

**FUNDAMENTALS
OF THE LEGISLATION OF THE RUSSIAN FEDERATION
ON HEALTH PROTECTION
NO. 5487-1 OF JULY 22, 1993
(with the Additions and Amendments of December 24, 1993, March 2, 1998, December 20,
1999, December 2, 2000)**

<u>Section I.</u>	<u>General Provisions</u>	<u>(Arts. 1-4)</u>
<u>Section II.</u>	<u>Jurisdiction in the Sphere of the Protection of the Health of Citizens of the Russian Federation, the Republics within the Russian Federation, the Autonomous Formations, Territories, Regions, and the Cities of Moscow and St. Petersburg and the Local Self-government Bodies</u>	<u>(Arts. 5-8)</u>
<u>Section III.</u>	<u>The Organization of Health Protection in the Russian Federation</u>	<u>(Arts. 9-16)</u>
<u>Section IV.</u>	<u>The Rights of Individuals in the Sphere of Health Protection</u>	<u>(Arts. 17-21)</u>
<u>Section V.</u>	<u>The Rights of Particular Groups of the Population in the Sphere of Health Protection</u>	<u>(Arts. 22-29)</u>
<u>Section VI.</u>	<u>The Rights of Individuals in the Sphere of Medico-Social Aid</u>	<u>(Arts. 30-34)</u>
<u>Section VII.</u>	<u>The Medical Activity in Family Planning and the Regulation of Man's Reproductive Function</u>	<u>(Arts. 35-37)</u>
<u>Section VIII.</u>	<u>Guarantees of Medico-Social Aid for Private Persons</u>	<u>(Arts. 38-48)</u>
<u>Section IX.</u>	<u>Medical Expert Examination</u>	<u>(Arts. 49-53)</u>
<u>Section X.</u>	<u>The Rights and the Social Protection of Medical and Pharmaceutical Workers</u>	<u>(Arts. 54-64)</u>
<u>Section XI.</u>	<u>International Cooperation</u>	<u>(Arts. 65)</u>
<u>Section XII.</u>	<u>Responsibility for the Infliction of Injury to Human Health</u>	<u>(Arts. 66-69)</u>

The Resolution of the Supreme Soviet of the Russian Federation No. 5489-1 of July 22, 1993 on the Procedure for the Enforcement of the Fundamentals of the Russian Federation on Health Protection

Guided by the Constitution of the Russian Federation and the generally recognized principles and standards of international law;

recognizing the fundamental role of health protection as an integral condition of the life of society and confirming the responsibility of the State for the preservation and improvement of the health of citizens of the Russian Federation; and

seeking to streamline the legal regulation and to consolidate the priority of the rights of man and citizen in the sphere of health protection;

the Supreme Soviet of the Russian Federation adopts the Fundamentals of the Legislation of the Russian Federation on Health Protection.

**Section I
General Provisions**

Article 1. Health Protection

Health protection is a totality of political, economic, legal, social, cultural, scientific, medical, sanitary-hygienic and anti-epidemic measures aimed at the preservation and strengthening of the physical and mental health of every person, the maintenance of his long-term active life and the provision of medical aid in case of the loss of health.

The State guarantees the protection of the health of every person in accordance with the Constitution of the Russian Federation and other legislative acts of the Russian Federation, the Constitutions and other legislative acts of the Republics within the Russian Federation, the generally recognized principles and standards of international law and the international treaties and agreements of the Russian Federation.

Article 2. The Basic Principles of Health Protection

The basic principles of health protection include:

- 1) the observance of the rights of man and citizen in the sphere of health protection and the provision of State guarantees concerning these rights;
- 2) the priority of prophylactic measures in the sphere of health protection;
- 3) the accessibility of medico-social aid;
- 4) the social protection of individuals in case of the loss of health;
- 5) the responsibility of the organs of state power and administration, enterprises, institutions and organizations, regardless of the form of property, and of officials for safeguarding human rights in the sphere of health protection.

Article 3. The Legislation of the Russian Federation on Health Protection

The legislation of the Russian Federation on health protection consists of the corresponding provisions of the Constitution of the Russian Federation and the Constitutions of the Republics within the Russian Federation, the present Fundamentals and other legislative acts of the Russian Federation and the Republics within the Russian Federation, adopted in conformity with them, and also the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg.

The present Fundamentals regulate the relations between private persons, organs of state power and administration, transactor units, and the facilities of state, municipal, and private systems of health protection.

The legislative acts of the Republics within the Russian Federation, the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg shall not restrict the rights of individuals in the sphere of health protection, which have been established by the present Fundamentals.

Article 4. The Tasks of the Legislation of the Russian Federation on Health Protection

The tasks of the legislation of the Russian Federation on health protection are as follows:

- 1) the determination of the areas of responsibility and jurisdiction of the Russian Federation, the Republics within the Russian Federation, the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg in matters dealing with health protection in accordance with the Federal Treaty, and also the definition of the responsibility and jurisdiction of the local self-government bodies in the sphere of human health protection;
- 2) the legal regulation in the sphere of health protection of the activities of enterprises, institutions, and organizations, regardless of the form of property, and also of state, municipal, and private systems of public health;
- 3) the determination of the rights of individuals and separate groups of the population in the sphere of health protection, and the establishment of guarantees for the observance of said rights;
- 4) the determination of professional rights, duties, and responsibilities of medical and pharmaceutical workers and the establishment of guarantees for their social protection.

Section II

Jurisdiction in the Sphere of the Protection of the Health of Citizens of the Russian Federation, the Republics within the Russian Federation,

the Autonomous Formations, Territories, Regions, and the Cities of Moscow and St. Petersburg, and the Local Self-government Bodies

Article 5. The Jurisdiction of the Russian Federation

The jurisdiction of the Russian Federation in the sphere of health protection covers:

- 1) the adoption and amendment of federal laws in the sphere of health protection and control over their implementation;
- 2) the protection of the rights and freedoms of man and citizen in the sphere of public health;
- 3) the establishment of the fundamental principles of state policy on health protection, the elaboration and realization of federal programmes for developing health services, prophylaxis of diseases, the dispensation of medical aid, the provision of medical education to the population, and assistance on other matters in the sphere of human health protection;
- 4) the establishment of the structure of federal organs of public health management, the order of their organization and functioning;
- 5) the estimation of expected expenditures on public health during the formation of the Republican budget of the Russian Federation, the formation of special-purpose funds intended for human health protection, the determination of the tax policy (including remissions of taxes, dues and other payments to the budget) in the sphere of health protection;
- 6) the management of federal state property used in the sphere of health protection;
- 7) use of nature and protection of the natural environment and of ecological safety;
- 8) the organization of the state sanitary and epidemiological service of the Russian Federation, the elaboration and approval of federal sanitary rules, norms and hygienic standards, the exercise of state sanitary and epidemiological supervision;
- 9) the organization of the system of sanitary protection for the territory of the Russian Federation;
- 10) the implementation of measures aimed at the rescue of human lives and the protection of human health in emergency situations and the informing of the population of dangers in an emergency situation zone, and of measures adopted;
- 11) the pursuit of a single technical policy in the medical and pharmaceutical industry, the approval of State standards of the Russian Federation and specifications for medical products, and the organization of supervision over their observance;
- 12) the certification (registration, testing and authorization of use) of medicines and disinfectants, immuno-biological preparations and medical articles, potent and poisonous substances, narcotics, psychotropic substances; the issue of licenses for their production and control over their production, traffic and order of use; the certification of products, works, and services; and the issue of permits for the use of new medical technologies;

See the [Rules of Certification in the Medicinal Drugs Certification System of the GOST R Certification System endorsed by Decision of the State Committee for Standards and Metrology of the Russian Federation No. 2 of January 3, 2001](#)

- 13) the establishment of a single federal system of statistical accounting and reporting in the sphere of human health protection;
- 14) the elaboration of uniform criteria and federal programmes for training medical and pharmaceutical workers, the determination of the nomenclature of trades in public health; the introduction of basic privileges for medical and pharmaceutical workers;

[Federal Law No. 139-FZ of December 2, 2000 amended Item 15 of the first part of Article 5 of these Fundamentals](#)

[See the previous text of the Item](#)

- 15) the introduction of quality standards of medical aid and control over their observance, and the elaboration and approval of the programme of state guarantees of the rendering to the citizens of the Russian Federation of free medical aid, which includes the base programme of obligatory

medical insurance; the introduction of an insurance tariff of contributions for the obligatory medical insurance of citizens of the Russian Federation; the establishment of privileges for particular groups of the population in the dispensation of medico-social aid and for their supply with medicines;

16) the coordination of the activities of the organs of state power and administration, transactor units, and the facilities of the state, municipal, and private systems of public health; and the protection of the family, maternity, paternity, and childhood;

17) the establishment of the procedure for medical expert examination;

18) the introduction of a procedure for licensing medical and pharmaceutical activities;

19) the establishment of the order of setting up and the functioning of committees (commissions) for ethics in the sphere of human health protection;

20) the coordination of scientific research, and the financing of federal programmes of scientific research in the sphere of human health protection;

21) the international cooperation of the Russian Federation and the conclusion by it of international agreements in the sphere of human health protection.

Some powers in the sphere of health protection, placed under the jurisdiction of the Russian Federation, may be delegated to the Republics within the Russian Federation, the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg in the order stipulated by the Federal Treaty on the demarcation of the subjects of jurisdiction and powers between the federal organs of state power and the organs of power of sovereign Republics within the Russian Federation, the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg in the Russian Federation.

Article 6. The Jurisdiction of the Republics Within the Russian Federation

The jurisdiction of the Republics within the Russian Federation in the sphere of health protection covers:

1) the adoption of legislative and other legal acts; control over the observance of federal legislation; the power to legislate in the field of human health protection;

2) the protection of the rights and freedoms of man and citizen in the sphere of health protection;

3) the implementation of federal state policy in the sphere of human health protection; the determination of the fundamental principles of the Republics within the Russian Federation in the sphere of health protection; the realization of federal programmes of public health; the elaboration and implementation of republic programmes of public health services, the prophylaxis of diseases, the dispensation of medical aid to the population and medical education of the population and the rendering of assistance in the sphere of human health protection;

4) the establishment of a structure of administrative bodies of the state health protection system of the Republics within the Russian Federation, the order of their organization and functioning; the development of the network of institutions of the state health protection system of the Republics within the Russian Federation; and the material and technical provision of the enterprises, institutions, and organizations of the state health protection system, and control over the observance of the quality standards of medical aid;

Federal Law No. 139-FZ of December 2, 2000 amended Item 5 of the first part of Article 6 of these Fundamentals

[See the previous text of the Item](#)

5) the calculation of the Republic's share of expenses for public health during the formation of the republican budgets of the Republics within the Russian Federation, the formation of special-purpose funds intended for human health protection; the elaboration and approval of the territorial programmes of state guarantees of the rendering to the citizens of the Russian Federation of free medical aid, which include the territorial programmes of obligatory medical insurance; the introduction of fringe benefits for particular groups of the population in the sphere of medico-social aid, and their provision with medicines;

6) the granting of remissions of taxes, dues, and other payments to the budget in the statutory

manner for the enterprises, institutions, and organizations whose activities are aimed at health protection;

7) use of nature, environmental protection, and ecological safety;

8) the protection of the long-standing habitat and the traditional way of life of small ethnic communities;

9) the provision of sanitary and epidemiological supervision on the territory of the Republics within the Russian Federation; the identification of factors that adversely influence the health of people; the informing of the population about them and the implementation of measures for their removal, and the carrying out of prophylactic, sanitary-hygienic and anti-epidemic and nature-conservation measures;

10) the coordination of the activities of the organs of state power and administration, transactor units, and the facilities of the state, municipal, and private systems of human health protection; the protection of the family, maternity, paternity, and childhood, and the sanitary and hygienic education of the population;

11) the implementation of measures for the saving of people's lives and the protection of their health in emergency situations; the informing of the population about dangers in an emergency situation zone and about adopted measures;

12) the issue of permits for the use of new methods of prophylaxis, diagnostics and treatment and of new medical technologies on the territory of the Republics within the Russian Federation;

13) the organization and coordination of the training of health protection personnel; and the introduction of new privileges for these personnel in addition to those introduced at a federal level;

14) the licensing of medical and pharmaceutical activity; control over the municipal licensing commissions;

15) the coordination of scientific research, and the financing of republic scientific research in the sphere of human health protection;

16) the regular informing of the population through the mass media about the spread of socially significant and contagious diseases;

17) international cooperation in the sphere of health protection;

18) other questions in the sphere of health protection beyond the jurisdiction of the Russian Federation.

The organs of state power in the Republics within the Russian Federation may delegate, by agreement with the federal organs of state power of the Russian Federation, a part of their powers in the sphere of health protection.

Article 7. The Jurisdiction of the Autonomous Formations, Territories, Regions, and the Cities of Moscow and St. Petersburg

The jurisdiction of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg in the sphere of health protection covers:

1) the adoption of legal acts, control over the observance of federal legislation, and the power to legislate in the sphere of health protection;

2) the protection of the rights and freedoms of man and citizen in the sphere of health protection;

[Federal Law No. 139-FZ of December 2, 2000 amended Item 3 of the first part of Article 7 of these Fundamentals](#)

[See the previous text of the Item](#)

3) the implementation of the state policy of the Russian Federation in the sphere of health protection; the elaboration and approval of the territorial programmes of state guarantee of the rendering to the citizens of the Russian Federation of free medical aid, which include the territorial programmes of obligatory medical insurance; the elaboration and implementation of regional programmes for developing health services, prophylaxis of diseases, rendering medical aid, medical education and other matters in the sphere of health protection;

4) the formation of administrative bodies of the State system of public health in the

autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg, the development of the network of the institutions of the state and municipal systems of public health, and also the institutions of the system of people's social protection; the material and technical supply of enterprises, institutions and organizations of the state system of public health; and control over the observance of quality standards for medical aid;

5) the estimation of their share of expenses on public health during the formation of their own budgets, and the formation of special-purpose funds intended for health protection; the financing and development of first medico-sanitary aid, other medical and medicinal aid; medical insurance of individuals; the introduction of additional privileges for particular groups of the population in the sphere of medico-social aid and the provision of medicines;

6) the granting of concessions for taxes, dues and other payments to the budget in the statutory manner to the enterprises, institutions and organizations engaged in health protection;

7) the coordination of the activity of the organs of state power and administration, transactor units, and the facilities of the state, municipal, and private systems of public health;

8) the protection of the long-standing habitat and the traditional way of life of small ethnic communities;

9) use of nature, environmental protection, and ecological safety;

10) the provision of sanitary and epidemiological welfare and conditions for state sanitary and epidemiological supervision on the subordinate territories; the identification of factors adversely affecting human health, the informing of the population about these factors and the implementation of measures for removing them; the carrying out of prophylactic, sanitary-hygienic and anti-epidemic and nature conservation measures;

11) the protection of the family, maternity, paternity, and childhood; sanitary-hygienic education for the population;

12) the implementation of measures for saving people's lives and the protection of their health in emergency situations; the informing of the population about dangers in an emergency situation zone and about adopted measures;

13) the licensing of medical and pharmaceutical activities; and control over the municipal licensing commissions;

14) the organization and coordination of the training of personnel in the sphere of health protection;

15) the regular acquaintance of the population through the mass media with the incidence of socially significant and contagious diseases;

16) international cooperation in the sphere of health protection;

17) other questions which relate to the sphere of health protection and which are beyond the jurisdiction of the Russian Federation.

By agreement with the federal organs of state power of the Russian Federation the organs of state power in the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg may delegate some of their powers in the sphere of health protection to the former organs.

Article 8. The Jurisdiction of the Local Self-government Bodies

The jurisdiction of the local self-government bodies in the sphere of health protection covers:

1) control over the observance of legislation in the sphere of health protection;

2) the safeguarding of the rights and freedoms of man and citizens in the sphere of health protection;

3) the formation of administrative bodies for the municipal system of public health; the development of the network of institutions in the municipal system of public health; the definition of the nature and volume of their activities; the criteria of conditions for the development of the private system of health protection; the organization of first medico-sanitary aid and other medico-social aid, the provision of public access to it, control over the observance of quality standards for medical aid, and the provision of individuals with medicines and medical articles on the subordinate territory;

4) the formation of their own budget in respect of expenses on public health;

5) the provision of sanitary and epidemiological welfare for the population and the conditions

for state sanitary and epidemiological supervision on the subordinate territory; the identification of factors adversely affecting the health of individuals; the informing of the population about these factors and their removal; and the carrying out of prophylactic, sanitary-hygienic, anti-epidemic and nature conservation measures;

6) the coordination and control of the activities of the enterprises, institutions, and organizations of the state and municipal systems of public health within their jurisdiction; and control over the quality of medico-social aid in the private system of health protection;

7) the formation of special-purpose funds intended for health protection; and the implementation of measures for obligatory medical insurance;

8) the licensing of medical and pharmaceutical activities on the subordinate territory on the instruction of the state administrative body of the corresponding subject of the Russian Federation;

9) environmental protection and ecological safety; and the amelioration of the consequences of catastrophes and natural disasters;

10) the creation of institutions for the rehabilitation of invalids and people with psychic disorders, and the organization of their training, professional retraining and employment; the setting up of specialized enterprises, shops and other forms of production organization for these groups of the population, and also of special institutions for incurable invalids;

11) the regular acquaintance of the population through the mass media with the incidence of socially significant and contagious diseases;

12) the implementation of measures for protecting the family, maternity, paternity, and childhood; and the sanitary and hygienic education of the population.

Section III

The Organization of Health Protection in the Russian Federation

Article 9. The Powers of the Supreme Organs of State Power and Administration in the Sphere of Health Protection

Decree of the President of the Russian Federation No. 2208 of December 24, 1993 recognized the first and second parts of Article 9 of these Fundamentals as abolished and not subject to application by state power bodies in the part concerning submission to the Supreme Soviet of the Russian Federation of the report on the state policy in the sphere of health protection and the state of health of the population of the Russian Federation

The Supreme Soviet of the Russian Federation shall determine the main trends of federal state policy in the sphere of health protection, adopt laws and approve federal programmes for health protection; and approve the Republican budget of the Russian Federation, including expenditures on public health and control their execution.

The President of the Russian Federation shall guide the implementation of federal state policy in the sphere of health protection and at least once in a year shall submit to the Supreme Soviet of the Russian Federation his report on state policy in the sphere of health protection and the state of health of the population of the Russian Federation.

The Government of the Russian Federation shall implement federal state policy in the sphere of health protection, and shall elaborate, approve and finance federal programmes for developing the public health system; and shall coordinate the activities of the state administrative bodies in the sphere of health protection within the limits stipulated by legislation, and also the activity of the enterprises, institutions, and organizations, regardless of the form of property, in this sphere.

Article 10. The Financing of Health Protection

The sources of financing health protection include:

1) the resources of the budgets of all levels;

2) the resources used for obligatory and voluntary medical insurance in accordance with the [Law](#) of the Russian Federation on the Medical Insurance of Individuals in the Russian Federation;

3) the resources of special-purpose funds intended for health protection;

4) the resources of state-owned and municipal enterprises, organizations and other transactor

units and public associations;

5) income from securities;

6) loans from banks and other creditors;

7) gratuitous and/or charity contributions and donations;

8) other sources not banned by the legislation of the Russian Federation.

Article 11. The Sanitary and Epidemiological Welfare of the Population

The sanitary and epidemiological welfare of the population shall be provided by the state bodies, enterprises, institutions and organizations, public associations and individuals carrying on hygienic and anti-epidemic measures and observing sanitary rules, norms and hygienic standards, by the system of state sanitary and epidemiological supervision, and also by the complex of organizational, legal, and economic measures in conformity with the sanitary legislation of the Russian Federation.

On the sanitary and epidemiological welfare of the population see [Federal Law No. 52-FZ of March 30, 1999](#)

For measures of providing the safety of products for human health,

see

the [Decision of the Chief State Sanitary Doctor of the Russian Federation No. 5 of September 6, 1994](#)

the [Decision of the State Standardization Committee of the Russian Federation and the State Committee of the Russian Federation for Sanitary and Epidemiological Supervision No. 2 of January 5, 1993](#)

Article 12. The State System of Public Health

The state system of public health includes the Ministry of Public Health of the Russian Federation, the ministries of public health of the Republics within the Russian Federation, the administrative bodies of public health in the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg, and the Russian Academy of Medical Sciences, the State Committee of the Russian Federation for Sanitary and Epidemiological Supervision, which plan and carry out measures for implementing the state policy of the Russian Federation within their jurisdictions, implement public health programmes and develop medical science.

The state system of public health also includes the state-owned medical and prophylactic, scientific-research and educational institutions, the pharmaceutical enterprises and organizations, pharmacies, the sanitary and prophylactic institutions, forensic medical expertise institutions, material and technical supply services, the enterprises for the production of medicines and medical equipment, and other enterprises, institutions and organizations subordinate to the administrative bodies of the state system of public health.

The state system of public health embraces the medical and prophylactic institutions, pharmaceutical enterprises and organizations, and pharmacies set up by the ministries, departments, state-owned enterprises, and institutions and organizations of the Russian Federation besides the Ministry of Public Health of the Russian Federation and the ministries of public health of the Republics within the Russian Federation.

The enterprises, institutions and organizations of the state system of public health, regardless of their departmental subordination, are legal entities and shall carry on their activity in accordance with the present Fundamentals, other pieces of legislation of the Russian Federation and of the Republics within the Russian Federation, and the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg, the normative acts of the Ministry of Public Health of the Russian Federation, the ministries of public health of the Republics within the Russian Federation, the administrative public health bodies of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg.

Article 13. The Municipal System of Public Health

The municipal system of public health includes the municipal public health administrative

bodies and the municipally owned medical and prophylactic, scientific-research institutions, the pharmaceutical enterprises and organizations, pharmacies, and the forensic medical expertise and educational institutions, which are legal entities and shall carry on their activities in conformity with the present Fundamentals, other legislative acts of the Russian Federation and the Republics within the Russian Federation, the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg, and the normative acts of the Ministry of Public Health of the Russian Federation, the ministries of public health of the Republics within this Federation and of the local self-government bodies.

The municipal public health administrative bodies shall bear responsibility for the sanitary and hygienic education of the population, the wide provision of the guaranteed medico-social aid to the population, the development of the municipal system of public health on the subordinate territory, and shall exercise control over the quality of the medico-social and medical aid given by the enterprises, institutions, and organizations of the state, municipal, and private systems of health protection, and also by persons engaged in private medical practice.

The enterprises, institutions, and organizations of the municipal system of public health shall be financed from the resources of the budgets of all levels, special-purpose funds intended for health protection and other sources not banned by the legislation of the Russian Federation.

Article 14. The Private System of Health Protection

The private system of health protection includes the medical and prophylactic institutions and pharmacies held in private ownership, and also persons engaged in private medical practice and private pharmaceutical activities.

The private system of health protection also includes the medical and prophylactic, pharmaceutical, scientific-research and educational organizations set up and financed by private enterprises, institutions and organizations, public associations, and also by natural persons.

The activity of the institutions of the private system of health protection shall be carried out in keeping with the present Fundamentals, other legislative acts of the Russian Federation and the Republics within the Russian Federation, the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg, the normative acts of the Ministry of Public Health of the Russian Federation, the ministries of the Republics within the Russian Federation, and the local self-government bodies.

Article 15. The Procedure and Conditions for the Issue of Licenses to the Enterprises, Institutions, and Organizations of the State, Municipal, and Private Systems of Health Protection

For the licensing and accreditation of medical activity see:
[Law of the Russian Federation of June 28, 1991](#)
[Regulations on Licensing of Medical Activities approved by Decision of the Government of the Russian Federation No. 402 of May 21, 2001](#)

The enterprises, institutions, and organizations of the state, municipal, and private systems of health protection may carry on their activities, only if they have a license for the chosen activity.

The enterprises, institutions, and organizations of the state, municipal, and private systems of health protection shall receive a license on the basis of the certificate of compliance of their activities with the established standards. If medical aid is rendered in different areas, then the license shall indicate each particular type of activity.

Said licenses and certificates shall be issued by the licensing commissions set up by the state administrative body of a subject of the Russian Federation or by the local administration on behalf of the respective state administrative body of the subject of the Russian Federation.

The licensing commissions shall consist of the representatives of the state administrative body of the subject of the Russian Federation or the local administration, the administrative health protection bodies, and professional medical and pharmaceutical associations. The licensing commissions shall bear responsibility for justifying their adopted decisions.

A license and a certificate shall not be issued to enterprises, institutions, or organizations of

the state, municipal, or private systems of health protection, if the conditions of their activities are inconsistent with the established standards. The licensing commissions may determine the permissible types of activities or fix the time for licensing renewal.

Extraordinary licensing shall be admitted at the initiative of the administrative public health bodies, medical and prophylactic institutions, pharmacies, pharmaceutical enterprises and organizations, or professional medical and pharmaceutical associations.

Licenses may be taken away or suspended by the licensing commissions, if the enterprises, institutions, and organizations do not observe the requirements for the standards of the quality of medical aid. A decision taken by the licensing commission may be appealed to a court of law by the officials of the enterprises, institutions, and organizations.

The procedure and terms of the issue of licenses to the enterprises, institutions and organizations of the state, municipal and private systems of health protection shall be established by the Government of the Russian Federation.

Article 16. Committees or Commissions of Ethics in the Sphere of Health Protection

The organs of state power and administration, the enterprises, institutions and organizations of the state or municipal system of public health may set up ethics committees or commissions in the sphere of health protection for purpose of defending the rights of man and of particular groups of the population in this sphere, participating in the elaboration of standards of medical ethics and the settlement of questions associated with their contravention, in the preparation of recommendations on the priority directions of practical and scientific-research activity, and settling other questions in the sphere of health protection.

The committees and commissions of ethics in the sphere of health protection shall consist of persons who represent the interests of the public, including specialists in medical ethics, lawyers, scientists and art workers, representatives of the clergy, professional medical associations, trade unions, and other public associations.

Decree of the President of the Russian Federation No. 2208 of December 24, 1993 recognized the third part of Article 16 of these Fundamentals as abolished and not subject to application by state power bodies in the part concerning powers of the Supreme Soviet of the Russian Federation

Regulations for the setting up and functioning of ethics committees or commissions in the sphere of health protection shall be approved ~~by the Supreme Soviet of the Russian Federation.~~

Section IV **The Rights of Individuals in the Sphere of Health Protection**

Article 17. The Right of Citizens of the Russian Federation to Health Protection

Citizens of the Russian Federation shall enjoy the inalienable right to health protection. This right shall be guaranteed by environmental protection, the creation of favourable conditions for labour, everyday life, rest, education and instruction of individuals, the production and sale of good-quality foodstuffs, and also by the provision of medico-social aid accessible to the population.

The State shall provide its citizens with health protection, regardless of sex, race, nationality, language, social background, official status, place of residence, religion, beliefs, membership of public associations, or other circumstances.

The State shall guarantee to its citizens protection against any form of discrimination based on disease. Persons guilty of violating this provision shall bear responsibility as stipulated by law.

Citizens of the Russian Federation staying abroad shall have the guaranteed right to health protection in conformity with the international agreements of the Russian Federation.

Article 18. The Rights of Foreign Nationals, Stateless Persons and Refugees to Health Protection

Foreign nationals staying on the territory of the Russian Federation shall be guaranteed the

right to health protection in accordance with the international agreements of the Russian Federation.

Stateless persons permanently residing in the Russian Federation, and refugees, shall enjoy the right to health protection on a par with citizens of the Russian Federation, unless otherwise stipulated by the international agreements of the Russian Federation.

The procedure for rendering medical aid to foreign nationals, stateless persons and refugees shall be defined by the Ministry of Public Health of the Russian Federation and the ministries of public health of the Republics within the Russian Federation.

Article 19. The Right of Individuals to Information about the Factors Influencing Human Health

Individuals shall have the right to regular, reliable, and timely information about factors conducive or damaging to the preservation of health, including information about sanitary and epidemiological welfare of their place of residence, rational norms of nutrition, products, works, services, their compliance with sanitary norms and rules, and other factors. This information shall be distributed by the local administration through the mass media, or directly to individuals upon their inquiries in the order prescribed by the Government of the Russian Federation.

Federal Law No. 30-FZ of March 2, 1998 abolished the second part of Article 19 of these Fundamentals

~~The advertising of alcoholic drinks and tobacco goods in the mass media shall be banned in the interests of health protection. A breach of this norm shall entail responsibility as stipulated by the legislation of the Russian Federation.~~

Article 20. The Right of Individuals to Medico-social Aid

In case of sickness, loss of capacity to work and in similar cases individuals shall have the right to medico-social aid that includes prophylactic, medical-diagnostic, rehabilitative, prosthetic, orthopaedic and dental aid, and also social measures of care for sick or disabled persons and invalids, including the payment of a temporary disability allowance.

Medico-social aid shall be rendered by medical and social workers and other specialists in the institutions of the state, municipal, and private systems of health protection, and also in the institutions of the social protection system.

Individuals shall have the right to free medical aid in the state and municipal systems of public health in keeping with the legislation of the Russian Federation, the Republics within the Russian Federation, and the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg.

Federal Law No. 139-FZ of December 2, 2000 reworded part 4 of Article 20 of these Fundamentals

See the previous text of the part

The guaranteed scope of free medical aid shall be granted to the citizens in keeping with the programmes of state guarantees of the rendering of free medical aid to the citizens of the Russian Federation.

Individuals shall have the right to additional medical and other services on the basis of programmes of voluntary medical insurance, and also at the expense of the resources of the enterprises, institutions, and organizations, of their personal monetary means and from other sources not banned by the legislation of the Russian Federation.

Citizens shall have the right to preferential provision of prosthetic and orthopaedic appliances, hearing aids, movement and other special facilities. Categories of persons who have this right, and also the terms and procedure of their provision with preferential prosthetic, orthopaedic and dental aid, shall be determined by the Government of the Russian Federation.

Individuals shall have the right to medical expert examination, including independent expertise, which shall be conducted upon their personal application in specialized institutions in keeping with [Article 53](#) of the present Fundamentals.

Children, adolescents, students, invalids, and pensioners who are engaged in physical education shall have the right to free medical examinations.

Working persons shall have the right to a quarantine benefit in case of being removed from their jobs by the sanitary and epidemiological service in consequence of the infectious diseases of persons surrounding them. If minors or persons recognized as legally unfit in the statutory manner are subject to quarantine, then a benefit shall be issued to one of their parents (other lawful guardians) or to another family member in the order prescribed by the legislation of the Russian Federation.

In case of sickness, working persons shall have the right to three days of unpaid sick leave of absence per year, which is given upon the person's personal application without the submission of the medical documentation certifying the fact of illness.

Article 21. Protection of the Health of Individuals Engaged in Particular Types of Professional Activity

For the purpose of health protection, prevention of infections and occupational diseases, the workers of some trades, production units, enterprises, institutions, and organizations, the list of which is endorsed by the Government of the Russian Federation, shall undergo obligatory periodical medical check-ups or preliminary check-ups when they take jobs.

An individual may be recognized as unfit due to the state of his health for the performance of some types of professional activity and for activity associated with a source of increased danger. He may be recognized as unfit provisionally (for a term of five years and with the right to subsequent re-examination) or permanently. Such decision shall be taken on the basis of the conclusion of medico-social experts in accordance with the list of medical counterindications and may be appealed to a court of law.

The list of medical counterindications for carrying on particular types of professional activity and of activities associated with a source of increased danger shall be provided by the Ministry of Public Health of the Russian Federation and shall be reviewed at least once every five years.

The employees shall bear responsibility for the appropriation of monetary means for obligatory and periodical medical check-ups of workers in cases and in the order prescribed by the legislation of the Russian Federation and the Republics within the Russian Federation.

Section V The Rights of Particular Groups of the Population in the Sphere of Health Protection

Article 22. The Family Rights

The State shall take care of the protection of the health of family members.

According to medical indications every person shall have the right to receive free consultations on family planning, socially significant and contagious diseases, on the medical and psychological aspects of family and marital relations, and also on medical-genetic and other consultations and examinations in the institutions of the state or municipal system of public health, with the aim of preventing the perpetuation possible hereditary diseases in the posterity.

By agreement between all the family members of age living together the family shall have the right to choose their family doctor, who makes housecalls.

Families with children (with preference for incomplete families rearing disabled children and children without the care of parents) shall have the right to the health protection privileges established by the legislation of the Russian Federation, the Republics within the Russian Federation, and by the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg.

See the Explanation of the Ministry of the Labour of the Russian Federation and the Russian Insurance Supervision Service Nos 2, 48 of July 19, 1995 on the procedure for granting four additional paid days-off in a month to one of the working parents (tutor, tutoress) for taking care of disabled children and invalids from childhood before they attain 18 years of age

At the request of the parents, one of them or another family member shall be given the right to remain with their child in the hospital during the entire time of his/her treatment there, regardless of the child's age. A person staying with the child in a state or municipal hospital shall be given a medical pass.

A quarantine benefit for the care of a sick child below the age of seven shall be paid to one of the parents (or to another lawful representative) or to another family member for the entire quarantine period, dispensary treatment or joint stay with the child in the hospital, while the benefit for the care of a sick child over seven years of age shall be paid for a period up to 15 days, unless the doctor's conclusion requires a greater period of time.

Article 23. The Rights of Pregnant Women and Mothers

The State shall guarantee the right of pregnant women to work in conditions meeting their physiological needs and their state of health.

Every woman shall be provided specialized medical aid during pregnancy and care and after the child's birth in the state or municipal institutions of public health at the expense of special-purpose funds intended for health protection, and also at the expense of other sources which are not banned by the legislation of the Russian Federation.

During pregnancy and in connection with the child's birth and during the time of taking care of sick children younger than 15 years of age, women shall have the right to benefits and paid maternity leave in the statutory order.

The guaranteed length of the paid maternity leave shall be determined by the legislation of the Russian Federation. Its length may be increased in conformity with the legislative acts of the Republics within the Russian Federation and the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg.

The State shall guarantee to pregnant women and nursing mothers, and also to infants up to three years of age, unadulterated food, including in case of necessity the supply of food products from shops and special food centres upon the conclusions of doctors, in keeping with the order prescribed by the Government of the Russian Federation and the governments of the Republics within this Federation.

Article 24. The Rights of Minors

In the interest of health protection, minors shall have the right to:

- 1) dispensary observation and treatment in the services for children and adolescents in the order established by the Ministry of Public Health of the Russian Federation and the ministries of public health of the Republics within the Russian Federation;
- 2) medico-social aid and nutrition at a level established by the Government of the Russian Federation and at the expense of the budgets of all levels;
- 3) sanitary-hygienic education, instruction and labour in conditions meeting their physiological needs and their state of health and precluding the impact of adverse factors on them;
- 4) free medical consultations at the expense of the budgets of all levels for the identification of their professional fitness;
- 5) the receipt of requisite information about the state of their health in an accessible form.

Minors of over 15 years of age shall have the right to the voluntary informed consent to medical intervention or to the refusal from it in keeping with [Articles 32, 33](#) and [34](#) of the present Fundamentals.

Minors with physical and mental handicaps may be kept in the institutions of the social protection system upon the applications of parents and persons acting in loco parents at the expense of the budgets of all levels, charitable and other funds, and also at the expense of the monetary means of their parents or persons acting in loco parentis.

Article 25. The Rights of Servicemen, Persons Subject to Call-up for Active Military Service and those Enlisted in the Military Service Under Contracts

Servicemen shall have the right to medical examination for estimating their fitness for active military service and for anticipatory discharge from the military service on the basis of the opinion of the military medical board.

Individuals subject to call-up for active military service and those who are enlisted in the

military service under contracts shall undergo medical examination and shall have the right to receive full information about medical counterindications for going through the military service and about indications for the deferment or release from the call-up for military service due to their state of health.

If they disagree with the opinion of the military medical board, the servicemen, persons subject to call-up for active military service, and those who are enlisted in the military service under contracts shall have the right to an independent medical expert examination in accordance with [Article 53](#) of the present Fundamentals and/or to appeal against the opinions of military medical boards to courts of law.

The servicemen, persons subject to call-up for active military service, and those who are enlisted in military service under contracts shall have the right to receive medical aid in of the state or municipal institutions of public health.

The order of the organization of medical aid for servicemen shall be established by the legislation of the Russian Federation, the normative acts of the Ministry of Defence of the Russian Federation and other ministries, state committees and departments, in which the law provides for military service. The functioning of the medical boards of the military commissariats shall be maintained and financed by the Ministry of Defence and other ministries, state committees, and departments in which military service is provided for by the law.

*For the protection of the health of servicemen and their family members, see
the Law of the Russian Federation No. 4338-I of January 22, 1992
the Decision of the Government of the Russian Federation No. 1043 of September 26, 1994*

Article 26. The Rights of Elderly Persons

Elderly persons (who have attained the statutory [age](#) for awarding old-age pensions) shall have the right to medico-social aid at home, in state or municipal institutions of public health, and also in institutions of the people's social protection system, with provision of medicines at reduced prices included. Medico-social aid to elderly persons, including elderly bachelors and family members on a pension, is rendered to cure their diseases and to provide care for them, sustain their active way of life and social protection in case of illness or inability to satisfy their vital needs.

Elderly persons shall have the right, on the basis of a medical conclusion, to treatment in sanatoria and health resort institutions and rehabilitation free of charge or at reduced rates, paid for from the social insurance resources, the finances of the social protection bodies, and also from enterprises, institutions, and organizations with their consent.

Article 27. The Rights of Invalids

Invalids, including disabled children and invalids from childhood, shall have the right to medico-social aid, rehabilitation, and the provision of medicines, prosthetic and orthopaedic appliances, and movement facilities at reduced rates, and also to receive professional training and retraining.

Fully disabled invalids shall have the right to free medico-social aid in the state or municipal institutions system of public health, to medical attendance at home and in case of their inability to satisfy vital needs - to maintenance in the institutions of the social protection system.

The order of providing medico-social aid to invalids and the list of privileges for them shall be determined by the legislation of the Russian Federation and the Republics within the Russian Federation. The organs of state power of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg may introduce additional privileges for invalids within their terms of reference.

For taking care of disabled children and invalids from childhood before they attain 18 years of age, one of the working parents or persons acting in loco parentis shall be given four additional paid days-off per month, which may be used by one of the said persons or divided between themselves at their discretion.

Article 28. The Rights of Individuals in Emergency Situations and in Ecologically Unsafe Areas

Individuals who have suffered in an emergency situation shall have the right to receive free medical aid, recuperative treatment in sanatoria and health-resort institutions, in order to carry out hygienic and anti-epidemic measures aimed at overcoming of the consequences of an emergency situation and reducing the risk to their lives and health.

Citizens of the Russian Federation residing in areas officially designated as environmentally unsafe shall be guaranteed free medical aid, medico-genetic and other consultations and observation when they contract marriages, and also recuperative treatment in sanatoria and health-resort institutions, and the provision of medicines, immuno-biological preparations and medical articles at reduced rates.

Persons who have suffered while saving people and rendering medical aid in an emergency situation shall be guaranteed free treatment, including treatment in sanatoria and health-resort institutions, all kinds of rehabilitation, and also material compensation, in the order prescribed by the legislation of the Russian Federation.

Article 29. The Rights to Medical Aid of Persons Detained and Taken into Custody, and Persons Serving Sentences in Places of Confinement or Kept Under Administrative Arrest

Persons detained and taken into custody and persons serving sentences in places of confinement or kept under administrative arrest shall have the right to medical aid, including, when necessary, in state or municipal institutions of public health, paid for from the resources of the budgets of all levels.

Pregnant women, women in the natal, and women in the post-natal periods shall have the right to specialized aid, including medical aid in maternity hospitals. Nurseries with qualified personnel shall be set up in places of confinement where provision is made for the maintenance of mothers and infants up to one year of age.

It shall be impermissible to test new methods of diagnosis, prophylaxis, treatment, or also medicines, or to carry on bio-medical investigations with the object of attracting persons detained and taken into custody, or of persons serving sentences in places of confinement or kept under administrative arrest.

Contracts for voluntary medical insurance made by prisoners, shall be suspended till the time when the persons serving their sentences in places of confinement have completed their terms of sentence.

The order of organizing medical aid for persons who have been detained and taken into custody, and for the persons who serve their sentences in places of confinement or kept under administrative arrests, shall be established by the legislation of the Russian Federation and the normative acts of the Ministry of Internal Affairs of the Russian Federation and the Ministry of Public Health of the Russian Federation.

Section VI
The Rights of Individuals in the Sphere of Medico-Social Aid

Article 30. The Patient's Rights

When a patient applies for medical aid and receives it, he or she shall have the right to:

- 1) a deferential and humane attitude on the part of the medical and attending personnel;
- 2) the choice of a family doctor or a general practitioner (if he consents), and also the choice of a medical and prophylactic institution in keeping with contracts of obligatory and voluntary medical insurance;
- 3) the check-up, treatment and maintenance of patients in conditions meeting sanitary and hygienic requirements;
- 4) consult with physicians or other specialists;
- 5) the easing of pain associated with a disease and/or medical intervention by available methods and means;
- 6) the keeping in secret of information about the fact of appealing for medical aid, about the state of health, diagnosis and other data obtained during the check-up and treatment of the patient

in accordance with [Article 61](#) of the present Fundamentals;

In keeping with the Decision of the Fund of the Social Insurance of the Russian Federation No. 25 of May 17, 1995 the special stamps or seals of offices, organizations shall be used without indicating the organizations' profile in case of drawing documents certified the loss of capacity for work

7) informed voluntary consent with to intervention in keeping with [Article 32](#) of the Fundamentals;

8) refuse medical intervention in conformity with [Article 33](#) of the Fundamentals;

9) receive information about his rights and duties, and his state of health in keeping with [Article 31](#) of the Fundamentals, and also about his right to choose to which persons, if any information about the state of his health may be released;

10) receive medical and other services within the programmes of voluntary medical insurance;

11) compensation of damage in accordance with [Article 68](#) of the Fundamentals in case of suffering injury during medical treatment;

12) access to the patient of an advocate or another lawful representative for the protection of his rights;

13) access of a clergyman to the patient and the provision in the hospital to conditions for the administration of religious rites, including the provision of a separate area for this purpose, if this does not violate the regulations of the medical institution.

If the patient's rights are violated, then he may complain directly to the head or another official of the medical and prophylactic institution where he receives medical aid, and to the respective professional medical associations and licensing commissions or to courts of law.

Article 31. The Right of Individuals to Information about Their State of Health

Every person shall have the right to receive in an accessible form available information about the state of his health, including information about inspection, disease, its diagnosis and prognosis and methods of treatment, along with associated risks and possible alternative treatments, and of the risks and possible results of treatment.

Information about the state of health of a person shall be presented to him and information about persons below 15 years of age and about persons legally unfit as defined by law, shall be transferred to their legal representatives by the general practitioner, the department manager of a medical and prophylactic institution or by other specialists who take a direct part in the check-up and treatment.

Information about the state of health may not be presented to a person against his will. In case of an unfavourable prognosis of illness information shall be presented to a person and his or her family members in a tactful form, unless the patient interdicted to inform them about this and/or appointed the person to whom such information should be presented.

An individual shall have the right to directly familiarize with medical documents reflecting the state of his health and to consult other specialists. On his or her demand he or she shall be given copies of the medical documents reflecting the state of his or her health, unless they affect the interests of a third party.

Information contained in the person's medical documents shall make up a medical secret and may be presented without his consent only on the grounds provided for by [Article 61](#) of the present Fundamentals.

Article 32. Consent to Medical Intervention

The person's informed voluntary consent is the requisite preliminary condition for medical intervention.

In cases when the person's state of health prevents him from expressing his or her will, when medical intervention is urgent, the question of intervention in the interest of the patient shall be decided by a council of doctors, and if it is impossible to convene this council, then the decision shall be taken directly by a general practitioner with the subsequent notification of the officials of the medical and prophylactic institution.

Consent to medical intervention in respect of persons who have not attained 15 years of age and of the persons recognized as legally incapable shall be given by their legal representatives as soon as they receive the information envisaged by the first part of [Article 31](#) of the Fundamentals. In the absence of legal representatives the decision on medical intervention shall be taken by a council of doctors, and if it is impossible to hold this council then the decision shall be taken by the doctor in charge of the case (the doctor on duty) with the subsequent notification of the officials of the medical and prophylactic institution and the legal representatives.

Article 33. Refusal of Medical Intervention

A person or his legal representative shall have the right to refuse the medical intervention or to demand its termination, except in cases stipulated by [Article 34](#) of the Fundamentals.

If a person or his or her representative renounces medical intervention, then possible consequences of this shall decision be explained to them in an understandable form. The refusal of medical intervention with an indication of possible consequences shall be completed with an entry in medical documents and signed by the person or by his or her legal representative, and also by a medical worker.

If the parents or other legal representatives of a person who has not attained 15 years of age or if the legal representatives of a person who has been recognized as legally incapable, refuse to accept medical aid needed to save the lives of said persons, then the medical institution shall have the right to apply to a court of law for the protection of the interests of these persons.

Article 34. The Dispensation of Medical Aid Without the Consent of Persons

Medical aid (medical examinations, hospitalization, observation and isolation) shall be permitted without the consent of individuals or their legal representatives in cases of patients who suffer from contagious diseases and serious psychic disorders or for persons who have committed socially dangerous deeds on the grounds and in the order prescribed by the legislation of the Russian Federation.

A decision on the medical examination and observation of a person without his consent or the consent of his legal representative shall be taken by a doctor (council of doctors), while a decision on the hospitalization of a person without his consent or the consent of his legal representative shall be taken by a court of law.

The rendering of medical aid without the consent of persons or the consent of their legal representatives, associated with anti-epidemic measures, shall be regulated by sanitary legislation.

The examination and the hospitalization of persons suffering from serious psychic disorders shall be held without their consent in the order prescribed by the Law of the Russian Federation on Psychiatric Aid and the Guarantees of the Rights of People at the Time of its Rendering.

Compulsory medical measures may be implemented upon persons who have committed socially dangerous deeds on the grounds and in the order established by the legislation of the Russian Federation.

Such persons shall remain in a medical institution until the disappearance of the grounds for their hospitalization without their consent or by a court decision.

Section VII

The Medical Activity in Family Planning and the Regulation of Reproductive Function

Article 35. Artificial Fertilization and Implantation of Embryos

Each adult woman of child-bearing age shall have the right to artificial fertilization and implantation of an embryo.

Artificial fertilization and embryonic implantation may be effected in the institutions that have received a license for the said type of activity with the written consent of the spouse (unmarried woman).

Information about the artificial fertilization and embryonic implantation, and also about the donor's personality shall make up a medical secret.

A woman shall have the right to receive information about the procedure for artificial

fertilization and embryonic implantation, about the medical and legal aspects of its consequences, about the data of medical and genetic observation, the external data and the nationality of the donor, which are submitted by the doctor who carried on medical intervention.

Illegal artificial fertilization and embryonic implantation shall entail criminal responsibility as stipulated by the legislation of the Russian Federation.

Article 36. Artificial Interruption of Pregnancy

Every woman shall have the right to settle the question of maternity on her own account. An artificial interruption of pregnancy shall be carried out at the woman's request if the term of pregnancy is less than 12 weeks. With a term of pregnancy up to 22 weeks this operation shall be carried out according to social indications. If there is a medical basis and the woman's consent, then the operation shall be carried out irrespective of the pregnancy period.

Artificial interruption of pregnancy shall be carried out within the framework of programmes of obligatory medical insurance in the institutions where doctors with special training have obtained a license for the said type of activity.

The list of medical indications for artificial interruption of pregnancy shall be determined by the Ministry of Public Health of the Russian Federation, and the list of social indications, by the Regulations approved by the Government of the Russian Federation.

Illegal artificial interruption of pregnancy shall entail criminal responsibility as established by the legislation of the Russian Federation.

Article 37. Medical Sterilization

Medical sterilization as a special intervention with the aim of depriving a person of the ability to reproduce posterity, or as a method of contraception, may only be carried out upon the written application of an individual of over 35 years of age or of one who has at least two children. With a medical basis and the individual's consent, medical sterilization may be carried out irrespective of the patient's age or the presence of children.

The list of medical indications for medical sterilization shall be determined by the Ministry of Public Health of the Russian Federation.

Medical sterilization shall be carried out in state or municipal institutions of public health which have received licenses for the said type of activity.

Illegal medical sterilization shall entail criminal responsibility as established by the legislation of the Russian Federation.

Section VIII Guarantees of Medico-Social Aid for Private Persons

Article 38. Emergency Medico-Social Aid

Emergency medico-social aid is a primary right, and shall be made accessible and free for every individual medical service. It includes the treatment of the most widespread diseases, and also traumas, poisoning, and other urgent states; the conduct of sanitary-hygienic and anti-epidemic measures, medical prophylaxis of major diseases; sanitary-hygienic education; measures for the protection of the family, maternity, paternity, and childhood, and other measures associated with medico-sanitary aid to individuals in their places of residence.

Emergency medico-social aid shall be provided by the institutions of the municipal system of public health and the sanitary and epidemiological service. Emergency medico-social aid may also be given by state and private institutions of health protection on the basis of contracts concluded with insurance medical organizations.

The scope of emergency medico-sanitary aid shall be established by the local administration in accordance with the territorial programmes of obligatory medical insurance.

The procedure for rendering emergency medico-sanitary aid shall be established by the administrative bodies of the normative acts of the Ministry of Public Health of the Russian Federation, the State Committee of the Russian Federation for Sanitary and Epidemiological Supervision, the ministries of public health of the Republics within the Russian Federation, the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St.

Petersburg.

Emergency medico-sanitary aid shall be financed from the resources of the municipal budget, special-purpose funds intended for health protection, and from other sources which are not banned by the legislation of the Russian Federation.

Article 39. First Aid

First aid shall be given to individuals requiring an urgent medical intervention (in accidents, traumas, poisoning, and other states and illnesses). It shall be rendered without delay by medical and prophylactic institutions, irrespective of the territorial or departmental subordination and the form of property, by medical workers, and also by persons who are in duty bound to render it under law or special rules.

First aid shall be rendered by the special medical aid service of the state or municipal system of public health in the order established by the Ministry of Public Health of the Russian Federation.

First aid shall be given to citizens of the Russian Federation and other persons on its territory free of charge, at the expense of the resources of the budgets of all levels.

If a person's life is in danger, then medical workers shall have the right to make free use of any available transport vehicles to take him to the nearest medical and disease-preventive institution. If the medic or the owner of a transport vehicle refuses to fulfil the legitimate demand of a medical worker to place at his disposal the transport vehicle for the carriage of the injured person, then both of them shall bear responsibility as established by the legislation of the Russian Federation.

Article 40. Specialized Medical Aid

Specialized medical aid shall be given to individuals in case of illness requiring special methods of diagnosis, treatment and use of complicated medical technologies.

Specialized medical aid shall be rendered by doctors specializing in the medical and disease-preventive institutions which have received licenses for the said type of activities.

The types, scope, and standards of specialized medical aid rendered in state or municipal institutions of public health shall be established by the Ministry of Public Health of the Russian Federation and by the ministries of public health of the Republics within the Russian Federation.

Specialized medical aid shall be paid for from the resources of the budgets of all levels, special-purpose funds intended for health protection, from the personal monetary means of private persons, and from other sources not banned by the legislation of the Russian Federation. Some types of expensive specialized medical aid, the list of which is determined every year by the Ministry of Public Health, shall be financed from the resources of the state system of public health.

Article 41. Medico-Social Aid to Individuals Suffering from Socially Significant Diseases

Individuals who suffer from socially significant diseases, the list of which is determined by the Government of the Russian Federation, shall be given medico-sanitary aid and undergo regular medical check-ups in the respective medical and disease-preventive institutions free of charge or at reduced rates.

The types and scope of medico-social aid provided to individuals suffering from socially significant diseases shall be established by the Ministry of Public Health of the Russian Federation and the ministries and departments concerned.

Decree of the President of the Russian Federation No. 2208 of December 24, 1993 recognized the third part of Article 41 of these Fundamentals as abolished and not subject to application by state power bodies in the part concerning powers of the Supreme Soviet of the Russian Federation

The list and types of privileges in the process of rendering medico-social aid to individuals suffering from socially significant diseases shall be established by ~~the Supreme Soviet of the Russian Federation and~~ the Government of the Russian Federation, the Supreme Soviets and the Governments of the Republics within the Russian Federation, the organs of state power and administration of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg.

Medico-social aid provided to individuals suffering from socially significant diseases shall be financed from the resources of the budgets of all levels, special-purpose health protection funds, and other sources which are not banned by the legislation of the Russian Federation.

Article 42. Medico-Social Aid to Individuals Suffering from the Contagious Diseases

Medico-social aid shall be given free of charge to individuals suffering from contagious diseases, the list of which is determined by the Government of the Russian Federation, in state or municipal institutions of public health designed for this purpose.

The types and scope of medico-social aid available to individuals suffering from contagious diseases shall be established by the Ministry of Public Health of the Russian Federation, the State Committee of the Russian Federation for Sanitary and Epidemiological Supervision of the Russian Federation, and other ministries and departments concerned.

Particular categories of individuals suffering from contagious diseases shall keep their jobs during the period of temporal incapacity and shall be given housing and other privileges introduced by the Supreme Soviet of the Russian Federation and the Government of the Russian Federation, the Supreme Soviets and the Governments of the Republics within the Russian Federation, the organs of state power and administration of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg.

Medico-social aid to individuals suffering from contagious diseases shall be financed from the resources of the budgets of all levels and from other sources which are not banned by the legislation of the Russian Federation.

Article 43. Procedure for the Use of New Methods of Prophylaxis, Diagnosis, Treatment and Disinfectants and for Bio-medical Investigations

Methods of prophylaxis, diagnosis, treatment, medical technologies, medicines, immunobiological preparations, and disinfectants authorized for use in the statutory manner shall be applied in the practice of public health.

Methods of diagnosis, treatment, and medicines which have not been authorized for use but which are being examined in the statutory order, may be applied in the interest of curing a patient only in case of his voluntary consent in writing.

Methods of diagnosis, treatment, and medicines which have not been authorized for use but which are being examined in the statutory order, may be used for curing persons younger than 15 years of age only in case of a direct threat to their lives and with the written consent of their legal representatives.

The procedure for applying methods of diagnosis, treatment, and medicines, immunobiological preparations and disinfectants, including these used abroad, referred to in the second and third parts of this Article, shall be established by the Ministry of Public Health of the Russian Federation or by other bodies authorized therefor.

Bio-medical research shall be allowed in state or municipal institutions of public health and shall be based on prior laboratory experiment.

Any bio-medical research intending to attract human patients may be carried out only after the receipt of his written consent. An individual may not be forced to take part in bio-medical research.

To get the person's consent to participate in bio-medical research, he shall be supplied with information about the purposes, methods, side effects, possible risk, the duration and expected results of the research. He shall have the right to refuse to take part in the research at any stage.

Propagation by mass media of the methods of prophylaxis, diagnosis, treatment and medicines that have not passed appropriate tests in the statutory order shall be prohibited. A breach of this norm shall entail responsibility as established by the legislation of the Russian Federation.

Federal Law No. 30-FZ of March 2, 1998 supplemented Article 43 of these Fundamentals with the ninth part:

The advertising of medicaments, articles of medical purpose, medical equipment, and also the

advertising of methods of treatment, prophylaxis, diagnostics and rehabilitation shall be carried out in the procedure established by the [legislation](#) of the Russian Federation on advertising.

Article 44. Provision of the Population with Medicines and Other Medical Items, Immuno-biological Preparations, and Disinfectants

The production and purchase of medicines and other medical items shall be ensured in conformity with the needs of the population by the Government of the Russian Federation. Control over the quality of medicines, immuno-biological preparations, disinfectants, and other medical items shall be exercised by the Ministry of Public Health of the Russian Federation or by other ministries and departments authorized therefor.

[Decision](#) of the Government of the Russian Federation No. 1241 of December 18, 1995 entrusted the functions of a national body of control over the medical immunobiological preparations to the State Scientific Research Institute for Standardization and Control over the Medical Biological Preparations named after L.A. Tarasevich

Categories of people who are supplied with medicines and other medical items for individual use at favourable rates shall be instituted by the Government of the Russian Federation and the Governments of the Republics within the Russian Federation. The right to prescribe medicines for individuals at reduced rates shall belong to the general practitioners of the state, municipal, and private systems of health protection.

Article 45. Prohibition of Euthanasia

Medical personnel shall be prohibited to carry on euthanasia, to satisfy the patient's request to accelerate his death by any actions or means, including the termination of artificial measures to sustain life.

A person who consciously encourages a sick person to undergo euthanasia and/or who carries out euthanasia shall bear criminal responsibility in accordance with the legislation of the Russian Federation.

Article 46. The Statement of the Fact of the Person's Death

A person's death shall be certified by a medical worker (a doctor or his assistant).

Criteria and the procedure for certifying person's death, and the termination of life-saving measures shall be established by the provisions approved by the Ministry of Public Health of the Russian Federation and coordinated with the Ministry of Justice of the Russian Federation and the ministries of public health of the Republics within the Russian Federation.

Article 47. Removal of Organs and/or Human Tissues for Transplantation

Removal of human organs and/or tissues for transplantation shall be allowed in keeping with the legislation of the Russian Federation.

Human organs and/or tissues may not be an object of purchase, sale and commercial deals.

No compulsion for the removal of human organs and/or tissues shall be allowed for transplantation purposes.

Persons participating in such commercial deals, purchases and sales of human organs and/or tissues shall bear criminal responsibility in compliance with the legislation of the Russian Federation.

Article 48. Post-mortem Examinations

An autopsy shall be carried out by doctors with the aim of obtaining data on the cause of death and the diagnosis of the illness.

The order of carrying out post-mortem examinations shall be determined by the Ministry of Public Health of the Russian Federation.

An autopsy shall not be carried out in the absence of suspicions about the people's forcible death for religious or other reasons in case of a written application of his family members, close relatives or the deceased person's legal representative or the will expressed by the deceased person himself during his lifetime, unless otherwise provided for by the legislation of the Russian Federation.

A certificate of the cause of the person's death and the diagnosis of his illness shall be issued to his family members, and in their absence to his close relatives or to the deceased person's legal representative, and also to law-enforcement bodies at their request.

The family members, close relatives, or the legal representative of the deceased person shall have the right to invite a specialist in the corresponding area of research to participate (with his consent) in the post-mortem examination. An independent medical expert examination may be carried out on the demand of the family members, close relatives, or the legal representative of the deceased person in the order prescribed by [Article 53](#) of the Fundamentals.

Section IX **Medical Expert Examination**

Article 49. Expert Examination of Temporary Disability

The expert examination of the temporary disability of persons in connection with sickness, injury, pregnancy and confinement, care for a sick family member, prosthesis-making and treatment in sanatoria and health resort institutions and in other cases shall be carried out in the order prescribed by the legislation of the Russian Federation.

The investigation into a temporary disability shall be carried out by the doctors of the state, municipal, and private systems of health protection, who may issue to persons medical certificates individually for a period of up to 30 days. Doctor's certificates for longer periods shall be issued by a medical commission appointed by the head of the respective medical institution.

The expert examination of temporary disability shall decide on the need and terms of the temporary or permanent transfer of a worker to another job owing to his state of health. Another purpose of this examination is to send a person in the statutory manner to a medico-social expert commission, if he has signs of invalidity.

When a medical certificate is being drawn up, information about the diagnosis of the illness shall be entered in the certificate with the patient's consent for the purpose of observing a medical secret. If the patient disagrees with this, then the doctor shall only indicate the cause of his disability (illness, trauma, or any other reason).

In certain cases the expert examination of temporary disability in state or municipal institutions of public health may be entrusted by the local administrative public health bodies to a worker with a secondary medical education.

Article 50. Medico-social Examinations

Medico-social examinations shall ascertain the cause and group of disability, the degree of the loss of the person's capacity for work, define the types, scope and terms of their rehabilitation and social protection measures, and give recommendations for their employment. Medico-social examinations shall be carried out by the institutions of medico-social expert examination of the social protection system.

Recommendations of medico-social experts on the employment of private persons shall be binding on the management of the enterprises, institutions and organizations, regardless of their forms of property.

The procedure for the organization and conduct of medico-social examinations shall be established by the legislation of the Russian Federation.

A person or his legal representative shall have the right to invite any specialist with his consent to participate in the medico-social expert examination.

The conclusion of an institution that has carried out a Medico-social examination may be appealed to a court of law by the person himself or by his legal representative, in the order prescribed by the legislation of the Russian Federation.

Article 51. Military Medical Examinations

Military medical examinations shall ascertain the state of health and the fitness of the persons who are subject to call-up for active military service, who join the military service under contracts, who stay in the reserve of the Armed Forces of the Russian Federation, the federal bodies of state security and the frontier troops of the Russian Federation, and of servicemen. They shall also

ascertain the causal nexus between diseases, wounds, and injuries in the military service of servicemen (persons who have been called-up for military training assemblies) and of servicemen who have been discharged from the military service, and shall determine the types, scope, and terms of rendering medico-social aid to servicemen and of their rehabilitation.

The procedure for organizing and conducting military medical examinations, and also the requirements for the state of health of persons who are subject to call-up for active military service and who join the military service under contracts and of servicemen, shall be established by the Government of the Russian Federation.

The conclusions of military medical experts shall bind all officials on the territory of the Russian Federation.

Persons shall have the right to undergo an independent military medical expert examination in the order prescribed by [Article 53](#) of the Fundamentals.

The conclusion of the institution that carries out a military medical expert examination may be appealed to a court of law by the person himself or by his legal representative, in the order prescribed by the legislation of the Russian Federation. SUB 52

Article 52. Forensic Medical and Forensic Psychiatric Examinations

Forensic medical examinations shall be carried out in state or municipal medical institutions of public health by the expert of the bureau of forensic medical expert examination, and in his absence by a doctor consulted for expert examination on the basis of the decision of the person who conducts inquests, or of investigating, procurator or of the court's ruling.

Forensic psychiatric expertise shall be carried out in appropriate state or municipal institutions of public health, intended for this purpose.

A person or his legal representative shall have the right to request the body that has appointed forensic medical or forensic psychiatric experts, that it should include in the expert commission an additional specialist of the respective area of research with his consent.

The procedure for organizing and conducting forensic medical and forensic psychiatric examinations shall be established by the legislation of the Russian Federation.

The conclusions of the institutions that have conducted the forensic medical and forensic psychiatric examinations may be appealed to a court of law in the order prescribed by the legislation of the Russian Federation.

Article 53. Independent Medical Expertise

If persons disagree with the conclusions of medical experts, then an independent medical examinations shall be carried out upon their applications, as provided for by [Articles 48](#) and [51](#) of the present Fundamentals.

Expert examination shall be recognized as independent if the expert who carried it out or the members of the commission are not dependent officially on the institution or the commission that has conducted the expert medical examination, or on the organs, institutions, officials, or persons who are interested in the results of the independent expertise.

The Regulations for Independent Medical Expertise shall be endorsed by the Government of the Russian Federation.

Persons shall be given the right to choose an expert institution and experts in case of an independent expert examination.

In disputes a final decision on the conclusion of the medical expertise shall be taken by a court of law.

Section X The Rights and the Social Protection of Medical and Pharmaceutical Workers

Article 54. The Right to Medical and Pharmaceutical Activity

The right to conduct medical and pharmaceutical activities in the Russian Federation shall belong to the persons who have received a higher or secondary medical or pharmaceutical

education in the Russian Federation, who have a diploma and a special academic rank and also a certificate of specialization and a license, if they claim to engage in certain activities the list of which is established by the Ministry of Public Health of the Russian Federation.

A specialist certificate shall be issued upon the receipt of a post-university professional education (post-graduate courses or internship) or additional education (advanced training and specialization) or after testing carried out by the commissions of professional medical and pharmaceutical associations, testing knowledge of the theory and practice of the chosen speciality, and of legislation on health protection.

During their instruction in state or municipal institutions of public health, the doctors shall have the right to work in these institutions under the control of the medical personnel who bear responsibility for their professional training. Students of higher and secondary medical educational establishments shall be allowed to take part in the medical aid given to persons in conformity with the programmes of instruction under the supervision of medical personnel who bear responsibility for their professional training, in the order established by the Ministry of Public Health of the Russian Federation.

Persons who have not got a complete higher medical or pharmaceutical education may be allowed to engage in medical or pharmaceutical activities in the offices of workers with a secondary medical education, in the order established by the Ministry of Public Health of the Russian Federation.

Doctors or pharmacists who have not worked in their specialities for over five years may be admitted to practical medical or pharmaceutical activity after continued training in the respective educational establishments, or after passing tests carried out by the commissions of the professional medical and pharmaceutical associations.

Workers with a secondary or pharmaceutical education who have not worked in their specialities for over five years may practice practical medical or pharmaceutical activities after the confirmation of their skill in the corresponding state or municipal institutions of public health, or on the basis of passing tests carried out by commissions of the professional medical and pharmaceutical associations.

Persons who have received medical and pharmaceutical training in foreign States shall be admitted to practice medical or pharmaceutical activities after passing the examination in the respective educational establishments of the Russian Federation, in the procedure established by the Government of the Russian Federation, and after receiving a license to engage in the activities defined by the Ministry of Public Health of the Russian Federation, unless otherwise provided for by the international agreements of the Russian Federation.

On the Access to the Medical and Pharmaceutical Activity in the Russian Federation of Persons Who Have Undergone the Medical or Pharmaceutical Training in Foreign States see the [Decision of the Government of the Russian Federation No. 119 of February 7, 1995](#)

Persons who are illegally engaged in medical or pharmaceutical activities shall bear criminal responsibility in keeping with the legislation of the Russian Federation.

Article 55. Procedure and Terms of the Issue of Licenses for Medical and Pharmaceutical Activity of Certain Types

Licenses for medical and pharmaceutical activity of certain types shall be issued by the licensing commissions set up by the organ of state administration of a subject of the Russian Federation or the local administration on behalf of the respective organ of state administration of the subject of the Russian Federation.

The licensing commissions shall include the representatives of the administrative public health bodies, the professional medical and pharmaceutical associations, the higher medical educational establishments and the state and municipal institutions of public health. The licensing commissions shall bear responsibility for substantiating of adopted decisions.

A license for a definite types of activity shall be issued on the basis of a specialist certificate. A license for a different type of activity must be issued only after a separate procedure.

Persons engaged in medical and pharmaceutical activities of certain types shall be deprived of their licenses or their validity shall be suspended by the licensing commissions or by courts of law, if their activity runs counter to the standards of medical aid or to the provisions of the present Fundamentals. The validity of the licenses shall be renewed after the re-licensing if the grounds for deprivation or suspension are corrected. Decisions of the licensing commissions may be appealed to the corresponding organs of state power and/or to courts of law.

The procedure and terms for the issue of licenses for certain kinds of medical and pharmaceutical activities shall be established by the Government of the Russian Federation.

See the [Regulations](#) on the Licensing of Pharmaceutical Activities and Wholesale Trade in Medicinal Preparations and Medical-Purpose Articles approved by [Decision](#) of the Government of the Russian Federation No. 387 of April 5, 1999

The list of types of the medical and pharmaceutical activities subject to licensing shall be established by the Ministry of Public Health of the Russian Federation.

The [List](#) of the Kinds of Medical Activities Subject to Licensing was approved by [Order](#) of the Ministry of Public Health of the Russian Federation No. 142 of April 29, 1998

The [Provisional List](#) of the Types of Medical Activity That Is Subject to Licensing in the Russian Federation was approved by [Order](#) of the Ministry of Public Health and Medical Industry of the Russian Federation No. 270 of July 1, 1996

Article 56. The Right to Private Medical Practice

Private medical practice means the rendering of medical services by medical workers outside of state and municipal institutions of public health at the expense of the personal means of persons or at the expense of enterprises, institutions, and organizations, including medical organizations, in keeping with contracts concluded.

Private medical service shall be carried out in conformity with the present Fundamentals and other pieces of legislation of the Russian Federation and the Republics within this Federation.

The [Rules](#) for the Provision of Paid Medical Services to Private Persons by Medical Institutions were approved by [Decision](#) of the Government of the Russian Federation No. 27 of January 13, 1996

The right to engage in private medical practice shall belong to persons who have received a diploma of a higher or secondary medical education, a specialists certificate and a license for the chosen type of activity.

A permit to engage in private medical practice shall be issued by the local administration by agreement with professional medical associations and shall operate within the administration's territory.

Control over the quality of medical aid shall be exercised by professional medical associations and the local administration. Other interference of the local administration in the activity of persons engaged in private medical practice shall not be allowed, except in cases when such interference is directly stipulated by law.

Permissions to practice privately may be suspended by decision of the body that issued the permit for private medical practice, or by court decision.

Article 57. The Right to Engage in Folk Medicine (Healers' Practice)

Folk medicine implies the methods of health improvement, prophylaxis, diagnosis and treatment based on the experience of many generations of people, which have assorted themselves in popular traditions, and which have not been registered in the procedure stipulated by the legislation of the Russian Federation.

The right to engage in folk medicine shall belong to the citizens of the Russian Federation who have received a healer's diploma, issued by the ministries of public health of the Republics within

the Russian Federation, the administrative public health bodies of autonomous formations, territories, regions, or the cities of Moscow and St. Petersburg.

A decision on the issue of a healer's diploma shall be taken on the basis of a person's application and the representation of a professional medical association or of the application of a person and the joint representation of a professional medical association and an institution with a license for the relevant type of activity. The healer's diploma entitles the holder to engage in popular medicine on the territory subordinate to the administrative public health body that has issued the diploma.

Persons who have received the healer's diploma shall be engaged in folk medicine in the order established by the local administration in keeping with [Article 56](#) of the Fundamentals.

It shall be permissible to use the methods of folk medicine in medical and disease-preventive institutions of the state or municipal system of public health by decision of the heads of these institutions in accordance with [Article 43](#) of the Fundamentals.

It shall be forbidden to hold mass healing sessions, including those with the use of mass media.

The healer's diploma may be taken away by decision of the administrative public health body that issued this diploma and this decision may be appealed to a court of law.

Illegal engagement in folk medicine (healer's practice) shall entail administrative responsibility, and in cases stipulated by the legislation of the Russian Federation this shall entail criminal responsibility.

Article 58. The General Practitioner

The general practitioner is a doctor who gives medical aid to a patient in the period of his observation and treatment in a dispensary, in-patient's clinic or hospital. A doctor who is studying at higher medical educational establishment or in an establishment of the post-university professional education system, may not serve as a general practitioner.

A general practitioner shall be appointed at the patient's option or that of the head of a medical and disease-preventive institution (its subdivision). If a patient demands the replacement of the general practitioner, then the latter shall assist in the choice of another doctor.

The general practitioner shall organize the timely and qualified observation and treatment of a patient, supply information about the state of his health, invite consultants on the request of the sick person or his legal representative and organize a medical council. The recommendations of consultants shall only be realized by agreement with the doctor in charge of the case, except in emergency cases threatening the life of the patient.

The general practitioner shall issue a medical certificate for a term up to 30 days in a personal capacity.

By agreement with the relevant official, the general practitioner may refuse to treat the patient if this does not imperil the patient's or other people's lives, if the patient has failed to observe the prescriptions or the internal regulations of the medical and disease-preventive institution.

The general practitioner shall bear responsibility for the careless discharge of his professional duties in accordance with the legislation of the Russian Federation and the Republics within the Russian Federation.

Article 59. The Family Doctor

The family doctor is a physician who has undergone training in multiple fields for rendering emergency medical and sanitary aid to family members, regardless of their sex or age.

The activities of family doctors shall be established by the Ministry of Public Health of the Russian Federation and by the ministries of public health of the Republics within this Federation.

[Federal Law No. 214-FZ of December 20, 1999 reworded Article 60 of these Fundamentals of the Legislation](#)

[See the previous text of the Article](#)

Article 60. The Oath of a Doctor

The persons who have graduated from higher medical educational institutions, when receiving

the diploma of a doctor, shall take the oath of a doctor reading as follows:

"Receiving the honoured title of a doctor and starting my professional activity, I solemnly swear:

to do honestly my medical duty and to devote my knowledge and skills to the prevention and treatment of diseases and the preservation and strengthening of human health;

to be always ready to render medical aid, to keep medical secrets, to be considerate and careful with the patient and to act exclusively in his or her interests regardless of sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, beliefs, affiliation to public associations, and also other circumstances;

to display the highest respect for human life and never resort to the carrying out of euthanasia;

to maintain gratitude to and respect for my teachers and be exigent and fair to my pupils and promote their professional growth;

to be friendly with my colleagues, to ask them for help and advice if that is required by the interests of the patient and myself never to refuse help and advice to my colleagues;

to perfect permanently my professional mastery and to conserve and develop the noble traditions of medicine".

The oath of a doctor shall be taken in a solemn atmosphere. The fact that a doctor has taken the oath shall be attested by his or her signature under the relevant note in the diploma of the doctor with the indication of the date.

For violation of the oath of a doctor the doctor shall bear the responsibility stipulated by the legislation of the Russian Federation."

Article 61. Medical Secrets

Information about the fact of person's requesting medical aid, the person's state of health, the diagnosis of his illness, and other data received during his observation and treatment, makes up medical secrets. A person shall be guaranteed the confidentiality of information he provides.

It shall be impermissible to disclose information that makes up a medical secret if this information was received during training or during the discharge of their professional, official, or other duties, except for in cases provided for by the third and fourth parts of this Article.

With the consent of a person or his legal representative it is possible to transfer information making up a medical secret to other persons, including officials, in the interest of the observation and treatment of a patient, in order to carry on scientific research, to effect publications in scientific literature and to use this information in the instruction process and for other purposes.

Information constituting a medical secret shall only be released without the consent of a person or his legal representative in the following cases:

1) for the purpose of observing and treating a person who is not able to consent or without consent;

2) when there is a threat of the spread of infectious diseases, mass poisoning, or contagion;

3) at the request of the bodies of inquest and investigation, a procurator or a court of law in connection with an investigation or court trial;

4) in case of giving medical aid to a minor below 15 years of age in order to inform his parents or legal representatives;

5) when there are grounds for the belief that an injury to the health of a person has been inflicted as the result of illegal actions.

Persons who have received information making up a medical secret in the statutory manner shall bear disciplinary, administrative, or criminal responsibility for disclosing a medical secret and for inflicting damage to a person on a par with medical and pharmaceutical workers in keeping with the legislation of the Russian Federation and of the Republics within this Federation.

In keeping with the Decision of the Fund of the Social Insurance of the Russian Federation No. 25 of May 17, 1995 the special stamps or seals of offices, organizations shall be used without indicating the organizations' profile in case of drawing documents certified the loss of capacity for work

Article 62. Professional Medical and Pharmaceutical Associations

Medical and pharmaceutical workers shall have the right to set up professional associations and other public associations, formed on a voluntary basis for the protection of the rights of medical and pharmaceutical workers, the development of the medical and pharmaceutical profession, the promotion of scientific research, and the decision of other questions relating to the professional activities of medical and pharmaceutical workers.

Professional medical and pharmaceutical associations shall take part:

- 1) in the elaboration of norms of medical ethics and in the solution of questions associated with the breach of these norms;
- 2) in the elaboration of quality standards of medical aid, federal programmes and criteria for the training and advanced training of medical and pharmaceutical workers, and in the awarding of qualification categories to medical and pharmaceutical workers;
- 3) in the licensing of medical and pharmaceutical activities;
- 4) in agreements on tariffs for medical services in the system of obligatory medical insurance and in the activity of obligatory medical insurance funds.

The professional medical and pharmaceutical associations of the Republics within the Russian Federation, the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg may hold examinations of medical and pharmaceutical workers on the theory and practice of the chosen speciality and on health protection legislation, and may issue to those who pass the respective specialist certificate, and also make proposals on the awarding of qualification categories to them.

The professional medical and pharmaceutical associations and other public associations shall carry on their activities in accordance with the legislation of the Russian Federation and of the Republics within this Federation.

Article 63. The Social and Legal Protection of Medical and Pharmaceutical Workers

The medical and pharmaceutical workers shall have the right to:

- 1) the provision of conditions for their activities in keeping with the labour protection requirements;
- 2) work under labour contracts, including for work abroad;
- 3) the protection of their professional honour and dignity;
- 4) the receipt of qualification categories in conformity with their achieved levels of theoretical and practical training;
- 5) the improvement of professional training;
- 6) retraining in other professions at the expense of the budgets of all levels when it is impossible to perform professional duties owing to the health of the population and also when these medical workers are released from their jobs in connection with lay-offs and the liquidation of enterprises, institutions, or organizations;
- 7) the insurance of a professional error, as a result of which damage or injury has been inflicted to the person's health out of the turn with the careless or negligent performance of professional duties;
- 8) the unhindered or free use the communication means belonging to enterprises, institutions, organizations, or persons, and also of any vehicle for the transport of patients to the nearest medical and disease-preventive institution in life-threatening cases;
- 9) the priority receipt of dwellings, a telephone, the granting of seats to children in preschool establishments and sanatoria and health resort institutions, the acquisition of motor transport vehicles at favourable rates for use in the discharge of their professional duties for business travel, and to other privileges provided for the by the legislation of the Russian Federation and of the Republics within the Russian Federation, and by the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg.

Doctors, their assistants, and other medical workers with a secondary medical or pharmaceutical education, employed by the state and municipal systems of public health, who work

and live in the countryside or in townships, and also their family members residing together with them, shall have the right to the free provision of dwellings with heating and lighting in keeping with current legislation.

The order of retraining and the improvement of professional knowledge of the medical and pharmaceutical workers, and of the receipt of qualification categories, shall be determined in compliance with the present Fundamentals by the Ministry of Public Health of the Russian Federation and by the ministries of public health of the Republics within this Federation together with professional medical and pharmaceutical associations.

Article 64. Payment for Labour and Compensation

Payment for the labour of medical and pharmaceutical workers, and also of scientific workers, professors, and teachers of the higher and secondary medical and pharmaceutical educational establishments, and medical faculties of universities, shall be effected in keeping with their skill, record of service, and duties, as specified by the labour contract.

The medical and pharmaceutical workers shall have the right to compensatory payment as a percentage of their official salaries, for the work in hazardous, difficult, and dangerous labour conditions, and also to other privileges provided for by the legislation of the Russian Federation, of the Republics within the Russian Federation, and the legal acts of the autonomous formations, territories, regions, and the cities of Moscow and St. Petersburg.

Decree of the President of the Russian Federation No. 2208 of December 24, 1993 recognized the third part of Article 64 of these Fundamentals as abolished and not subject to application by state power bodies in the part concerning agreement with the trade unions

The list of categories of workers who have the right to higher salaries, markups and extra payments to their wages and salaries, and also to other compensations and privileges, shall be established by the Government of the Russian Federation ~~by agreement with trade unions.~~

The procedure and terms of the payment of compensation and of the granting of privileges to scientific workers of the state and municipal systems of public health, and also to professors and teachers of the higher and secondary medical and pharmaceutical establishments, and the medical faculties of universities, shall comply with the procedure and terms of the payment of compensation and the granting of privileges to medical and pharmaceutical workers.

Obligatory state personal insurance shall be instituted for the medical, pharmaceutical, and other workers of the state and municipal systems of public health, whose work is associated with a threat to their lives and health. This insurance shall amount 120 times their monthly salaries in keeping with the list of offices, the occupation of which is associated with a threat to the lives and health of the workers, as endorsed by the Government of the Russian Federation.

If medical or pharmaceutical workers suffer harm to their health during the performance of their professional duties, then the damage to them shall be compensated in the amount and in the order prescribed by the legislation of the Russian Federation.

See Provisional Methodology of Estimating the Extent of Damage (Losses) given by Letter of the State Arbitration of the USSR No. S-12/NA-225 of December 28, 1990

In case of death of workers of the state and municipal systems of public health during the performance by them of their professional duties in rendering medical aid or in carrying on scientific investigations, a lumpsum monetary allowance shall be paid to them in the amount of 120 times their monthly salaries.

The order and terms of the issue of lumpsum allowances for the acquisition of articles for establishing a practice, which are given to the specialists who have graduated from the agricultural educational establishments, shall be extended to the graduates of the medical and pharmaceutical higher and secondary educational establishments who have arrived to work in the assigned rural medical and disease preventive institutions.

Section XI

International Cooperation

Article 65. International Cooperation in the Sphere of Health Protection

The cooperation of the Russian Federation with other States in the sphere of health protection shall be effected on the basis of the international agreements of the Russian Federation.

If an international agreement of the Russian Federation establishes rules other than those contained in the present Fundamentals, then the rules of the international agreement shall be applied.

Agreements concluded within the framework of international cooperation in the sphere of health protection by the administrative public health bodies, and also by enterprises, institutions, and organizations, shall not restrict the rights and freedoms of man and citizen in the sphere of health protection, recorded by the present Fundamentals or by other pieces of legislation of the Russian Federation.

Section XII

Responsibility for the Infliction of Injury on the Health of Individuals

Concerning responsibility for the infliction of injury on the health of individuals see also the [Rules for the Provision of Paid Medical Services to Private Persons by Medical Institutions approved by Decision of the Government of the Russian Federation No. 27 of January 13, 1996](#)

Article 66. Grounds for the Compensation of Injuries Caused to the Health of Individuals

In case of the infliction of injury to the health of an individual, the guilty persons shall be obliged to compensate the victims the damage in the amount and order prescribed by the legislation of the Russian Federation.

Responsibility for injury caused to the health of an individual by a minor or by a person recognized in the statutory manner as legally incapable, shall be applied in accordance with the legislation of the Russian Federation.

An injury caused to the health of an individual as a result of the pollution of the natural environment shall be compensated by the State, or by the juridical or natural person who inflicted the injury, in the order prescribed by the legislation of the Russian Federation.

Article 67. The Compensation of Expenses Incurred in Medical Aid to Individuals Who Have Suffered from Illegal Actions

The expenses of medical aid provided to individuals who have suffered from illegal actions shall be recovered from the enterprises, institutions, and organizations responsible for the injury to the health of individuals for the benefit of the institutions of the state or municipal system of public health, which have borne the expenses, or for the benefit of the private health institutions, if treatment was carried out in institutions of the private system of health protection.

Persons who have inflicted injury to the health of individuals shall bear joint and severable liability for the compensation of any damage done.

If the health of individuals was impaired by minors, then the injury shall be compensated by their parents or by the persons acting in loco parentis, and if the health of individuals was impaired by persons who have been recognized in the statutory manner as legally incapable, then the injury shall be compensated by the State in keeping with the legislation of the Russian Federation.

The injury subject to compensation shall be estimated in the order prescribed by the legislation of the Russian Federation.

Article 68. Responsibility of Medical and Pharmaceutical Workers for the Violation of the Rights of Individuals in the Sphere of Health Protection

If the rights of individuals in the sphere of health protection have been violated owing to the careless performance by medical and pharmaceutical workers of their professional duties, which fact resulted in the infliction of injury to the health of individuals or in their death, then the damage shall be compensated in keeping with the [first part of Article 66](#) of the present Fundamentals.

The indemnification of damage shall not absolve medical and pharmaceutical workers from

disciplinary, administrative, or criminal responsibility in accordance with the legislation of the Russian Federation and the Republics within this Federation.

Article 69. The Right of Individuals to Appeal Against the Actions of State Bodies and Officials Infringing their Rights and Freedoms as Individuals, in the Sphere of Health Protection

See also the [Law](#) of the Russian Federation No. 4866-1 of April 27, 1993 on the Appeal with Courts of Law Against Actions and Decisions Infringing the Rights and Freedoms of Individuals

Actions taken by state bodies and officials in contravention of the rights and freedoms of individuals, as defined by the present Fundamentals, in the sphere of health protection, may be appealed to higher state bodies, higher officials, or to courts of law in conformity with current legislation.

President of the Russian Federation
Moscow, the House of Soviets of Russia

Boris Yeltsin