

On approval of the Rules for giving the lifetime will of a person for posthumous donation of organs (part of the organ) and (or) tissues (part of the tissue) and notification of the spouse or one of the close relatives thereof

Unofficial translation

Order of the Minister of Healthcare of the Republic of Kazakhstan dated December 21, 2020 No. RK HM-308/2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on December 22, 2020 No. 21859.

Unofficial translation

In accordance with Article 212, paragraph 2, of the Code of the Republic of Kazakhstan dated July 7, 2020 “On public health and healthcare system and Article 10, paragraph 1, of the Law of the Republic of Kazakhstan dated April 15, 2013 “On public services”, **I hereby ORDER:**

1. To approve the attached rules for giving the lifetime will of a person for posthumous donation of organs (part of the organ) and (or) tissues (part of the tissue) and notification of the spouse or one of the close relatives thereof.

2. To recognize as invalid some orders of the Ministry of Healthcare of the Republic of Kazakhstan in accordance with the Annex to this order.

3. The Department of medical care organization 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) ensure the 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 Healthcare of the Republic of Kazakhstan;

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

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

"AGREED"

Rules

for giving the lifetime will of a person's for posthumous donation of organs (part of the organ) and (or) tissues (part of the tissue) and notification of the spouse or one of the close relatives thereof

Chapter 1. General provisions

1. These rules for giving the lifetime will of a person for posthumous donation of an organ (part of organ) or tissues (part of a tissue) and notification of the spouse or one of the close relatives thereof (hereinafter referred to as the Rules) developed in accordance with paragraph 2 of Article 212 of the Code of the Republic of Kazakhstan "On Public Health and Healthcare System" (hereinafter referred to as the Code) и subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On State Services" (hereinafter referred to as the Law) and determine the procedure for giving the lifetime will of a person for posthumous organ donation (organ part) and/or tissues (tissue part) and notification of the spouse or one of the close relatives thereof.

Footnote. Paragraph 1 as amended by the order of the Minister of Healthcare of the Republic of Kazakhstan dated 07.04.2023 № 64 (shall be enforced upon expiry of ten calendar days after its first official publication).

2. Registration of a person's will to refuse or consent to be removed from him after the death of organs (parts of organ) and (or) tissues (parts of tissue) for transplantation purposes shall be made in the register of citizens expressing the right to post-mortem organ donation (parts of the organ) and (or) tissues (parts of the tissue), when directly contacted by the medical organization providing primary health care (hereinafter referred to as PHC) or on the web portal "e-government" (hereinafter referred to as Portal).

3. The following concepts are used in these Rules:

1) a register of citizens who have expressed the right to posthumous donation of an organ (part of organ) or tissues (part of a tissue) (hereinafter referred to as the Register) – a database of adults and capable persons who voluntarily expressed a desire to exercise their right to a lifetime refusal or consent to a posthumous donation of organs (parts of an organ) and (or) tissues (parts of tissue) for transplantation, created as a module in the state information system "Register of Attached Population" (hereinafter referred to as RAP);

2) authorized body in the field of healthcare (hereinafter referred to as the authorized body) - a central executive body exercising management and inter-sectoral coordination in the field of health protection of citizens of the Republic of Kazakhstan, medical and pharmaceutical science, medical and pharmaceutical education, sanitary and epidemiological welfare of the population, circulation of medicines and medical devices, quality of provision of medical services (assistance);

3) posthumous donor - a person aged eighteen years and older who has been diagnosed with irreversible brain death, whose organs (part of an organ) and (or) tissues (part of tissue) can be used for transplantation to a recipient;

4) state service – one of the forms of implementation of certain state functions, carried out individually at the request or without the request of service recipients and aimed at exercising their rights, freedoms and legitimate interests, providing them with appropriate material or intangible benefits;

5) irreversible brain death - the cessation of brain activity due to the death of the brain substance, in which artificial measures can be taken to maintain the functions of organs;

6) the applicant (hereinafter referred to as the услугополучатель) - an adult and capable person who voluntarily expressed a desire to exercise his/her right to a lifetime refusal or consent to posthumous donation of organs (part of an organ) and (or) tissues (part of a tissue) for transplantation;

7) regional transplant coordinator – a doctor who ensures interdepartmental interaction of medical organizations in the field of transplantation of organs (part of an organ) and (or) tissues (part of a tissue) in regional centers, cities of republican significance and the capital, who is a staff member of the Transplant Coordination Center;

8) republican transplant coordinator (hereinafter referred to as the authorized person) – a doctor who ensures the coordination of the work of regional transplant coordinators and effective interdepartmental interaction of medical organizations on transplant service issues, who is a full-time employee of the Transplant Coordination Center;

9) Transplant Coordination Center – a healthcare organization engaged in coordination and support of organ (part of an organ) and (or) tissue (part of a tissue) transplantation, the regulation of which is approved by the authorized body;

10) electronic digital signature (hereinafter referred to as the EDS) – a set of electronic digital symbols created by means of an electronic digital signature and confirming the authenticity of an electronic document, its ownership and the invariance of the content;

11) digital document service – an object of the information and communication infrastructure of the “e-government”, assigned to the operator and designed for displaying and using documents in electronic form, formed on the basis of information from informatization objects.

Documents in the digital document service used and submitted to government agencies, individuals and legal entities are equivalent to paper documents.

Footnote. Paragraph 3 as amended by the order of the Minister of Healthcare of the Republic of Kazakhstan dated 07.04.2023 № 64 (shall be enforced upon expiry of ten calendar days after its first official publication).

4. The collection, processing and protection of personal data shall be carried out in accordance with the Code of the Republic of Kazakhstan and Articles 23 and 29 of the Law of the Republic of Kazakhstan dated May 21, 2013 "On personal data and their protection."

Chapter 2.

Procedure for giving a lifetime will of a person for posthumous donation of organs (part of the organ)

and (or) tissues (part of the tissue) and notification of the spouse or one of the close relatives thereof

5. The state service "Registration of lifetime refusal or consent to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) for transplantation purposes" (hereinafter referred to as the state service) shall be provided in the PHC or on the web portal of the "electronic government" (hereinafter referred to as the service provider).

The service recipient shall contact the service provider, at the place of attachment and complete the application for registration of lifetime refusal or consent to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) according to the form according to Annexes 1, 2 to these Rules.

6. List of basic requirements for the provision of a state service, including the characteristics of the process, form, content and the result of provision, as well as other information, taking into account particularities of provision of a state service are set forth in the List of basic requirements to the provision of state service "Registration of a lifetime refusal or consent for posthumous donation of organs (part of an organ) an (or) tissues (part of a tissue) for transplantation purposes" according to Annex 3 to these Rules.

Footnote. Paragraph 6 as amended by the order of the Minister of Healthcare of the Republic of Kazakhstan dated 07.04.2023 № 64 (shall be enforced upon expiry of ten calendar days after its first official publication).

7. The service provider, by order of the first manager, shall fix the person responsible for accepting, registering applications in the Register and issuing registration certificates.

8. In case of provision of a complete package of documents by the service recipient, confirmation of its attachment to the personal data register and conformity of personal data, the responsible person of the PHC shall enter the following information into the register:

- 1) individual identification number (hereinafter referred to as IIN) of the service recipient;
- 2) electronic copy of the application (scanned document).

9. The following applications from the service recipient shall be registered in the Register:

- 1) lifetime refusal for post-mortem donation of organs (part of organ) and (or) tissues (part of tissue) for transplantation purposes;

2) lifetime consent to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) for transplantation purposes.

10. After entering the data into the Register, the responsible person of the PHC organization shall, within one working day, issue a certificate of registration of lifetime refusal or consent to postmortem donation of organs (part of an organ) and (or) tissues (part of a tissue) for the purpose of transplantation signed by the head of the PHC and sealed in the form according to Annexes 1, 2 to these Rules.

Footnote. Paragraph 10 as amended by the order of the Minister of Healthcare of the Republic of Kazakhstan dated 07.04.2023 № 64 (shall be enforced upon expiry of ten calendar days after its first official publication).

11. In cases where the service recipient presents an incomplete package of documents according to the list and (or) documents with expired validity, the service provider shall refuse to accept the application.

12. When submitting an application electronically, the service provider shall obtain 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 “e-government” web portal by transmitting a one-time password or sending a short text message as a response to the notification of the “e-government” web portal.

Footnote. Paragraph 12 as amended by the order of the Minister of Healthcare of the Republic of Kazakhstan dated 07.12.2021 № ҚР ДСМ-125 (shall be enforced upon expiry of ten calendar days after its first official publication).

13. To receive the state service in electronic format, the service recipient shall form an application for receiving the state service on the portal signed by the EDS. The result of the provision of the state service shall be sent to the service recipient in the "Personal Account" in the form of an electronic document.

14. The Service provider shall ensure that data is entered into the information system for monitoring the provision of state services on the stage of provision of the state service in accordance with the subparagraph 11) of paragraph 2 of Article 5 of the Law.

The authorized body, within three working days from the date of amendments and (or) additions to these Rules, shall update them and send the information to the PHC, the operator of the information and communication infrastructure “e-government” and the Unified Contact Center.

Footnote. Paragraph 14 as amended by the order of the Minister of Healthcare of the Republic of Kazakhstan dated 07.04.2023 № 64 (shall be enforced upon expiry of ten calendar days after its first official publication).

15. The Republican state healthcare organization, providing information services for organizations and specialists of healthcare (hereinafter referred to as an organization for information services), to register and record the lifetime will of citizens for post-mortem

donation of organs (part of the organ) and (or) tissues (part of the tissue) for transplantation purposes shall:

1) provide access by authorized persons to the Register of citizens having expressed the right to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue) in the manner determined by the authorized body in accordance with Article 209, paragraph 8 of the Code;

2) branches of the information service organization provide access to the register to responsible employees of the PHC as "Administrator of the register of citizens who expressed the right to post-mortem donation of organs (part of the organ) and (or) tissues (part of the tissue)."

16. The PHC submit to the branches of the information service organization lists of responsible employees with copies of appointment orders to provide them with access to the Register, with the aim of registering the lifetime will of the applicant for post-mortem donation and issuing a certificate of registration of the application.

17. The coordination center for transplantation shall submit to the information service organization a list of authorized persons with a copy of the order of appointment to provide them with access to the Register in order to view the information of the lifetime will of the posthumous donor.

18. In case of lifetime consent of the deceased to the removal of his organs (part of the organ) and (or) tissues (part of the tissue) for transplantation, the regional transplant coordinator shall notify the spouse or one of the close relatives within six hours and provide a certificate from the Register for consultation, in case of refusal to familiarize themselves, make an act on this.

19. The spouse, and in his/her absence, one of the close relatives, after their notification, shall declare disagreement or consent to the removal of organs (part of the organ) and (or) tissues (part of the tissue) from the deceased in writing, in accordance with Annex 4 to these Rules.

Chapter 3. Procedure for appealing decisions, actions (inaction) of the service provider and (or) its officials on provision of a public service

Footnote. Chapter 3 - 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).

20. A complaint against decisions, actions (inaction) of the service provider and (or) their employees on the provision of public services is submitted to the head of the service provider.

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.

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

21. 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 giving the lifetime will of
a person for posthumous donation of an
organ (part of organ) or tissues (part of a
tissue) and notification of the spouse or
one of the close relatives thereof
Form

Application for registration of the lifetime refusal for posthumous donation of an organ (part of organ) or tissues (part of a tissue) for transplantation purposes

Footnote. Annex 1 as amended by the order of the Minister of Healthcare of the Republic of Kazakhstan dated 07.04.2023 № 64 (shall be enforced upon expiry of ten calendar days after its first official publication).

I, _____
(surname, name, patronymic (if any) of a person)

Date of birth " ____ " _____

IIN _____

(Number, date of issue of the identity document, issued by and when)

During my lifetime, I hereby refuse posthumous donation of an organ (part of organ) or tissues (part of a tissue) for transplantation purposes.

I hereby give consent to the recording, collection, processing and storage of my personal data.

_____/_____
_____/_____
(surname, name, patronymic (if any) of the person) signature
" ____ " ____ 20 ____
Date of signing

Form

Certificate on registration of the lifetime refusal for posthumous donation of an organ (part of organ) or tissues (part of a tissue) for transplantation purposes

Mr./Mrs./Ms.

Your application on the lifetime refusal for posthumous donation of an organ (part of organ) or tissues (part of a tissue) for transplantation purposes was registered.

Date of registration: " ____ " ____ 20 ____.

Surname, name, patronymic (if any) of the head of the primary healthcare organization

_____/_____
signature / ____/

Seal of the primary healthcare organization

Annex 2

to the Rules for giving the lifetime will of
a person for posthumous donation of an
organ (part of organ) or tissues (part of a
tissue) and notification of the spouse or
one of the close relatives thereof

Form

Footnote. Annex 2 as amended by the order of the Minister of Healthcare of the Republic of Kazakhstan dated 07.04.2023 № 64 (shall be enforced upon expiry of ten calendar days after its first official publication).

Application for registration of lifetime consent for posthumous donation of an organ and (or) tissues (part of a tissue) for transplantation purposes

I, _____

(Surname, name, patronymic (if any) of the person)

Date of birth " ____ " ____

IIN _____

(identity document: number, issued by and when)

Choose one of the following options:

☐

1. I hereby confirm that in case of the established fact of my death, any of my internal organs and tissues can be removed for transplantation (mark the necessary).

2. You can pick up all organs except those indicated (mark the necessary):

☐

heart

☐

liver

☐

kidneys

☐

pancreas

☐

lungs

☐

eye balls

☐

tissues (skin, muscles, cartilage, bone tissue, blood vessels).

I hereby give consent to the recording, collection, processing and storage of my personal data.

/ _____ /

(surname, name, patronymic (if any) лица) signature

" _____ " _____ 20 ____.

date of signing

Form

Certificate on registration of lifetime consent for posthumous donation of an organ and (or) tissues (part of a tissue) for transplantation

Mr./Mrs./Ms. _____

Your application for registration of lifetime consent for posthumous donation of an organ and (or) tissues (part of a tissue) for transplantation purposes was registered.

Date of registration: " ____ " _____ 20 ____.

Surname, name, patronymic (if any) of the head of the primary healthcare organization

signature / _____ /

Seal of the primary healthcare organization

Annex 3

to the Rules for giving the lifetime will of a person for posthumous donation of an organ (part of organ) or tissues (part of a tissue) and notification of the spouse or one of the close relatives thereof

Footnote. Annex 3 as amended by the order of the Minister of Healthcare of the Republic of Kazakhstan dated 07.04.2023 № 64 (shall be enforced upon expiry of ten calendar days after its first official publication).

List of basic requirements for the provision of state service "Registration of lifetime refusal or consent for posthumous donation of an organ and (or) tissues (part of a tissue) for transplantation "		
1	Name of the service provider	Medical organizations providing primary healthcare
2	Ways to provide a state service	1) Medical organizations providing primary healthcare; 2) Web portal of "electronic government".
3	The term for provision of a state service	1) through the service provider, the term of provision is within 1 (one) working day; 2) through the portal - the maximum allowable waiting time for submitting a package of documents is no more than 15 (fifteen) minutes; The maximum allowable service time for the service recipient through the portal is 30 (thirty) minutes The maximum allowable time for servicing the service recipient through the service provider is 1 (one) working day.
4	Form of provision of state service	Electronic (partially automated) / paper.
		Certificate of registration of a lifetime refusal for posthumous donation of organs (parts of an organ) and (or) tissues (parts of tissue) according to the form in accordance with Appendix 1 to this state service;

5	Result of provision of a state service	Certificate of registration of lifetime consent for posthumous donation of organs (parts of an organ) and (or) tissues (parts of tissue) according to the form in accordance with Appendix 2 to this state service.
6	The amount of payment charged from the service recipient in the provision of a state service, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	The state service is provided to individuals free of charge.
7	Work schedule of the service provider, the State Corporation and information facilities	1) service provider - from Monday to Friday from 8.00 to 20.00 without a break, on Saturday from 9.00 to 14.00, except weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan. State service is provided on a first-come, first-served basis, without prior appointment and expedited service. 2) portal - around the clock, except for technical breaks due to repair work.
8	List of documents required for provision of a state service	To the service provider: 1) an identity document or an electronic document from a digital document service for personal identification when contacting the service provider directly; 2) an application according to the forms, in accordance with appendices 1, 2 to these Rules. To the portal: 1) an application in the form of an electronic request.
9	Grounds for refusal to provide a state service, established by the legislation of the Republic of Kazakhstan	1) establishment of unreliability of documents submitted by the service recipient to receive state service and (or) data (information) contained in them; 2) lack of attachment to the given medical organization of primary health care.
		The service recipient has the opportunity to receive the state service in electronic form by means of the service recipient's mobile subscriber number registered on the portal by transmitting a one-time

10	Other requirements, taking into account the specifics of provision of state services, including those provided in electronic form and through the State Corporation	<p>password or by sending a short text message as a response to the notification of the portal.</p> <p>The service recipient has the opportunity to receive state services in electronic form through the portal, subject to the availability of an EDS. For persons with disabilities, the presence of a ramp, a call button, a tactile track for the blind and visually impaired, a waiting room, a rack with sample documents.</p> <p>The service recipient has the opportunity to obtain information about the procedure and status of the provision of state services in the information services of the service provider, as well as the Unified Contact Center "1414", 8-800-080-7777.</p>
----	---	---

Annex 4
to the rules for giving lifetime
will of the person on
postmortem organ donation
(organ parts) and (or) tissues
(fabric parts) and notifications
of the spouse or one of
close relatives thereof
Form

Certificate on consent or refusal to remove organs (part of the organ) and (or) tissues (tissue parts) for transplantation purposes

I hereby, _____
(last name, first name, patronymic (if any) of the person)

IIN _____

—

—

(№, date of issue of identity document, by whom and when issued)

I hereby agree/refuse to (underline the need for) the removal of organs from the deceased spouse, close relative

—

(to specify the degree of kinship, surname, first name, patronymic (if any) of the deceased)

for transplantation purposes.

/_____

(last name, first name, patronymic (if any) of the person) signature

_____ " _____ " 20 _____.

Date of signing

Appendix 2 to the order
of the Minister of Healthcare
of the Republic of Kazakhstan
dated December 21, 2020
№ RK HM-308/2020

List of orders recognized as invalid of the Ministry of Healthcare of the Republic of Kazakhstan

1. Order № 360 of the Minister of Healthcare and Social Development dated May 18, 2015 “On approval of the rules for the lifetime voluntary donation of tissues (part of tissue) and (or) organs (part of organs) after death for transplantation purposes” (registered in the Register of state registration of regulatory legal acts № 11381, published on June 30, 2015 in the Information Legal System "Adilet").

2. Order of the Minister of Healthcare of the Republic of Kazakhstan dated February 1, 2018 № 43 "On introduction of amendments to the order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated May 18, 2015 № 360" “On approval of the rules for the lifetime voluntary donation of tissues (part of tissue) and (or) organs (part of organs) after death for transplantation purposes" (registered in the Register of state registration of regulatory legal acts under № 16411, published on April 3, 2018 in the Reference Control Bank of the NAP of the Republic of Kazakhstan in electronic form).

3. Order of the Minister of Healthcare of the Republic of Kazakhstan dated May 18, 2020 № RK HM-50/2020 "On introduction of amendments to the order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated May 18, 2015 № 360 "On approval of the rules for the lifetime voluntary donation of tissues (part of tissue) and (or) organs (part of organs) after death for transplantation purposes" (registered in the Register of state registration of regulatory legal acts under № 20662, published on May 20, 2020 in the Reference Control Bank of the NAP of the Republic of Kazakhstan in electronic form).