Internal Regulations in a drug detox center for compulsory treatment” (registered in the State Registration Register of Regulatory Legal Acts under № 7316, published on May 15, 2012 in № 68 (2250) of the “Yuridicheskaya Gazeta”).

3. Order № 88 of the Minister of Healthcare of the Republic of Kazakhstan as of February 17, 2012 “On Amendments to Order № 383 of the Minister of Healthcare of the Republic of Kazakhstan as of June 10, 2011 “On approval of the Regulation on a drug detox center for compulsory treatment and the Internal Regulations in a drug detox center for compulsory treatment” (registered in the State Registration Register of Regulatory Legal Acts under № 7456, published on May 22, 2012 in № 72 (2254) of the “Yuridicheskaya Gazeta”).