

On approval of the rules for the use of technical means of control, observation and fixation devices, photographic and video equipment used in medical organizations in order to ensure protection of the rights of patients and medical workers

Unofficial translation

Order of the Minister of Health of the Republic of Kazakhstan dated December 30, 2020 No. ҚР ДСМ -335/2020. Registered in the Ministry of Justice of the Republic of Kazakhstan on December 31, 2020 No. 22006.

Unofficial translation

In accordance with subparagraph 34) of Article 7 of the Code of the Republic of Kazakhstan "On the health of the people and the health care system", **I ORDER:**

Footnote. The preamble is in the wording of the Order of the Minister of Health of the Republic of Kazakhstan dated 07.04.2023 № 61 (effective ten calendar days after the date of its first official publication).

1. To approve the rules for the use of technical means of control, observation and fixation devices, photographic and video equipment used in medical organizations in order to ensure protection of the rights of patients and medical workers in accordance with the annex to this order.

2. To recognize as invalid the order of the Minister of Health and Social Development of the Republic of Kazakhstan dated May 27, 2015 № 390 "On approval of the Rules for the use of technical means of control, observation and fixation devices, photographic and video equipment used in medical organizations in order to ensure protection of patients' rights" (registered in the Register of state registration of regulatory legal acts under № 11439, published on June 25, 2016 in the newspaper "Kazakhstanskaya Pravda" № 121 (28247)).

3. The Department for development of electronic health of the Ministry of Health of the Republic of Kazakhstan, in the manner prescribed by the legislation of the Republic of Kazakhstan, to ensure:

1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;
2) posting 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, submission of information to the Legal Department of the Ministry of Health of the Republic of Kazakhstan on implementation of the activities provided for in subparagraphs 1) and 2) of this paragraph.

3. The supervising vice minister of health of the Republic of Kazakhstan is authorized to control the execution of this order.

4. This order comes into effect upon the expiration of ten calendar days after the day of its first official publication.

*Minister of health of the
Republic of Kazakhstan*

A. Tsoi

Appendix
to the order of the
Minister of health of the
Republic of Kazakhstan
dated December 30, 2020
№ ҚР ДСМ-335/2020

Rules for the use of technical means of control, observation and fixation devices, photographic and video equipment used in medical organizations in order to ensure protection of the rights of patients and medical workers

Chapter 1. General provisions

1. These Rules for the use of technical controls, monitoring and fixation devices, photo and video equipment used in medical organizations in order to ensure the protection of the rights of patients and medical workers (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 34) of Article 7 of the Code of the Republic of Kazakhstan "On the Health of the People and the Healthcare system" (hereinafter referred to as the Rules – The Code) and determine the procedure for their application.

Footnote. Paragraph 1 – as amended by the Order of the Minister of Health of the Republic of Kazakhstan dated 07.04.2023 № 61 (effective ten calendar days after the date of its first official publication).

2. The following basic concepts are used in these Rules: 1) reference and information rooms - rooms of methodological information, reference;

2) rooms for personal hygiene - toilets, bathrooms, shower rooms;

3) technical means (hereinafter - TM) - technical means of control, observation and fixation devices, photographic and video equipment;

4) areas of common premises - corridors, halls, a lobby with a registry, a pharmacy point, a pharmacy, a stroller, a cloakroom for visitors and staff, reference and information rooms, a cash register office for receiving money for paid services of an outpatient organization in the admission department and an organization's discharge room, in the posts of departments, providing medical care in stationary conditions;

5) mobile medical complexes - mobile clinics (offices) based on road transport, equipped with the necessary medical equipment, which are used to ensure the availability and expansion of the list of medical services provided to the population of rural areas and remote settlements or in the interests of defense and national security;

6) opioid agonists - a group of drugs used to treat opioid addiction, the mechanism of action of which is to activate opioid receptors.

3. The use of a vehicle is the use of a vehicle to record ongoing actions, events, and facts to represent objective reality.

In the event of the patient's death, access to records made through the vehicle is provided to children and the surviving spouse upon application.

Footnote. Paragraph 3 - as amended by the Order of the Minister of Health of the Republic of Kazakhstan dated 24.01.2022 № KRDSM-5 (effective ten calendar days after the date of its first official publication).

4. TM is divided into internal and external:

1) internal TMs are installed in the premises of medical organizations;

2) external TMs are installed along the perimeter of the territory at a distance that allows to get full coverage of the observed territory.

5. Objects of observation are:

1) persons who are on the territory, in the premises of a medical organization;

2) patients being treated in a medical organization;

3) medical workers;

4) the territory and premises of the medical organization.

6. At the locations of the TMs, a sign is installed with the inscription "The object is under video surveillance."

Chapter 2. Procedure for the use of technical means of control, observation and fixation devices, photographic and video equipment used in medical organizations in order to ensure protection of the rights of patients and medical workers

7. The use of a TM (at one or several points) is determined by the need for possible coverage of the fixed territory by observation and recording of actions.

8. In organizations providing medical care on an outpatient basis, TMs are used:

1) on the territory of common premises;

2) in the corridors of medical organizations, where medical and diagnostic departments, a trauma center, an ambulance department, a women's consultation, a pharmacy point, a pharmacy, a dental department are located, in mobile medical complexes.

8-1. It is allowed to use the vehicle in the blood collection room of the biological material collection and reception point, provided that the written or electronically informed consent of the patient or his legal representative is obtained for photo or video recording and subsequent use of his images.

At the conclusion of an employment contract between a medical worker and a medical organization, a written or electronic informed consent of a medical worker for a photo or video recording and subsequent use of his images when using a vehicle in locations, in accordance with paragraph 4 of these Rules, is issued.

Written or electronic informed consent is issued in any form.

Footnote. Chapter 2 was supplemented by paragraph 8-1 in accordance with the Order of the Minister of Health of the Republic of Kazakhstan dated 07.04.2023 № 61 (effective ten calendar days after the date of its first official publication).

9. In organizations providing medical care in stationary conditions, TMs are used:

1) on the territory of common premises;

2) in the corridors of structural units, including anatomico-pathological departments, pharmacies, food preparation services, office premises, premises of clinical departments.

10. In obstetrics organizations, TMs are used in reception rooms for pregnant women, women in labor and parturient women, rooms for department of pathology of newborns and for children with congenital malformations.

11. In organizations providing medical care in the field of mental health and phthisiopulmonary organizations, the TMs are used:

1) on the territory of common premises;

2) in the emergency room of a medical organization;

3) in the corridors of the premises where the medical and diagnostic units are located, including the premises for medical examination to establish the fact of the use of a psychoactive substance and the state of intoxication, centers for temporary adaptation and detoxification, rooms for maintenance therapy with opioid agonists.

12. The use of vehicles excludes their presence in personal hygiene rooms, treatment and manipulation rooms, operating units, except for the cases provided for in paragraph 8-1 of these Rules.

Footnote. Paragraph 12 – as amended by the Order of the Minister of Health of the Republic of Kazakhstan dated 07.04.2023 № 61 (effective ten calendar days after the date of its first official publication).