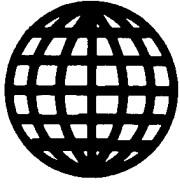


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18 March 1993



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# ***JPRS Report***

# **Science & Technology**

***Central Eurasia:  
Life Sciences***

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## **Fundamentals of Ukrainian Legislation on Public Health**

937C0169A Moscow *RABOCHAYA GAZETA*  
in Russian 16 Dec 92 pp 2-4

[Text] Each person has a natural inalienable and inviolable right to health protection. The society and state are responsible to present and future generations for the health of the people of Ukraine and for safeguarding their gene pool, they ensure that priority is placed on health protection in the state's activity, and they promote improvement of the population's working, educational, personal and recreational conditions, solution of ecological problems, improvement of health care and introduction of a healthy way of life.

The Fundamentals of Ukrainian Legislation on Public Health define the legal, organizational, economic and social principles of public health in Ukraine, and they regulate social relations in this area for the purposes of ensuring harmonious development of physical and spiritual strengths, high performance and many years of active life for citizens, elimination of factors having a harmful influence on their health, preventing and reducing morbidity, disability and mortality, and improving heredity.

### **Section I. General Provisions**

#### **Article 1. Ukrainian Legislation on Public Health**

Ukrainian legislation on public health is based on the Ukrainian Constitution and consists of these Fundamentals and other legislative acts adopted in accordance with them regulating social relations in public health.

#### **Article 2. International Treaties of Ukraine in Public Health**

If an international treaty to which Ukraine is a party establishes regulations other than those foreseen by Ukrainian public health legislation, the regulations of the international treaty apply.

#### **Article 3. Concepts and Terms Used in Public Health Legislation**

Basic concepts have the following meanings in these Fundamentals and other legislative acts on public health:

health—a state of full physical, spiritual and social well-being, and not just absence of diseases and physical defects;

public health—a system of measures directed at ensuring preservation and development of physiological and psychological functions, optimum performance and social activity of the individual together with a maximum biologically possible individual life span;

public health institutions—enterprises, institutions and organizations having the objective of satisfying the diverse needs of the population in public health by rendering public health assistance, including a broad

spectrum of preventive and therapeutic measures for services of a medical nature, as well as fulfilling other functions on the basis of the professional activity of medical workers;

public health assistance—a complex of special measures directed at promoting health improvement, raising public awareness of public health, preventing diseases and disability, early diagnosis, assisting people with acute and chronic diseases, and rehabilitating patients and disabled persons.

The content of other concepts and terms is determined by Ukrainian legislation and special glossaries of concepts and terms of the World Health Organization.

#### **Article 4. Fundamental Principles of Public Health**

The fundamental principles of public health in Ukraine are:

recognition of public health as a priority direction in activity of the society and state, one of the main factors of survival and development of the Ukrainian people;

observance of the rights and freedoms of the individual and the citizen in public health, and support of state guarantees associated with them;

a humanitarian orientation, maintenance of the priority of general human values over class, national, group or individual interests, and greater medical and social protection of the most vulnerable strata of the population;

equality of citizens, democracy and universal access to health care and other services in public health;

correspondence with the objectives and level of socio-economic and cultural development of society, scientific validity, and material, technical and financial support;

an orientation on contemporary standards of health and of health care, combination of domestic traditions and accomplishments with world experience in public health;

a preventive nature, an integrated social, ecological and medical approach to public health;

diversity of the economics of public health and multiplicity of its financial support, combination of state guarantees with demonopolization and with encouragement of entrepreneurship and competition;

decentralization of state control, development of self-management of institutions and the independence of public health workers on a legal and contractual basis.

#### **Article 5. Public Health—A Common Responsibility of the Society and State**

State, social or other bodies, enterprises, institutions, organizations, officials and citizens are obligated to ensure priority of public health in their activity, to do no harm to the health of the population and individuals, to provide assistance to patients, disabled persons and

accident victims within the limits of their competency, to assist in the activity of workers of public health organs and institutions, and to perform other responsibilities foreseen by public health legislation.

## Section II. Rights and Responsibilities of Citizens in Public Health

### Article 6. The Right to Health Protection

Every citizen of Ukraine has the right to health protection, which foresees:

- a) a standard of living, including diet, clothing, housing, health care and social services and support, necessary for the maintenance of the health of the individual;
- b) a natural environment that is safe to life and health;
- c) epidemiological well-being of the territory and population center in which he resides;
- d) safe and healthy working, educational, personal and recreational conditions;
- e) qualified public health assistance, including free choice of a doctor and a public health institution;
- f) dependable and prompt information on the individual's health and the health of the population, including the existing and possible risk factors, and their degree;
- g) participation in the discussion of the drafts of legislative acts, and submission of proposals on shaping state policy in public health;
- h) participation in public health administration and in public expert examination of these issues in accordance with policy foreseen by legislation;
- i) the possibility of joining together into public associations with the purpose of promoting public health;
- j) legal protection against all unlawful forms of discrimination associated with a person's health;
- k) compensation for damage to health;
- l) appeal of unlawful decisions and actions of public health workers, institutions and organs;
- m) the possibility of conducting independent medical expert examination in the event of a citizen's disagreement with the conclusions of state medical expert examination, or imposition of measures of compulsory treatment upon him, and in other cases if the actions of public health workers may infringe upon universally recognized rights of the individual and the citizen.

Ukrainian legislation may also determine other rights of citizens who are outside the country or guaranteed the right to health protection in forms and in volume foreseen by international treaties to which Ukraine is a party.

### Article 7. Guarantees of the Right to Health Protection

In accordance with the Ukrainian Constitution the state guarantees all citizens the exercise of their rights in public health by:

- a) establishing a branched network of public health institutions;
- b) organizing and implementing a system of state and public measures to protect and reinforce health;
- c) providing all citizens a guaranteed level of public health assistance in a volume established by the Ukrainian Cabinet of Ministers;
- d) maintaining state and, to the extent possible, public monitoring and surveillance in public health;
- e) organizing a state system of collecting, processing and analyzing social, ecological and special medical statistics;
- f) establishing responsibility for violation of the rights and lawful interests of citizens in public health.

### Article 8. State Defense of the Right to Health Protection

The state recognizes the right of each Ukrainian citizen to health protection and ensures that this right is defended.

In the event of violation of the lawful rights and interests of citizens in public health, the corresponding state, public or other organs, enterprises, institutions and organizations, their officials and citizens are obligated to take steps to restore violated rights, to defend lawful interests and to compensate for damages.

Judicial defense of the right to health protection is based on policy established by legislation.

### Article 9. Limitation of the Rights of Citizens Associated With Their Health

On grounds and in accordance with policy foreseen by Ukrainian laws, citizens may be deemed temporarily or permanently unfit, by virtue of their health, for professional or other activity associated with a higher danger to surrounding individuals, as well as with fulfillment of certain state functions.

Application of compulsory measures of a medical nature to persons who have committed socially dangerous acts, and limitation of the rights of other citizens in the form of compulsory medical examination or compulsory hospitalization, and in connection with quarantine measures, are permitted only on grounds and in accordance with policy foreseen by Ukrainian laws.

Decisions limiting the rights of citizens by virtue of their health may be appealed in court.

**Article 10. Responsibilities of Citizens in Public Health**

Ukrainian citizens are obligated:

- a) to show concern for their health and the health of children, and to do no harm to the health of other citizens;
- b) in cases foreseen by legislation, to undergo preventive medical examinations and immunizations;
- c) to provide emergency aid to other citizens in a life-and health-threatening condition;
- d) to fulfill other responsibilities foreseen by public health legislation.

**Article 11. Rights and Responsibilities of Foreign Citizens and of Persons Without Citizenship**

Foreign citizens and persons without citizenship who permanently reside on Ukrainian territory enjoy the same rights and bear the same responsibilities in public health as do Ukrainian citizens, unless foreseen otherwise by international treaties or Ukrainian legislation.

The public health rights and responsibilities of foreign citizens and of persons without citizenship staying on Ukrainian territory temporarily are determined by legislation and the corresponding international treaties.

**Section III. Fundamentals of Public Health Organization**

**Article 12. Public Health—A Priority Direction of State Activity**

Public Health is one of the priority directions of state activity. The state shapes public health policy in Ukraine and ensures its implementation.

State public health policy is supported by budget allocations in an amount corresponding to its scientifically substantiated needs, but not less than 10 percent of national income.

**Article 13. Formation of State Public Health Policy**

The Ukrainian Supreme Soviet forms the foundation of state public health policy by codifying constitutional and legislative principles of public health, determining its goals, main objectives, directions, principles and priorities, establishing the standards and volumes of budget financing, creating a system of corresponding credit, financial, tax, customs and other regulators, and confirming the list of comprehensive and specific statewide public health programs.

Consultative and expert organs staffed by the leading specialists in public health and representatives of the public may be established under the Ukrainian Supreme Soviet in order to resolve the problems of forming state public health policy. The procedures of establishing these organs and of their activity are determined by the Ukrainian Supreme Soviet.

Public health policy in the Crimean Republic and local and regional comprehensive and specific programs created by the Supreme Soviet of the Crimean Republic and by bodies of local and regional self-management are an inherent part of state public health policy in Ukraine, and they reflect the specific health protection needs of the population residing in the corresponding territories.

**Article 14. Implementation of State Public Health Policy**

Implementation of state public health policy is the responsibility of state bodies of executive government.

The President of Ukraine bears personal responsibility for it. The President of Ukraine foresees an accounting of the status of implementing state public health policy in his annual report to the Ukrainian Supreme Soviet.

The President of Ukraine is the guarantor of the right of citizens to health protection, ensures enforcement of legislation on public health protection through a system of state bodies of executive government, implements state public health policy and exercises other powers foreseen by the Ukrainian Constitution.

The Ukrainian Cabinet of Ministers organizes development and implementation of comprehensive and specific statewide programs, creates economic, legal and organizational mechanisms stimulating effective activity in public health, supports development of a network of public health institutions, signs international agreements and coordinates international cooperation in public health matters, and within the limits of its competency it exercises other powers granted to state bodies of executive government in public health.

Within the limits of their competency, ministries, departments and other central bodies of state executive power draw up programs and forecasts in public health, determine unified, scientifically substantiated state standards, criteria and requirements that should promote protection of the health of the population, draft and place state orders with the purpose of providing materially and technically for the sector, and carry out state monitoring and inspection and other executive and administrative activity in public health.

The Council of Ministers of the Crimean Republic, representatives of the President of Ukraine and bodies of local state administration subordinated to them, as well as the executive committees of rural, town and city soviets of people's deputies implement state public health policy within the limits of their powers foreseen by legislation.

**Article 15. Public Health Bodies**

The Ukrainian Ministry of Health, the competency of which is determined by a statute approved by the Ukrainian Cabinet of Ministers, is a specially empowered central body of state executive power in public health.

The health department of the Council of Ministers of the Crimean Republic and bodies of local state administration are assigned the functions of specially empowered bodies of state executive government in Ukraine's administrative and territorial units.

#### **Article 16. Public Health Institutions**

Preventive, therapeutic-preventive, physical culture and health improvement, sanatorium and health resort, pharmacy, scientific medical and other public health institutions directly provide for protection of the population's health. Public health institutions are created by enterprises, institutions and organizations under different forms of ownership, as well as by private individuals when the necessary material and technical base and qualified specialists are available. The procedure and conditions of establishing public health institutions and of state registration and accreditation of these institutions, as well as the procedure of licensing medical and pharmaceutical practice are determined by Ukrainian legislative acts.

A public health institution performs its activity on the basis of a charter approved by its owner or an organ authorized by him.

Regardless of the legal status of a public health institution, it may be under the management only of a person who satisfies unified qualification requirements established by the state. The director of a public health institution must be allowed independence in resolving all matters associated with health protection.

The Ukrainian Cabinet of Ministers and organs empowered by it, and—within the limits of their competency—bodies of local self-management have the right to suspend the activity of any public health institution in the event of its violation of health protection legislation, failure to satisfy state requirements on the quality of health care, and other activity in public health or actions that are contrary to its charter.

#### **Article 17. Individual Entrepreneurial Activity in Public Health**

The state supports and encourages individual entrepreneurial activity in public health.

A permit (license) to engage in such activity is issued in accordance with procedures foreseen by legislation. Disputes regarding rejection of a permit (license) application are examined in court.

Engaging in medical and pharmaceutical practice without the appropriate license incurs liability foreseen by legislation.

#### **Article 18. Public Health Financing**

Public health is financed by the Ukrainian State Budget, by the budget of the Crimean Republic, by budgets of

bodies of local and regional self-management, by medical insurance funds, by benevolent funds and by any other sources not prohibited by legislation.

Assets of the Ukrainian State Budget, the budget of the Crimean Republic and the budgets of bodies of local and regional self-management allocated to public health are used to ensure a guaranteed level of public health assistance to the population, and financing of state and local public health programs and fundamental scientific research on these problems.

The volumes of budget financing are determined on the basis of scientifically substantiated standards, calculated on a per-capita basis.

Public health institutions universally accessible to the population are financed by the Ukrainian State Budget, the budget of the Crimean Republic and the budgets of bodies of local and regional self-management. Assets not utilized by a public health institution are not confiscated, and financing is not reduced correspondingly in the following period.

Departmental and other public health institutions servicing only certain categories of the population based on occupational, departmental or other criteria not associated with the health of an individual are financed as a rule by the enterprises, institutions and organizations they service. Financial support of such institutions by state or local budgets is permitted if workers of the corresponding department, enterprise, institution or organization make up a significant fraction of the population of the given locale.

All public health institutions have the right to use assets voluntarily transferred by enterprises, institutions, organizations and individual citizens to upgrade the quality of their work, and to establish payment for public health services with the permission of the owner or an organ empowered by him.

The state promotes establishment and function of a system of medical insurance for the population. Citizens are insured with assets from the Ukrainian State Budget, assets of the enterprises, institutions and organizations, and the personal contributions of citizens. Problems regarding the organization of medical insurance for the population and use of insurance assets are determined by the corresponding legislation.

#### **Article 19. Material and Technical Support to Public Health**

The state organizes material and technical support to public health in the volume necessary to provide the population with a guaranteed level of health care. All public health institutions have the right to independently resolve the problems of their material and technical support. The state assists in the production of medical apparatus, instruments, equipment, laboratory reagents, pharmaceuticals, prosthetic and hygienic resources and

other articles necessary for public health, as well as the development of trade in these articles.

In order to ensure implementation of state programs of priority development of medical, biological and pharmaceutical industry, entrepreneurship and international cooperation are encouraged in the area of material and technical support to public health, and a system of the corresponding tax, price, customs and other advantages and regulators is created.

The state may limit exports of goods necessary for public health, and the raw materials for their manufacture, if such exports could damage the interests of the public health of the Ukrainian population.

In order to ensure adequate quality of articles necessary for public health, their use is permitted only following mandatory certification in accordance with procedures coordinated with the Ukrainian Ministry of Health.

#### **Article 20. Scientific Support to Public Health**

The state assists in the development of scientific research in public health and in the introduction of research results into the activity of public health institutions and workers. Research conducted by academy and departmental scientific institutions, by educational institutions and other scientific institutions and subdivisions or individual scientists is financed on a competitive basis by the state budget, as well as by any other financing sources that are not contrary to law.

All state public health programs and the most important measures for their implementation are subject to mandatory preliminary scientific expert examination in the leading national and international institutions as determined by the Ukrainian Cabinet of Ministers.

The Ukrainian Academy of Sciences, which is independent in its research and in development of its directions of scientific enquiry, is the highest Ukrainian scientific medical institution possessing the status of a self-managing organization.

#### **Article 21. Tax and Other Advantages in Public Health**

Public health institutions, persons engaged in entrepreneurial activity in public health and business subjects manufacturing products necessary to support the activities of public health institutions enjoy tax and other advantages foreseen by legislation.

#### **Article 22. State Monitoring and Inspection in Public Health**

Through specially authorized bodies of executive government, the state monitors and inspects observance of public health legislation, state standards, criteria and requirements directed at ensuring the health of the surrounding environment and the epidemiological well-being of the population, the standards of professional activity in public health, the requirements of the State

Pharmacopoeia, and the standards of medical services, medical materials and production procedures.

#### **Article 23. Top-Level Inspection of Observance of Public Health Legislation**

Top-level inspection of the observance of public health legislation is carried out by the Ukrainian General Procurator and procurators subordinated to him.

#### **Article 24. Public Participation in Public Health**

Public health organs and institutions are obligated to promote exercise of citizens's rights to participate in management of public health and in public expert examination of these issues.

Public health organs and institutions may form public consultative or inspection councils that assist in their activities, maintain public awareness and promote public monitoring in public health.

Professional public organizations of public health workers and other citizens' associations, including international, may participate in determining the content and pathways of fulfilling statewide and local public health programs, implementing specific corresponding measures and solving personnel, scientific and other problems of the organization of state activity in this area.

### **Section IV. Ensuring Healthy and Safe Living Conditions**

#### **Article 25. Maintenance of a Standard of Living Necessary for Health**

The state provides for the standard of living, including food, clothing, housing, medical care, social services and support, which are necessary for maintaining the population's health.

For these purposes, on the basis of scientifically grounded medical, physiological and public health requirements, unified minimum norms are established for wages, pensions, stipends, social assistance and other income of the population, in-kind—including free—provision of food products, clothing, pharmaceuticals and other basic necessities to the most vulnerable strata of the population is organized, a complex of measures to satisfy the vital needs of refugees, the homeless and other persons lacking a particular place of residence is implemented, and free health care and social support are provided to persons in a difficult material situation threatening their life and health.

Medical, physiological and public health requirements pertaining to the population's standard of living are approved by the Ukrainian Supreme Soviet.

#### **Article 26. Protection of the Natural Environment**

The state ensures protection of the natural environment as an important precondition of the life and health of the individual by protecting living and nonliving nature, protecting people against negative ecological influence,

and achieving harmonious interaction between the individual, society and nature, and sensible use and restoration of natural resources.

Relations in the area of protection of the natural environment are regulated by the corresponding Ukrainian legislation and international treaties.

#### **Article 27. Providing for the Public Health and Epidemiological Well-Being of Territories and Population Centers**

The public health and epidemiological well-being of territories and population centers is ensured by a system of state stimuli and regulators directed at strict observance of public health and epidemic control regulations and norms, a complex of special public health and epidemic control measures, and organization of state public health inspection.

Unified public health requirements are established in Ukraine in regard to the layout and build-up of population centers; construction and operation of industrial and other facilities; treatment and decontamination of industrial, municipal and domestic releases and wastes; maintenance and use of residential, production and service buildings and the territories in which they are located; organization of food and water supply for the population; production, use, storage, transportation and burial of radioactive, toxic and strongly acting substances; maintenance and slaughter of domestic and wild animals, as well as other activity which may threaten the epidemiological well-being of territories and population centers.

#### **Article 28. Creation of Working, Study, Personal, and Recreational Conditions Favorable to Health**

In order to ensure working, study, personal and recreational conditions that are favorable to health and a high level of performance, to prevent injury and job-related illness and intoxications, and to prevent other possible damage to health, unified public health requirements are established in relation to organizing production and other processes associated with human activity, and in relation to the quality of machinery, equipment, structures, consumer goods and other objects that may have a harmful influence on health. All state standards, specifications and industrial models must be coordinated with public health organs in accordance with a procedure established by legislation.

Owners and directors of enterprises, institutions and organizations are obligated to ensure that in their activity, the regulations of industrial safety, production sanitation and other labor protection requirements foreseen by labor legislation are fulfilled, and to prevent harmful influence upon the health of people and the environment.

The state provides for inspection and monitoring with the purpose of creating working, study, personal and

recreational conditions favorable to health, and assists in public monitoring in these matters.

#### **Article 29. Preservation of the Ukrainian People's Gene Pool**

In order to preserve the Ukrainian people's gene pool, prevent a demographic crisis, ensure the health of future generations and prevent hereditary diseases, the state implements a complex of measures directed at eliminating factors deleterious to the human genetic apparatus, it creates a system of state genetic monitoring, it organizes medical and genetic assistance for the population, and it promotes enrichment and dissemination of scientific knowledge in genetics and demography.

Medical interference that may damage the human genetic apparatus is prohibited.

#### **Article 30. Prevention of Infectious Diseases Dangerous to the Population**

The state ensures consistent scientifically justified prevention, treatment, containment and elimination of mass infectious diseases.

Persons revealed to be carriers of the agents of infectious diseases that are dangerous to the population are barred from work and other activity that may promote the spread of infectious diseases, and they are subject to medical inspection and treatment at state expense; social insurance assistance is paid as necessary. Mandatory medical examinations, preventive immunizations and therapeutic and quarantine measures may be implemented in relation to certain especially dangerous infectious diseases in accordance with policy established by Ukrainian law.

In the event of the danger of occurrence or spread of epidemic diseases, in accordance with Ukrainian laws and recommendations of public health organs the President of Ukraine may introduce special conditions and schedules of labor, study, travel and shipment on all of Ukrainian territory or in particular locations, directed at preventing the spread of these diseases and eliminating them.

Bodies of local state administration and regional and local self-management are obligated to actively assist implementation of epidemic control measures.

The list of especially dangerous and dangerous infectious diseases and the conditions for identifying a person to be an infectious patient or a carrier of an agent of infectious disease are determined by the Ukrainian Ministry of Health and are published in official sources.

#### **Article 31. Mandatory Medical Examinations**

In order to protect the health of the population, preventive medical examinations of juveniles, pregnant women, workers of enterprises, institutions and organizations with harmful and dangerous working conditions, servicemen and persons whose professional or other



activity is associated with servicing the population or with a heightened danger to surrounding individuals are organized.

Owners and directors of enterprises, institutions and organizations are liable for the promptness with which their workers undergo mandatory medical examinations, and for the harmful consequences to the population's health brought about because persons who had not undergone mandatory medical examination were permitted to work.

The list of population categories that must undergo mandatory medical examinations, and the periodicity, financing sources and procedure of these examinations are determined by the Ukrainian Cabinet of Ministers.

#### **Article 32. Promotion of a Healthy Way of Life of the Population**

The state promotes confirmation of a healthy way of life for the population by disseminating scientific knowledge on public health matters, organizing medical, ecological and physical education, implementing measures directed at improving the population's hygiene, creating the necessary conditions, including medical monitoring, for participation in physical culture, sports and tourism, developing a network of preventive treatment clinics, vacation bases and other health improvement institutions, fighting habits harmful to human health, and establishing a system of socioeconomic stimulation of persons to a healthy way of life.

Ukraine pursues a state policy of limiting smoking and consumption of alcoholic beverages, and prohibits all forms of advertising of tobacco articles, alcoholic beverages and other goods harmful to human health.

In order to prevent harm to the population's health, the conduct of healing sessions and other functions similar to them using hypnosis and other methods of mental or bioenergetic influence intended for a mass audience is prohibited without special permission from the Ukrainian Ministry of Health.

### **Section V. Therapeutic and Preventive Care**

#### **Article 33. Provision of Therapeutic and Preventive Care**

Ukrainian citizens are provided therapeutic and preventive care by polyclinics, hospitals, dispensaries, the clinics of scientific research institutes and other accredited public health institutions, by the emergency medical service, and by individual medical workers having the appropriate permit (license).

Special therapeutic and preventive institutions are established to provide preventive care to Ukrainian citizens enjoying the corresponding advantages established by legislation.

#### **Article 34. The Treating Physician**

The treating physician may be selected directly by the patient or appointed by the director of a public health institution or one of its subdivisions. The responsibilities of the treating physician include prompt and competent examination and treatment of the patient. The patient is entitled to demand replacement of a physician.

The physician has a right to refuse further care to a patient if the latter does not follow medical prescriptions or the regimen of the public health institution, on the condition that this does not threaten the life of the patient and the health of the population.

The physician bears no liability for the health of the patient in the event of the latter's refusal of medical prescriptions or the patient's violation of the regimen established for him.

#### **Article 35. Forms of Therapeutic and Preventive Care**

The state guarantees accessible, socially acceptable primary therapeutic and preventive care as the basic part of public health care to the population, presupposing consultation with the physician, simple diagnosis and treatment of the basic, most widespread diseases, injuries and intoxications, preventive measures, and referral of the patient for specialized and highly specialized care. Primary therapeutic and preventive care is rendered predominantly on a territorial basis by family physicians or by other general-practice physicians.

Specialized (secondary) therapeutic and preventive care is rendered by physicians who possess the corresponding specialization and who are able to provide more-qualified consultation, diagnosis, prevention and treatment than general-practice physicians.

Highly specialized (tertiary) therapeutic and preventive care is rendered by a physician or a group of physicians having the corresponding training in regard to diseases that are difficult to diagnose and treat, when special methods of diagnosis and treatment are required for the treatment of diseases, and with the purpose of diagnosing and treating rare diseases.

#### **Article 36. Referral of Patients for Treatment Abroad**

Ukrainian citizens may be sent abroad for treatment in the event it becomes necessary to render a particular form of medical care that is impossible to render in Ukrainian public health institutions.

State bodies are obligated to provide to support to a Ukrainian citizen's departure for a foreign country and his stay there during the time of treatment.

The procedure for sending Ukrainian citizens abroad for treatment is established by the Ukrainian Cabinet of Ministers.

**Article 37. Rendering Health Care in Urgent and Extreme Situations**

Medical workers are obligated to render primary urgent care in accidents and instances of acute illness. Health care is provided by the emergency medical service or the closest therapeutic and preventive institutions regardless of departmental subordination and forms of ownership, with expenses being compensated later on.

In urgent cases, when it is impossible to render health care due to the absence of medical workers, enterprises, institutions, organizations and citizens are obligated to provide transportation by which to convey the patient to a therapeutic and preventive institution. In these cases primary urgent care must also be rendered by associates of police, firefighting and emergency services, transportation drivers and representatives of other occupations upon whom this responsibility is imposed by legislation and official instructions.

If a danger to the life of a patient exists, medical workers and other citizens have the right to use any available means of transportation to travel to the location of the patient with the purposes of providing urgent care to him or transporting him to the nearest therapeutic and preventive institution.

Free health care is provided to citizens in extreme situations (natural disasters, catastrophes, accidents, mass poisonings, epidemics, epizootics, radioactive, bacteriological and chemical contamination etc.) primarily by specialized emergency response teams of emergency medical services; any necessary expenses of local public health institutions are compensated in full out of central funds.

Citizens who take part in the rescue of people and assist in the provision of health care during an urgent or extreme situation are guaranteed free treatment and material compensation for damage to their health and property in the necessary cases in accordance with policy established by legislation.

Government bodies and special institutions providing services to therapeutic institutions bear liability for untimely and poor provision of health care that leads to grave consequences.

**Article 38. Selection of a Physician and a Therapeutic Institution**

Every patient has the right of free choice of a physician if the latter is able to offer his services.

Every patient has the right to be accepted by any state therapeutic and preventive institution of his choice, if this is justified by his condition and if this institution has the possibility for providing the corresponding treatment.

**Article 39. Responsibility for Providing Medical Information**

A physician is obligated to explain to the patient, in an understandable manner, the status of his health, the goal of proposed tests and therapeutic measures, and the prognosis regarding possible development of illness, including the presence of risk to life and health.

The patient has the right to acquaint himself with his disease history and other documents that may be used in further treatment.

In special cases, when revealing all information could harm the health of the patient, the physician may limit it. In this case he informs members of the family or the legal representative of the patient, with regard for the personal interests of the patient. The physician acts in the same fashion if the patient is unconscious.

**Article 40. Medical Confidentiality**

Medical workers and other persons who become aware of a disease, of medical examinations and their results, and of the particulars of the intimate and family life of a citizen in connection with performance of their occupational or official responsibilities do not have the right to make this information public, except in cases foreseen by legislative acts.

When information held under medical confidentiality is used in training or in scientific research, including in cases of its publication in special literature, the patient's anonymity must be maintained.

**Article 41. Time Off From Work for a Period of Illness**

Citizens are granted time off from work with pay, and social insurance assistance is paid to them in accordance with policy established by Ukrainian legislation for a period of illness involving temporary incapacitation.

**Article 42. General Conditions of Medical Intervention**

Medical intervention (use of diagnostic, preventive or treatment methods involving influence upon the human body) is permitted only if it will not do damage to the patient's health.

Medical intervention involving a risk to the patient's health is permitted as an exception in conditions of acute necessity, if the possible harm from employing diagnostic, preventive or treatment methods is less than what is anticipated in the event of nonintervention, and if it is impossible to eliminate danger to the patient's health by other methods.

Risky diagnostic, preventive, and treatment methods are deemed to be permissible if they satisfy modern scientifically justified requirements directed at preventing a real threat to the life and health of the patient, they are used with the consent of a patient informed of the possible harmful consequences, and the physician takes

all steps appropriate in such cases to prevent damage to the patient's life and health.

#### **Article 43. Consent for Medical Intervention**

The consent of an objectively informed, competent patient is necessary for the use of diagnostic, preventive and treatment methods. If the patient is below 15 years of age, or if he is recognized by the court to be incompetent, or if he is unable to communicate his decision because of his physical condition, medical intervention is possible with the consent of the parents or other legal representatives of the patient. In the case of persons who are from 15 to 18 years of age or who are deemed by the court to be of limited competency, such intervention is with their consent and with the consent of their parents or other legal representatives.

In urgent cases, when there is a real danger to the life of the patient, the consent of the patient or of his legal representatives is not required for medical intervention.

If a patient's refusal to give consent may lead to grave consequences to himself, the physician is obligated to explain this to him. If even after this the patient refuses treatment, the physician is entitled to obtain written confirmation of this from him, and when it is impossible to obtain the latter, to have such refusal certified by a corresponding document in the presence of witnesses.

If the refusal is by a legal representative of the patient and such refusal may have grave consequences for the patient, the physician must communicate this to welfare services.

#### **Article 44. Use of Preventive, Diagnostic and Treatment Methods, and Pharmaceuticals**

Physicians are obligated to use in medical practice those preventive, diagnostic and treatment methods and pharmaceuticals that are permitted by the Ukrainian Ministry of Health.

In the interests of curing the patient, and with his consent, and with the consent of their parents or guardians in relation to juveniles and persons who have been deemed incompetent by the court, the physician may use new diagnostic, preventive and treatment methods and therapeutic resources that are scientifically substantiated but which have not yet been permitted for general use. Use of such methods and resources in relation to persons from 15 to 18 years of age or persons deemed by the court to be of limited competency is with their consent and with the consent of their parents or other legal representatives.

The policy for using the indicated diagnostic, preventive and treatment methods and therapeutic resources is established by the Ukrainian Ministry of Health.

#### **Article 45. Biomedical Experiments on People**

Biomedical experiments on people are permitted when they are for a socially useful purpose, on the conditions

that they are scientifically substantiated, that possible success outweighs the risk of grave consequences to life or health, that the experiment is conducted openly, that the person who is to be the subject of an experiment is fully informed about the nature of the experiment and gives voluntary consent, and that medical confidentiality is maintained in the necessary cases.

Scientific experiments on persons who are ill, on persons under confinement or prisoners of war, as well as therapeutic experiments on people whose illness does not have a direct relationship to the goal of the research, are prohibited.

The procedures of biomedical experiments are regulated by Ukrainian legislative acts.

#### **Article 46. Donation of Blood and Its Components**

Blood is donated by citizens for therapeutic use voluntarily. Compulsory acquisition of blood from a donor as well as from people whose illnesses may be transmitted to a recipient or cause damage to his health is prohibited. Public health organs and institutions are obligated to develop blood donation in every possible way with the assistance of enterprise, institution and organization owners and directors.

Donors are provided advantages foreseen by Ukrainian legislation.

#### **Article 47. Transplantation of Organs and Other Anatomical Materials**

Transplantation of organs and other anatomical materials from a donor to a recipient is a method used in accordance with specific legislative policy with their consent or the consent of their legal representatives, on the condition that use of other resources and methods of sustaining life and of restoring or improving health do not produce the desired results, and the damage done to the donor is less than that which threatens the recipient.

#### **Article 48. Artificial Insemination and Embryo Implantation**

Artificial insemination and embryo implantation are carried out in accordance with conditions and policy established by the Ukrainian Ministry of Health, at the request of a competent woman subjected to such procedure, on the condition that the spouse provides written consent, the donor remains anonymous and medical confidentiality is maintained.

The identity of an anonymous donor may be revealed in accordance with policy foreseen by legislation.

#### **Article 49. Use of Sterilization Methods**

Sterilization methods may be used with the patient's own wishes or the patient's voluntary consent in accredited public health institutions on the basis of medical indications established by the Ukrainian Ministry of Health.

**Article 50. Voluntary Artificial Termination of Pregnancy**

Surgery with the purpose of artificially terminating a pregnancy (an abortion) may be carried out at the wishes of a woman in accredited public health institutions in not later than the 12th week of pregnancy.

An abortion may be carried out in the 12th to 28th weeks of pregnancy on the basis of social and medical indications in individual cases and in accordance with policy established by the Ukrainian Cabinet of Ministers.

**Article 51. Sex Change (Correction)**

At the request of a patient and in accordance with biomedical, social and psychological indications established by the Ukrainian Ministry of Health, a person may be subjected to sex change (correction) by medical intervention in accredited public health institutions.

A person subjected to a sex change operation is issued a medical certificate on the basis of which the question of corresponding changes in his legal status is subsequently resolved.

**Article 52. Health Care for a Patient in a Life-Threatening Condition**

Medical workers are obligated to provide the full volume of health care to a patient in a life-threatening condition. Such care may also be rendered by specially established public health institutions to which the state grants certain advantages.

Active measures to sustain the life of a patient are terminated in the event that the person's state is determined to be irreversible death. The policy of terminating such measures and the concept and criteria of death are determined by the Ukrainian Ministry of Health in accordance with contemporary international requirements.

Medical workers are prohibited from carrying out euthanasia—deliberate acceleration of death or termination of an incurable patient with the goal of stopping his suffering.

**Article 53. Special Measures of Prevention and Treatment of Socially Dangerous Diseases**

In order to protect the health of the population, public health organs and institutions are obligated to implement special measures to prevent and treat socially dangerous diseases (tuberculosis, mental and venereal diseases, AIDS, leprosy, chronic alcoholism, drug addiction) as well as diseases subject to quarantine.

The policy of hospitalization and treatment of such patients, including compulsory, is established by Ukrainian legislative acts.

**Section VI. Provision of Pharmaceuticals and Prosthetics****Article 54. Policy of Providing Pharmaceuticals and Immunobiological Preparations**

Citizens are provided pharmaceuticals and immunobiological preparations through pharmacy, therapeutic and preventive institutions.

The policy of providing pharmaceuticals and immunobiological preparations to citizens free of charge or at reduced rates is determined by Ukrainian legislation.

Pharmacy, therapeutic, and preventive institutions may dispense only those pharmaceuticals and immunobiological preparations that are approved for use by the Ukrainian Ministry of Health, and they are responsible for ensuring proper conditions of their storage and sale, as well as for maintaining a mandatory assortment of pharmaceuticals and immunobiological preparations, including a reserve necessary for the case of epidemic diseases, natural disasters and catastrophes.

The Ukrainian Ministry of Health regularly informs public health workers and the population regarding pharmaceuticals and immunobiological preparations approved for use.

**Article 55. Production of Pharmaceuticals and Immunobiological Preparations**

Production of new pharmaceuticals and immunobiological preparations for medical purposes is permitted with the approval of the Ukrainian Ministry of Health after their therapeutic or preventive effectiveness is established.

The quality of pharmaceuticals and immunobiological preparations must satisfy requirements of the Ukrainian State Pharmacopoeia and specifications approved according to the established procedure.

Control over the quality of pharmaceuticals and immunobiological preparations manufactured by Ukrainian enterprises is maintained by the Ukrainian Ministry of Health.

**Article 56. Provision of Prosthetic Care**

In the necessary cases citizens are provided prosthetics, orthopedic and corrective appliances, eye glasses, hearing aids, resources for therapeutic physical culture and special transportation resources.

The categories of persons entitled to free or advantageous provision of the indicated appliances and articles as well as the conditions and policy of providing them are established by Ukrainian legislation.

**Section VII. Protection of the Health of the Mother and Child**

**Article 57. Encouragement of Maternity. Guarantees for the Protection of the Health of the Mother and Child**

In Ukraine, maternity is protected and encouraged by the state.

Protection of the health of the mother and child is provided for by organizing a broad network of women's, genetic and other consultation offices, maternity hospitals, sanatoriums and vacation homes for pregnant women and mothers with children, nursery schools, day care centers and other children's institutions; granting a woman leave during pregnancy and labor coupled with payment of social insurance assistance, and establishing work breaks for nursing an infant; paying assistance in accordance with established policy in connection with the birth of a child, and assistance while caring for a sick child; prohibiting the work of women in heavy labor and production operations that are harmful to their health, and transferring pregnant women to lighter work at the same average wage; improving working and personal conditions; eliminating negative ecological factors; providing state and public support to the family, and other measures in accordance with policy established by Ukrainian legislation.

In order to protect the health of the woman, she is granted the right to decide the question of maternity herself.

**Article 58. Provision of Health Care to Pregnant Women and Newborn Infants**

Public health institutions support each woman with qualified medical observation of the course of pregnancy, provide hospital health care during labor, and therapeutic and preventive assistance to the mother and newborn infant.

**Article 59. Concern for Strengthening and Protecting the Health of Children and Adolescents**

Parents are obligated to show concern for the health of their children, for their physical and spiritual development, and for their maintenance of a healthy way of life. In the event of violation of this responsibility, if such violation does significant harm to the health of the child, those responsible may be deprived of parental rights in accordance with established policy.

In order to raise a healthy young generation with harmoniously developed physical and spiritual strengths, the state supports development of a wide network of children's day care centers, boarding schools, health resorts, vacation camps and other children's institutions.

Children being raised in children's institutions and attending schools are provided the necessary conditions for maintaining and strengthening health and for hygienic education. The work and study load and the

requirements regarding lesson schedules are determined in coordination with the Ukrainian Ministry of Health.

**Article 60. Provision of Health Care to Children and Adolescents**

Health care is provided to children and adolescents by therapeutic, preventive and health improvement institutions, by children's polyclinics, hospital departments, dispensaries, hospitals, sanatoriums and other public health institutions. Children are provided passes to state children's sanatoriums free of charge.

Children and adolescents are kept under dispensary observation.

**Article 61. Children's Nutrition**

The state provides high quality formulas and other children's dietary products, manufactured on an industrial basis out of ecologically clean raw materials, to children up to three years of age.

Bodies of state public health inspection are responsible for monitoring fulfillment of public health and other standards related to children's dietary products.

**Article 62. Control Over the Health of Children in Child-Raising and Educational Institutions**

Control over protection of the health of children and implementation of health improvement measures in child-raising and educational institutions is maintained by public health organs and institutions jointly with public education organs and institutions with the participation of public organizations.

**Article 63. State Assistance to Citizens Caring for Children With Deficiencies in Physical or Mental Development**

Children with deficiencies in physical or mental development requiring medical and social assistance and special care may be maintained in infants' homes, children's homes and other specialized children's institutions at state expense, if so desired by the parents or by persons standing in their stead.

Health care and social assistance is provided to families or other persons in institutions upon whom such children are dependent in accordance with policy established by the Ukrainian Cabinet of Ministers.

**Article 64. Advantages Granted to Mothers in the Event of a Child's Illness**

When hospitalization is impossible or when the indications for hospital treatment of a sick child are absent, its mother or another member of the family caring for the child may be granted leave from work and paid assistance from social insurance funds in accordance with established policy. In the case of hospital treatment of children up to six years of age, as well as of older seriously ill children determined by a physician to

require a mother's care, mothers or other family members are offered the possibility for staying with the child in the therapeutic institution, and are provided free room and board and are paid social insurance assistance in accordance with established policy.

**Article 65. Control Over Labor and Industrial Training and Working Conditions of Adolescents**

Industrial training of adolescents is permitted in accordance with legislation in relation to occupations that are in keeping with their age, physical and mental development, and health. Labor and industrial education are provided under systematic medical supervision.

Control over the working conditions of adolescents and implementation of special measures directed at preventing illness among adolescents is maintained by public health organs and institutions jointly with enterprise, institution and organization owners as well as organs of vocational-technical education, public health organs and public organization.

**Article 66. Mandatory Medical Certification of Working Adolescents**

Medical certification of adolescents is mandatory prior to resolving the question of their acceptance for work. Working adolescents must undergo medical certification regularly, but not less than once a year.

**Section VIII. Public Health Support to Sanatorium and Health Resort Activities and Recreation**

**Article 67. Public Health Support to Sanatorium and Health Resort Activities**

Sanatorium and health resort institutions carry out their activities in accordance with policy foreseen by health resort legislation. Sanatorium and health resort institutions are opened, their specialization (medical profile) is established and medical indications for and contraindications against sanatorium and health resort treatment are determined in coordination with the Ukrainian Ministry of Health or a body authorized for this purpose by the latter with the goal of ensuring adequate therapeutic and preventive care in such institutions.

The need for sanatorium and health resort treatment is determined by a physician on the basis of the patient's health, and it is certified by medical documents of format established by the Ukrainian Ministry of Health.

Public health organs are obligated to provide scientific methodological and consultative assistance to sanatorium and health resort institutions.

State control over provision of therapeutic and preventive care in sanatorium and health resort institutions is maintained by the Ukrainian Ministry of Health and by bodies authorized by it and possessing the right to suspend the activities of these institutions in accordance with procedures established by legislative acts in the

event of their violation of health legislation or the legal rights and interests of citizens.

**Article 68. Public Health Support to Recreation**

Owners and directors of vacation homes, boarding hotels, tourist bases and other enterprises, institutions and organizations engaging in activity associated with organizing recreation for the population are obligated to create healthy and safe conditions for recreation, observe public health legislation and public health norms, and provide the possibility for provision of the necessary therapeutic and preventive care to vacationers.

State control over public health support to the population's recreation is maintained by public health organs.

**Section IX. Medical Expert Examination**

**Article 69. Medical and Social Expert Examination of Incapacitation**

Expert examination of temporary incapacitation of citizens is carried out in public health institutions by a physician or a commission of physicians, who establish the need for granting leave in connection with illness and disabling injury, pregnancy and labor, to care for an ill family member, for the period of a quarantine, to fit a prosthetic, and for sanatorium and health resort treatment, determine the need and time of temporary transfer of a worker in connection with illness to another job in accordance with established policy, and make the decision of referral to a medical-social expert commission to determine the presence and degree of long-term or permanent incapacitation.

Expert examination of long-term or permanent incapacitation is carried out by medical-social expert commissions, which establish the degree and cause of disability, determine the jobs and occupations in which the health of disabled persons will allow them to participate, verify the correctness of use of the labor of disabled persons in accordance with a conclusion of an expert commission, and promote restoration of the performance of disabled persons.

The conclusions of medical-social expert examination organs regarding the conditions and nature of the work of disabled persons are binding upon enterprise, institution and organization owners and administrations.

The procedure for organizing and carrying out medical-social expert examination is established by the Ukrainian Cabinet of Ministers.

**Article 70. Medical Military Fitness Examination**

The purpose of medical military fitness examination is to determine the fitness of conscripts, servicemen, and reservists for military service, establish a causal relationship between diseases, wounds, and injuries on one hand and military service on the other, and to determine the need and conditions for medical and social rehabilitation and assistance to servicemen.

Medical military fitness examination is carried out by military medical boards established under military commissariats and public health institutions of the Ukrainian Ministry of Health, the Ukrainian Security Service and other military formations.

The procedure for organizing and carrying out medical military fitness examination is established by the Ukrainian Cabinet of Ministers.

#### **Article 71. Forensic Medical and Psychiatric Expert Examination**

Forensic medical and psychiatric expert examination is scheduled by a person conducting an investigation, an examining magistrate, a procurator or the court in accordance with policy established by legislation in order to resolve issues requiring special knowledge in forensic medicine or forensic psychiatry.

The Ukrainian Ministry of Health provides organizational leadership to forensic medical and forensic psychiatric services.

#### **Article 72. Autopsies**

Autopsies are conducted on corpses with the purpose of establishing the causes and mechanisms of a patient's death.

Autopsies are performed mandatorily when violent death is suspected, and if the patient died in a public health institution, except in cases foreseen by the third paragraph of this article.

In the presence of written notification by close relatives or documented wishes of the decedent and absence of suspicion of violent death, an autopsy may not be performed on the basis of religious and other extenuating considerations.

The procedures of autopsies are determined by the Ukrainian Ministry of Health.

#### **Article 73. Alternative Medical Expert Examination**

In the event that a citizen disagrees with the conclusions of state medical expert examination and in other cases foreseen by legislation, the citizen may demand alternative medical (medical-social, medical military, forensic medical, forensic psychiatric etc.) expert examination or autopsy.

Alternative medical expert examination is carried out by specialists of the corresponding profile and qualifications. Citizens independently select the expert institution and experts.

The procedures and conditions of alternative medical expert examination are determined by the Ukrainian Cabinet of Ministers.

### **Section X. Medical and Pharmaceutical Activity**

#### **Article 74. Participation in Medical and Pharmaceutical Activity**

Persons possessing the corresponding special education and satisfying unified qualification requirements may participate in medical and pharmaceutical activity.

Persons without a special education are permitted to participate in folk and nontraditional medicine as an exception on the basis of a special permit of the Ukrainian Ministry of Health or a public health organ authorized by it.

Unified qualification requirements on persons engaging in certain forms of medical and pharmaceutical activity, including in folk and nontraditional medicine, are established by the Ukrainian Ministry of Health. Responsibility for observing the indicated qualification requirements is borne by the directors of public health institutions and of organs granted the right to issue a permit (license) for individual entrepreneurial activity in public health.

Persons who have undergone medical or pharmaceutical training in educational institutions of foreign states are permitted to participate in professional activity after their qualifications are checked in accordance with policy established by the Ukrainian Ministry of Health, unless foreseen otherwise by legislation or by international treaties to which Ukraine is a party.

#### **Article 75. Training, Retraining and Advanced Training of Medical and Pharmaceutical Workers**

Training, retraining, and advanced training of medical and pharmaceutical workers are provided by the corresponding special and higher educational and scientific institutions, personnel advanced training and retraining institutions, and through internship, clinical residency, and graduate and doctoral studies in accordance with educational legislation.

The study plans and the programs for the training, retraining, and advanced training of medical and pharmaceutical workers are coordinated with the Ukrainian Ministry of Health in accordance with established policy.

#### **Article 76. Oath of a Ukrainian Physician**

Graduates in medical specialties of higher medical educational institutions take the Ukrainian Physician's Oath.

The text of the Ukrainian Physician Oath is approved by the Ukrainian Cabinet of Ministers.

#### **Article 77. Professional Rights and Advantages of Medical and Pharmaceutical Workers**

Medical and pharmaceutical workers have the right to:

- a) participation in medical and pharmaceutical activity in accordance with their specialty and qualifications;

- b) appropriate conditions of professional activity;
- c) advanced training and retraining not less than once in 5 years in the corresponding institutions;
- d) free choice of tested forms, methods and resources of activity, and introduction of modern accomplishments of medical and pharmaceutical science and practice in accordance with established policy;
- e) free use of social, ecological and special medical information necessary for the fulfillment of professional responsibilities;
- f) mandatory insurance, paid by the owner of the public health institution, in the event of damage to their health and life in connection with fulfillment of professional responsibilities in cases foreseen by legislation;
- g) social assistance from the state in the event of illness, disabling injury or in other cases of incapacitation resulting from fulfillment of occupational responsibilities;
- h) establishment of average pay rates and salaries in state public health institutions at a level that is not below the average wage of industrial workers;
- i) a shortened work day and extra paid leave in cases established by legislation;
- j) advantageous terms of pension support;
- k) housing offered on an advantageous basis, and provision of a telephone;
- l) for persons living in rural areas, free use of a heated and lit apartment, and advantages in paying land tax, obtaining loans, establishing a household and building a private dwelling, and acquiring motor transportation;
- m) priority access to therapeutic and preventive care and provision of pharmaceuticals and prosthetics;
- n) establishment of scientific medical societies, professional unions and other public organizations;
- o) judicial protection of professional honor and merit.

Legislation may foresee other rights and advantages for medical and pharmaceutical workers. Advantages established for workers at enterprises, institutions and organizations in which they provide public health care may be extended to them.

#### **Article 78. Professional Responsibilities of Medical and Pharmaceutical Workers**

Medical and pharmaceutical workers are obligated:

- a) to promote protection and reinforcement of the health of people and prevention and treatment of disease, and to provide timely and competent health and medical care;

b) to render urgent care to citizens free of charge in an accident and in other extreme situations;

c) to disseminate scientific and medical knowledge among the public, and to publicize a healthy way of life, including by their own example;

d) to observe the requirements of professional ethics and deontology, and to maintain medical confidentiality;

e) to continually raise the level of their professional knowledge and proficiency;

f) to provide consultative assistance to their associates and other public health workers.

Medical and pharmaceutical workers also bear other responsibilities foreseen by legislation.

### **Section XI. International Cooperation**

#### **Article 79. International Cooperation in Public Health**

Ukraine is a participant of international cooperation in public health, and a member of the World Health Organization (WHO) and other international organizations. The state guarantees the indicated organizations the appropriate conditions for activity in Ukraine, and promotes expansion and deepening of Ukraine's participation in measures implemented by them.

In accordance with its international legal obligations, the state participates in the implementation of international public health programs; exchanges ecological and medical information; promotes professional and scientific contacts among public health workers, exchange of progressive methods and technologies, export and import of medical equipment, pharmaceuticals and other goods necessary for health and the activity of joint ventures in public health; organizes joint training of specialists, and develops and supports all other forms of international cooperation that do not conflict with international law and national legislation.

Public health institutions, citizens and their associations have the right to independently sign, in accordance with legislation currently in effect, agreements (contracts) with foreign legal and natural persons on all forms of cooperation, to participate in the activities of corresponding international organizations, and to engage in foreign economic activity.

Unlawful restriction of international cooperation by state bodies and officials may be appealed in accordance with established policy, including in court.



**Section XII. Liability for Violation of Public Health  
Legislation**

**Article 80. Liability for Violation of Public Health  
Legislation**

Persons guilty of violating legislation regarding protection of the health of the population bear civil, administrative or criminal liability in accordance with legislation.

[Signed] President of Ukraine L. Kravchuk  
Kiev,  
19 November 1992

**Russian Law on Organ Transplants**

*937C0169B Moscow DELOVOY MIR in Russian  
16 Jan 93 p 10*

[Law dated 22 December 1992 "On Transplantation of Human Organs and (or) Tissues"]

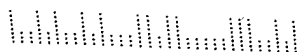
[Text] The conditions and procedure of transplantation of human organs and (or) tissues are determined. Transplantation from a living donor or corpse may be carried out only if other medical resources cannot guarantee preservation of the life of the patient (recipient) or restoration of his health. Transplantation is permitted exclusively with the consent of the living donor. Human tissue may not be an object of purchase or sale.

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