

**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, January 10, February 27, June 30,
2003, June 29, August 22, December 1, 29, 2004, March 7, December 21, 31, 2005, February 2,
December 29, 2006, July 24, October 18, 2007)**

In compliance with the Constitution of the Russian Federation and the generally recognized principles and standards of international law, international treaties made by the Russian Federation;
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;
these Fundamentals shall establish legal, organisational and economic principles in the area of citizens' 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.

Citizens of the Russian Federation shall be guaranteed the right to health protection in compliance with the Constitution of the Russian Federation, generally recognised principles and international norms, as well as international treaties made by the Russian Federation, the Constitutions (Statutes) of the subjects 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 local self-government bodies, 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 (Statutes) of the subjects the Russian Federation, the present Fundamentals and other federal laws and federal normative legal acts, laws and other normative legal acts of the subjects of the Russian Federation.

The present Fundamentals regulate the relations between private persons, organs of state power and local self-government bodies, transactor units, and the facilities of state, municipal, and private systems of health protection.

The laws of the subjects, normative legal acts of local self-government bodies 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 subjects of 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 Constitution of the Russian Federation and federal laws, 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 support.

Section II Authority of Federal State Power Bodies, State Power Bodies of the Subjects of the Russian Federation and Local Self-Government Bodies in the Area of Health Protection

Article 5. Authority of Federal State Power Bodies in the Field of Public Health Care

The authority of federal state power bodies in the field of public health care shall extend to the following:

1) adoption and amendment of federal laws and other normative legal acts of the Russian Federation in the sphere of public health protection, control and supervision over their observance and implementation;

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

3) establishment and pursuance of the uniform state policy in the field of public health protection, elaboration and realization of federal programmes for developing health care, prophylaxis of diseases, dispensation of medical aid, provision of sanitary-and-hygienic education to the population, and assistance on other matters in the sphere of public health care;

4) organisation of rendering specialized medical aid to citizens of the Russian Federation at the federal specialized medical institutions whose list shall be endorsed by the Government of the Russian Federation;

5) organisation of rendering the medical aid provided for by federal laws for certain categories of citizens of the Russian Federation, including formulation of a governmental target in respect of rendering this aid at medical organizations in the procedure determined by the Government of the Russian Federation;

6) forming of a governmental target in respect of rendering hi-tech medical aid to citizens of the Russian Federation at medical organizations in the procedure determined by the Government of the Russian Federation;

7) management of federal state property used in the sphere of public health care;

8) organisation of supply of donated blood and of its components, of medicines and other medical agents, of medical articles, immunobiological preparations and disinfectants to federal health care organisations;

9) organising and ensuring the state sanitary and epidemiological supervision;

10) organization of the system of sanitary protection for the territory of the Russian Federation;

11) implementing measures aimed at the rescue of human lives and the protection of human health in emergency situations and informing the population of dangers in emergency situation zone and of measures adopted;

12) pursuing a single technical policy in medical and pharmaceutical industries, approval of the State standards of the Russian Federation and specifications for medical products, and organization of supervision over their observance;

13) establishing medical aid standards, standards of fitting out health care organisations with medical equipment and other health care federal standards;

14) proving the conformity of certification (registration, testing and authorization of use) of medicines and disinfectants, immunobiological preparations and medical articles, potent and poisonous substances, narcotics, psychotropic substances; exercising control over their production, traffic and order of use; certification of products, works, and services;

15) organisation and exercise of control over compliance of the quality of medical aid being rendered, the quality of medicines and disinfectants, immunobiological preparations and medical articles, potent and poisonous substances, narcotics, psychotropic substances, quality of donated blood and components thereof with the federal standards established in the health care area (except for the control transferred for exercise thereof to the state power bodies of constituent entities of the Russian Federation in compliance with Part One of Article 5.1 of these Fundamentals);

16) formulating and endorsing the programme of state guarantees of rendering free medical aid to citizens of the Russian Federation that includes the basic programme of obligatory medical insurance;

17) establishment of a single federal system of statistical accounting and reporting in the sphere of human health protection;

18) development of uniform criteria and programmes for training medical and pharmaceutical workers, determination of the set of public health specialties and the set of health care organisations;

19) coordination of activities of organs of state power, local self-government bodies, subject of the state, municipal and private health care systems and other economic subjects in the field of citizens' health care; protection of the family, maternity, paternity and childhood;

20) establishment of a procedure for arranging and conducting medical expert examinations;

21) licencing of specific types of activity in the field of health care, except for licencing of the types of activity transferred in compliance with Part One of Article 5.1 of these Fundamentals for exercise by the state power bodies of constituent entities of the Russian Federation;

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

23) coordination of scientific research and financing of federal programmes of scientific research in the sphere of human health care;

24) international cooperation of the Russian Federation and conclusion by it of international agreements in the sphere of human health care;

25) issuing permits for using new methods of preventive health care, diagnostics and treatment;

26) keeping federal databases and other information resources in the field of human health care;

27) the medical and sanitary provisions for the workers of organisations, included into the list of organisations in the individual branches of industry with particularly hazardous labour conditions, approved by the Government of the Russian Federation;

28) the medical and sanitary provisions for the population of the closed administrative-territorial entities and of the science-cities of the Russian Federation, of territories with the health-hazardous physical, chemical and biological factors, included into the list of territories, approved by the Government of the Russian Federation, whose population is provided with medical assistance at the medical institutions, subordinate to the federal executive power body, discharging the functions involved in the medical and sanitary provision for the population of the individual territories.

Article 5.1. Powers of the Russian Federation in the Field of Human Health Care Transferred to the State Power Bodies of Constituent Entities of the Russian Federation for the Exercise Thereof

The following shall pertain to the powers of the Russian Federation in the field of human health care transferred to the state power bodies of constituent entities of the Russian Federation for the exercise thereof:

1) exercise of control over compliance of the quality of rendered medical aid with the federal standards established in the field of health care (except for quality control over hi-tech medical aid, as well as of medical aid rendered by federal health care organisations);

2) licencing of the following types of activity:

medical activities of organisations pertaining to municipal and private health care systems (except for the activity of rendering hi-tech medical aid);

pharmaceutical activity (except for the activity exercised by organisations of the wholesale trade in medicines and by chemists' shops of the federal health care organisations);

activities connected with traffic of drugs and psychotropic substances (except for the activity of rendering hi-tech medical aid);

Funds for exercise of the powers transferred in compliance with Part One of this article shall be allocated in the form of subventions from the federal budget.

The total amount of the funds provided for in the Federal Fund for Compensations in the form of subventions to be allocated to budgets of constituent entities of the Russian Federation for exercising the powers transferred in compliance with Part One of this article shall be determined on the basis of methods endorsed by the Government of the Russian Federation on the basis of the following:

1) the population size;

2) number of health care organisations where the exercise of control over the quality of medical aid is transferred to the state power bodies of a constituent entity of the Russian Federation;

3) number of chemists' shops engaged in the sale to the population of medicines, immunobiological preparations and medical articles, potent and poisonous substances, narcotics and psychotropic substances;

4) number of health care organisations in respect of which the authority of licencing medical activities are transferred to the state power bodies of a constituent entity of the Russian Federation.

Subventions shall be entered in the procedure established for administration of the federal budget to budget accounts of constituent entities of the Russian Federation.

Funds to be spent on the exercise of the powers specified in Part One of this article shall be of a targeted nature and may not be used for other purposes.

In the event of using funds for a wrong purpose, the federal executive body exercising the functions of control and supervision in the fiscal area shall be entitled to recover the said funds in the procedure established by the legislation of the Russian Federation.

The federal executive power body exercising the functions of formulating the state policy and of normative-and-legal regulation in the health care field:

- 1) shall adopt normative legal acts concerning the exercise of transferred powers;
- 2) shall issue methodological directions to be followed without fail and instructive materials as to the exercise of transferred powers by executive power bodies of a constituent entity of the Russian Federation;
- 3) shall coordinate the structure of executive power bodies of a constituent entity of the Russian Federation exercising transferred powers;
- 4) shall coordinate the appointments of heads of the executive power bodies of a constituent entity of the Russian Federation exercising transferred powers;
- 5) shall establish requirements for the contents and reporting forms, as well as for the procedure for submitting report documents, in respect of the exercise of transferred powers;
- 6) in the cases established by federal laws shall prepare and introduce to the Government of the Russian Federation for rendering decisions proposals as to the withdrawal of the appropriate powers of the state power bodies of a constituent entity of the Russian Federation.

The federal executive body exercising the functions of control and supervision in the health care field:

1) shall keep the comprehensive register of licences, in particular of those issued by the state power bodies of constituent entities of the Russian Federation in compliance with transferred powers in the procedure established by the federal executive body exercising the functions of formulating the state policy and of normative and legal regulation in the field of health care;

2) shall exercise control and supervision over the completeness and quality of the exercise by the state power bodies of constituent entities of the Russian Federation of transferred powers with the right of sending orders to eliminate detected violations, as well as to make answerable the officials discharging the duties related to the exercise of transferred powers.

The supreme official of a constituent entity of the Russian Federation (the head of the supreme executive state power body of a constituent entity of the Russian Federation):

1) by approbation of the federal executive power body exercising the functions of formulating the state policy and of normative-and-legal regulation in the sphere of public health care shall appoint heads of the executive power bodies of the constituent entity of the Russian Federation exercising transferred powers;

2) shall endorse by approbation of the federal executive body exercising the functions of formulating the state policy and of normative-and-legal regulation in the sphere of public health care the structure of the executive power bodies of the constituent entity of the Russian Federation exercising transferred powers;

3) shall independently organize the activity of exercising transferred powers in compliance with federal laws and other normative legal acts of the Russian Federation, as well as with the normative legal acts provided for by Part Seven of this Article;

4) shall ensure the submission in due time to the federal executive body exercising the functions of control and supervision in the sphere of public health a quarterly report according to the established form on spending granted subventions, data on the licences issued in compliance with transferred powers, on attainment of targeted predicted indices, if they are set, copies of normative legal acts of the constituent entity of the Russian Federation in respect of transferred powers adopted by the state power bodies, as well as other information provided for by normative legal acts of the federal executive body exercising the functions of formulating the state policy and of normative-and-legal regulation in the field public health care.

Control over spending funds allocated for exercise of transferred powers shall be exercised by the federal executive body exercising the functions of control and supervision in the fiscal area, by the federal executive body exercising the functions of control and supervision in the field of public health care and by the Audit Chamber of the Russian Federation.

Article 6. Authority of the State Power Bodies of a Constituent Entity of the Russian Federation in the Field of Public Health Care

The authority of the state power bodies of a constituent entity of the Russian Federation shall extend to the following:

1) adoption of laws and other normative legal acts in respect of public health care; supervision and control over their observance and execution;

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

3) development, endorsement and implementation of regional programmes concerning health care improvement, preventive health care, provision with medicines, sanitary-and-hygienic education of the population and other matters related to public health care;

4) development, endorsement and implementation of a territorial programme of granting governmental guarantees of rendering free medical aid to citizens of the Russian Federation which includes the programme of obligatory medical insurance;

5) independent establishment of executive power bodies of the constituent entity of the Russian Federation exercising the powers in the field of public health care set by this article, establishment of the procedure for their organisation and activities; development of health care organizations of the constituent entity of the Russian Federation; material and technical maintenance of such organizations;

6) forming expenditures of the budget of the constituent entity of the Russian Federation on public health care;

7) establishing medical-and-economic standards in compliance with federal medical aid standards;

8) organisation of rendering specialised medical aid in dermatovenerologic, TB, narcological, cancer dispensaries and other specialised medical institutions (except for the federal specialized medical institutions whose list shall be endorsed by the Government of the Russian Federation);

9) organisation of rendering medical aid provided for by the legislation of the constituent entity of the Russian Federation for certain categories of citizens;

10) organisation of rendering specialized (with the use of aviation) emergency medical aid;

11) supplying medicines and other means, articles of medical purpose dis, immunobiological preparations and disinfectants medical articles to the health care organisations subordinate to the subject of the Russian Federation;

12) organisation of banking, processing, storage and of ensuring safety of donated blood and of components thereof, supply of donated blood and of its components on a free-of-charge basis to health care organizations subordinate to the constituent entity of the Russian Federation and to municipal health care organizations, as well as supply of donated blood and of its components to other health care organisations on a payable basis;

13) organisation of obligatory medical insurance of non-working population;

14) taking prophylactic, sanitary-hygienic, antiepidemic and nature conservative measures;

15) protection of the long-standing habitat and the traditional way of life of smaller ethnic communities;

16) coordination of the activities of the executive bodies of the constituent entity of the Russian Federation, of the subjects of the state, municipal and private systems of human health care, as well as of other economic subjects in the field of public health care; protection of family health (maternity, paternity and childhood);

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

18) informing the population on a regular basis, in particular through mass media, on morbidity of socially important diseases and contagious diseases.

The state power bodies of a constituent entity of the Russian Federation shall be entitled to establish regional medical aid standards which are not lower than the federal medical aid standards established by the federal executive power body exercising the functions of developing state policy and of normative-and-legal regulation in the field of public health care and to exercise control over the observance thereof.

Article 7. Abolished as of January 1, 2005

Article 8. Powers of Local Self-Government Bodies in Resolving Issues of Local Importance in the Area of Protecting the Health of Citizens

To the powers of the local self-government bodies of municipal entities and of city districts (with the exception of the territories, the medical and sanitary provisions for whose population, in accordance with Item 28 of Article 5 of the present Fundamentals, are carried out at medical institutions subordinate to the federal executive power body discharging the functions of medical and sanitary provision for the population of the individual territories) in resolving issues of local importance in the area of protecting the health of citizens, is assigned:

1) setting up the bodies authorized to carry out the management of the municipal public health system; development of organisations in the municipal public health system, as well as delineation of the character and volume of their activity;

2) organising the rendering of initial medical and sanitary assistance, of the medical first aid (with the exception of sanitary-aviation), of medical assistance to women in the pre-natal period, at delivery and after childbirth, including the formulation of the municipal order for rendering this kind of assistance at medical organisations;

3) organising the provision of institutions in the municipal public health system with medicines and with other medical substances and articles, with immuno-biological preparations and disinfection agents;

4) creating proper conditions for the development and availability of medicines to citizens;

5) regularly informing the population, including through the mass media, about the spread of diseases presenting a threat to the surrounding people;

6) the sanitary and hygienic enlightenment of the population.

The local self-government bodies of municipal areas and city districts shall have the right to create a service for emergency medical assistance within the structure of medical institutions.

Section III The Organization of Health Protection in the Russian Federation

Article 9. Abolished as of January 1, 2005

Article 10. Abolished as of January 1, 2005

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, local self-government 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, of the subjects of the Russian Federation and with municipal legal acts.

Article 12. The State System of Public Health

The state system of public health shall include federal executive bodies in the area of health protection, executive bodies of the subjects of the Russian Federation in the area of health protection and the Russian Academy of Medical Science that shall plan and take measures aimed at citizens' health protection within the scope of authority thereof.

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, the territorial bodies set up in the established procedure for exercising sanitary and epidemiological supervision, 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 federal executive power bodies or executive power bodies of constituent entities of the Russian Federation in the field of public health care.

The state system of public health shall embrace medical organisations, including medical and prophylactic institutions; pharmaceutical enterprises and organizations; pharmacies set up by federal executive bodies in the area of health protection, by other federal executive bodies and by executive bodies of the subjects of the Russian Federation.

Article 13. The Municipal System of Public Health

The municipal system of public health shall include the local selfgovernment bodies authorised to effect administration in the field of public health care, municipally owned medical and pharmaceutical organizations, as well as pharmacies, which are legal entities.

The local self-government bodies effecting administration in the field of public health shall be liable within the scope of authority thereof.

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 shall include medical and other organisations established and financed by legal entities and natural persons.

Article 15. The Licensing of Medical and Pharmaceutical Activity

The licensing of medical and pharmaceutical activity shall be performed in compliance with the legislation of the Russian Federation.

Article 16. Abolished as of January 1, 2005

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 citizens shall be determined by the Government of the Russian Federation.

The procedure for rendering medical aid to stateless persons and to refugees shall be established in compliance with the laws of 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 provided to state power bodies and local self-government bodies in compliance with the scope of authority thereof through mass media and directly to citizens.

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 legislation of the subjects of the Russian Federation and normative legal acts of local self-government bodies.

The guaranteed scope of free medical aid shall be granted to the citizens in keeping with the Programme 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 laws of the Russian Federation and the laws of the subjects 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 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.

Article 20.1. Programmes of Granting the State Guarantees of Rendering Free Medical Aid to Citizens of the Russian Federation

The Programme of Granting the State Guarantees of Rendering Free Medical Aid to Citizens of the Russian Federation shall define the types, normative standards of medical aid volume, normative standards of financial outlays per one unit of medical aid volume, per capita normative standards of financing, as well as the procedure and the structure for establishing medical aid tariffs.

In the Programme of Granting the State Guarantees of Rendering Free Medical Aid to Citizens of the Russian Federation are envisaged conditions of rendering medical aid, criteria of quality and availability of medical aid.

The Government of the Russian Federation approves the Programme for State Guarantees for Rendering Gratuitous Medical Assistance to Citizens of the Russian Federation and considers the report on its implementation, annually submitted by the federal executive power body, discharging the functions involved in the elaboration of state policy and normative-legal regulation in the area of public health protection.

Territorial programmes of granting state guarantees of rendering medical aid on a free-of-charge basis to citizens of the Russian Federation may define additional conditions, kinds and volumes of rendering medical aid, incorporating the territorial programmes for obligatory medical insurance.

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 federal executive body in the area of health protection 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 by the legislation of the subjects of 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 the general practitioner (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 measures of social support established by the legislation of the Russian Federation, the legislation of the subjects of the Russian Federation.

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 within the framework of the Programme of Providing the State Guarantees of Rendering Free Medical Aid to the Russian Federation Citizens.

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.

The procedure for providing with unadulterated food pregnant women, nursing mothers, as well as infants up to three years of age, and also through special food centers and shops upon the conclusions of doctors shall be established by the laws of the subjects of the Russian 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 federal executive body in charge of normative and legal regulation in the area of health care and under the conditions determined by state power bodies of the subjects of the Russian Federation and the ministries of public health of the Republics within the Russian Federation;

2) Abolished as of January 1, 2005

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 in the procedure and under the conditions established by state power bodies of the subjects of the Russian Federation;

5) the receipt of requisite information about the state of their health in an accessible form.

Minor narcomaniacs at the age of over 16, other minors at the age of over 15 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 in the procedure and under the conditions established by state power bodies of the subjects of the Russian Federation.

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 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 federal executive bodies, 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 federal executive bodies in which military service is provided for by the law.

Article 26. Abolished as of January 1, 2005

Article 27. Abolished as of January 1, 2005

Article 28. Abolished as of January 1, 2005

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

Persons detained, serving punishment in the form of restraint of liberty or arrest, taken into custody, serving sentences in places of confinement or kept under administrative arrest, including pregnant women and those during and after childbirth, 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 appropriate budgets.

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, serving punishment in the form of restraint of liberty or arrest and taken into custody, or of persons serving sentences in places of confinement or kept under administrative arrest.

The order of organizing medical aid for persons who have been detained, who serve punishment in form of restraint of liberty or arrest, and who are taken into custody, and for the persons who serve their sentences in places of confinement or are kept under administrative arrests, shall be established by the federal executive body in charge of the normative and legal regulation in the area of health care jointly with federal executive bodies concerned.

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 doctor, or the general practitioner (the family doctor) (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;
- 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 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 of the age established by paragraph two of Article 24 of these Fundamentals 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 of the age established by paragraph two of Article 24 of these Fundamentals 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 of the age established by paragraph two of Article 24 of these Fundamentals 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 medical 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 medical activity.

The list of medical indications for artificial interruption of pregnancy shall be determined by the federal executive body in charge of normative and legal regulation in the area of health protection, 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 federal executive body in charge of normative and legal regulation in the area of health protection.

Medical sterilization shall be carried out in state or municipal institutions of public health which have received licenses for the medical 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 37.1. Kinds of Medical Assistance

Medical aid shall be rendered at medical organizations, in particular at those established by natural persons, regardless of the form of property, organisational and legal form and departmental affiliation, that have received the licence for medical activity. Medical aid shall be likewise rendered by persons engaged in private medical practice, if they have licences for exercising medical activity.

Primary health care shall be the basic kind of medical care, available and free of charge for every citizen and shall include the following: treatment of the most commonly encountered illnesses, as well as of traumas, intoxications and other emergency states; medical prevention of the most important diseases; sanitary-and-hygienic education of the population; exercise of other activities connected with rendering medical aid to citizens at their place of residence.

Emergency medical aid shall be citizens when they are in the states requiring urgent medical intervention (in case of accidents, traumas, other states and diseases).

Specialised medical aid, in particular high-tech one, shall be rendered to citizens in case of illnesses requiring special techniques of diagnostics, treatment and application of complicated, unique and resource-intensive medical technologies.

Standards of, and procedure for, rendering medical aid shall be established by the federal executive power body exercising the functions of formulating the state policy and of normative-and- legal regulation in the field of health care.

Article 37.2. Financial Support to Rendering of Medical Aid and Exercise of the Activities of Medical Organisations

Rendering of medical aid shall be financed by using obligatory medical insurance funds in compliance with the basic obligatory medical insurance programme, as well as funds from budgets of all levels of the budget system of the Russian Federation in compliance with the Programme of Granting the State Guarantees of Rendering Free Medical Aid to Citizens of the Russian Federation.

Financial support to the activities of federal health care organizations shall be an expense commitment of the Russian Federation.

Financial support to the activities of health care organisations subordinate to constituent entities of the Russian Federation shall be an expense commitment of constituent entities of the Russian Federation.

Financial support to the activities of organisations pertaining to the municipal health care system shall be an expense commitment of a municipal entity.

Article 38. Primary Health Care

Primary health care shall be rendered in inpatient clinics, outpatient clinics and hospital institutions of the state, municipal and private health care systems by district medical practitioners, by district pediatricians, by general practitioners (family doctors), by medical specialists, as well as by the appropriate paramedical personnel.

Initial medical and sanitary assistance to the workers of organisations included into the list of organisations of individual branches of industry with particularly hazardous labour conditions, approved in accordance with Item 27 of Article 5 of the present Fundamentals, shall be provided at medical institutions subordinate to the federal executive power body discharging the functions of in the medical and sanitary provision for the workers of organisations in the individual branches of industry.

Providing initial medical and sanitary assistance to the population of closed administrative-territorial entities, of the science-cities of the Russian Federation, of territories with health-hazardous physical, chemical and biological factors included into the list of territories approved in accordance with Item 28 of Article 5 of the present Fundamentals, shall be effected at medical institutions subordinate to the federal executive power body discharging the functions of medical and sanitary provision for the population of the individual territories.

In order to raise the efficiency of rendering initial medical-sanitary assistance to citizens in the cases of acute diseases and at the exacerbation of chronic illnesses, not requiring urgent medical interference, the urgent medical aid service may be established in the structure of medical institutions in the municipal public health system.

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.

Emergency medical aid shall be rendered by emergency medical aid institutions and subdivisions of the state or municipal system of public health in the order established by the federal executive body in charge of normative-legal regulation in the area of health protection. Emergency medical aid shall be given to citizens of the Russian Federation and other persons on its territory free of charge.

Financing specialized emergency medical aid (with the use of aircraft) in compliance with these Fundamentals shall be an expense commitment of the subjects of the Russian Federation.

Financing emergency medical aid (except for that with the use of aircraft) to citizens of the Russian Federation and to other persons on its territory in compliance with these Fundamentals shall be an expense commitment of a municipal formation.

Urgent medical assistance to the workers of organisations included into the list of organisations of individual branches of industry with particularly hazardous labour conditions, approved in accordance with Item 27 of Article 5 of the present Fundamentals, shall be provided at medical institutions subordinate to the federal executive power body discharging the functions of medical and sanitary provision for the workers of organisations in the individual branches of industry.

Providing urgent medical assistance to the population of closed administrative-territorial entities, of the science-cities of the Russian Federation and of the territories with physical, chemical and biological factors to health-hazardous, included into the list of territories approved in accordance with Item 28 of Article 5 of the present Fundamentals, shall be effected at medical institutions subordinate to the federal executive power body discharging the functions of medical and sanitary provision for the population of the individual territories.

Article 40. Specialized Medical Aid

Specialized medical aid shall be rendered by medical specialists in the medical and preventive treatment establishment.

Financing specialized medical aid rendered at dermatovenerologic, TB, narcological, cancer dispensaries and other specialised medical institutions (except for the federal specialised medical institutions whose list is endorsed by the Government of the Russian Federation) in compliance with these Fundamentals shall be an expense commitment of the subjects of the Russian Federation.

Financing specialized medical aid rendered by the federal specialized institutions whose list is endorsed by the Government of the Russian Federation in compliance with these Fundamentals shall be an expense commitment of the Russian Federation.

Financial support to implementation of the state target of rendering high-tech medical aid to citizens of the Russian Federation at medical establishments shall be an expense commitment of the Russian Federation.

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 federal executive body engaged in normative legal regulation in the area of health protection and the ministries and departments concerned.

The social support measures in rendering medico-social aid and in providing with medicines citizens suffering from socially significant diseases shall be established by state power bodies of the subjects of the Russian Federation.

Financing medico-social aid to citizens suffering from socially significant diseases (except for the aid rendered by the federal specialized medical institutions whose list is endorsed by the Government of the Russian Federation) in compliance with these Fundamentals shall be an expense commitment of the subjects of the Russian Federation.

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

Medico-social aid shall be given to individuals suffering from contagious diseases, the list of which is determined by the Government of the Russian Federation, in state institutions of public health designed for this purpose within the framework of the Programme of State Guarantees of Rendering Free Medical Aid to the Russian Federation Citizens.

Particular categories of individuals suffering from contagious diseases shall keep their jobs during the period of their temporal incapacity and shall be provided with the social support determined by state power bodies of the subjects of the Russian Federation.

Financing medico-social aid to citizens suffering from contagious diseases (except for the aid rendered by the federal specialized medical institutions whose list is endorsed by the Government of the Russian Federation) in compliance with these Fundamentals shall be an expense commitment of the subjects of the Russian Federation.

Measures of social support, when rendering medico-social aid to citizens suffering from contagious diseases, shall be established by the state power bodies of the subjects 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, immuno-biological 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 of the age established by paragraph two of Article 24 of these Fundamentals 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, immuno-biological preparations and disinfectants, including these used abroad, referred to in the second and third parts of this Article, shall be established by the federal executive body in charge of normative-legal regulation in the area of health protection 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.

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

Control over the quality of medicines, immuno-biological preparations, disinfectants, and other medical items shall be exercised by the federal executive body authorized to exercise state control and supervision in the area of medicines' circulation and the federal executive body in charge of control and supervision in the area of human sanitary-and-epidemiological well-being.

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 federal executive body in charge of normative and legal regulation in the area of health protection, and coordinated with the Ministry of Justice of 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 federal executive body in the area of health protection.

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 federal executive body in the area of health protection.

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 executive bodies of subjects of the Russian Federation in the area of health protection to a worker with a secondary medical education.

Article 50. Medico-Social Expert Examination

Medico-social examinations shall be held by the federal institutions engaged in medico-social expert examinations in the procedure established by the laws of the Russian Federation.

A citizen or a legal representative thereof shall be entitled to invite on the basis of his application any expert for participation in a medico-social expert examination, if the latter gives his consent to it.

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 bodies of the federal security service, 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.

Article 52. Forensic Medical and Forensic Psychiatric Examinations

Forensic medical examinations shall be carried out in state 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, or of the court's ruling.

Forensic psychiatric expertise shall be carried out in appropriate state 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 the organisation and conduct of the forensic-medical and forensic-psychiatric expert examinations shall be established in accordance with legislation of the Russian Federation. The procedure for determining the degree of the gravity of the harm done to human health shall be established by the Government 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 examination 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 Support 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 specialist and a medical activity or pharmaceutical activity licence.

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 federal executive body in the area of health protection.

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 federal executive body in the area of health protection.

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 also after the receipt of a medical activity or pharmaceutical activity licence unless otherwise provided for by the international agreements of the Russian Federation.

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. Removed.

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, other federal laws and other normative legal acts of the Russian Federation, laws and other normative legal acts of the subjects of the Russian Federation;

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 medical activity.

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 executive bodies of the subjects of the Russian Federation in the area of health protection.

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 medical activity. The healer's diploma entitles the holder to engage in popular medicine on the territory subordinate to the executive body of a constituent entity of the Russian Federation in charge of health care 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 executive bodies of the subjects of the Russian Federation in the area of health protection 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 executive body of a constituent entity of the Russian Federation in charge of public health 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 a medical institution, as well as a doctor engaged in private practice. 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.

Article 59. A General Practitioner (the Family Doctor)

A general practitioner (family doctor) is a physician who has undergone training in multiple fields for rendering first medical and sanitary aid to family members, regardless of their sex or age.

The procedure for exercising the activities of a general practitioner (family doctor) shall be established by the federal executive body in the area of health protection and by executive bodies of the subjects of the Russian Federation.

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 or a court of law in connection with an investigation or court trial;
- 4) in case of giving medical aid to a minor at the age established by paragraph two of Article 24 of these Fundamentals, 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.
- 6) for the purpose of conducting a military-medical expert examination in the procedure established by the Regulations on the Military-Medical Expert Examination approved by the Government of the Russian Federation.

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 subjects of.

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 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 subjects of the Russian Federation 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 subjects of the Russian Federation.

Article 63. The Social Support 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 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 in compliance with the laws of the Russian Federation.

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;

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 federal executive body in the area of health protection and by executive bodies of the subjects of the Russian Federation in the area of health protection together with professional medical and pharmaceutical associations.

Measures of social support of medical and pharmaceutical employees of federal specialised health protection organisations shall be established by the Government of the Russian Federation.

Measures of social support of medical and pharmaceutical employees of health protection organisations that are within scope of jurisdiction of the subjects of the Russian Federation shall be established by state power bodies of the subjects of the Russian Federation.

Measures of social support of medical and pharmaceutical employees of municipal health protection organisations shall be established by local self-government bodies.

Article 64. Obligatory Insurance of Medical, Pharmaceutical and Other Employees of State and Municipal Health Protection Systems Whose Work Is Dangerous to Their Health and Life

Obligatory insurance shall be established for medical, pharmaceutical and other employees of state and municipal health protection systems whose work is dangerous to their life and health in compliance with the list of jobs whose holding is dangerous to the life and health of workers endorsed by the Government of the Russian Federation.

The amount of, and the procedure for, obligatory insurance of medical, pharmaceutical and other workers of federal specialised health protection organisations whose work is dangerous to their health and life shall be established by the Government of the Russian Federation. The amount of, and the procedure for, obligatory insurance of medical, pharmaceutical and other employees of the health protection organisations that are within the scope of jurisdiction of the subjects of the Russian Federation whose work is dangerous to their health and life shall be established by state power bodies of the subjects of the Russian Federation.

The amount of, and the procedure for, obligatory insurance of medical, pharmaceutical and other employees of municipal health protection organisations whose work is dangerous to their life and health shall be established by local self-government bodies.

In the event of the loss of life by employees of the state and municipal health protection systems, when discharging their labour obligations or professional duty in the course of rendering medical aid or

carrying out scientific research, the lump-sum monetary allowance shall be paid to the families of the deceased persons.

The amount of the lump-sum monetary allowance, in the event of the loss of life by employees of federal specialised health protection organisations, shall be established by the Government of the Russian Federation.

The amount of the lump-sum monetary allowance, in the event of the loss of life by employees of health protection organisations that are within the scope of jurisdiction of the subjects of the Russian Federation, shall be established by state power bodies of the subjects of the Russian Federation.

The amount of the lump-sum monetary allowance, in the event of the loss of life by employees of municipal health protection organisations, shall be established by local self-government bodies.

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 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

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 laws of the subjects of.

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

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

Boris Yeltsin

Moscow, the House of Soviets of Russia