

Basic Rights of a Doctor and Patient in the Republic of Uzbekistan

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ABSTRACT

Obviously, the issues of observing the rights of a doctor and a patient, which are clearly spelled out in the legislation today, are the most problematic issues in the activities of each medical organization. We emphasize that these problematic issues exist today in the activities of every medical organization, even when its management is convinced that everything is in order with the questions of ensuring the rights of the patient. This article describes the rights of patients and doctors legalized by the legislation of the Republic of Uzbekistan.

Keywords: Doctor's rights, patient's rights, medical organization

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INTRODUCTION

The right to protection of health is ensured by environmental protection, the creation of safe working conditions, favorable working conditions, living conditions, recreation, education and training of citizens, the production and sale of food products of appropriate quality, quality, safe and affordable medicines, as well as the provision of affordable and high-quality medical help. (08.29.1996, N 265-I "On the protection of health of citizens"). Replacing free medical care with paid medical services is unacceptable. The offer to pay guaranteed by the state as free medical care provided on the conditions established by the program of state guarantees of free medical care for citizens is a violation of your rights. The rights and obligations of citizens of Uzbekistan in the field of health care are regulated by the law of the Republic of Uzbekistan from 08/29/1996 N 265-I "On the protection of health of citizens": The right to medical care Everyone has the right to medical care. Everyone has the right to guaranteed medical care provided without charge in accordance with the program of state guarantees of free provision to citizens medical care, as well as receiving paid medical services and other services, including in accordance with a voluntary medical insurance contract [4, 6].

The patient has the right to: choose a doctor and choose a medical organization in accordance with this law; prevention, diagnosis, treatment, medical rehabilitation in medical organizations in conditions that meet sanitary and hygienic requirements; obtaining information about their rights and obligations, their health status, choosing people to whom information about their health status can be transferred in the interests of the patient; protecting information constituting medical secrets; refusal of medical intervention; the harm caused to health in the provision of medical care [7].

When a citizen is provided with medical care under the state guarantees program for the free provision of medical care to citizens, he has the right to choose a medical organization in the manner approved by the authorized executive body and to choose a doctor, taking

into account the doctor's consent. Features of the choice of a medical organization by citizens living in closed administrative-territorial entities, in territories with physical, chemical and biological factors hazardous to human health, included in the corresponding list, as well as by employees of organizations included in the list of organizations of individual industries with especially dangerous working conditions established by the Government of Uzbekistan. To receive primary health care, a citizen chooses a medical organization, including on a territorial-district basis, not more than once a year (except for cases of changing the place of residence or place of stay of a citizen). In the selected medical organization, a citizen makes a choice not more than once a year (except for cases when the medical organization is replaced) by a general practitioner, local doctor, general practitioner (family doctor) or paramedic by submitting an application in person or through a representative to the head of the medical organization [5, 9].

When choosing a doctor and a medical organization, a citizen has the right to receive information in an accessible form for him, including information posted on the information and telecommunication network, about a medical organization, about its medical activities and about doctors, about the level of their education and qualifications. - The choice of a doctor and medical organization by military personnel and persons equated in medical support with military personnel, citizens who are in alternative civilian service, citizens who are called up for military service or assigned to alternative civilian service, and citizens who enter military service on a contract or equivalent to her service, as well as detained, detained, serving a sentence of restraint of liberty, arrest, imprisonment or administrative arrest, taking into account the peculiarities of medical care (PO №5590, 12/07/2018. About integrated improvements of the health care system republic of Uzbekistan). When providing medical assistance to citizens in the framework of practical training of students in professional educational programs of medical education, the patient should be informed about the participation of students in

the provision of medical care and entitled to refuse the participation of students in the provision of medical care. In this case, the medical organization is obliged to provide medical assistance to such a patient without the participation of students. (Supplement №1 to the Decree of the President of the Republic of Uzbekistan dated December 18, 2018 N PO-4063). Everyone has the right to receive, in an accessible form for him, information available at a medical organization about his state of health, including information about the results of a medical examination, the presence of the disease, the established diagnosis and the prognosis of the development of the disease, methods of medical care, the associated risk, possible types of medical intervention, its consequences and the results of medical care. Information on factors affecting health Citizens have the right to receive reliable and timely information on factors that contribute to maintaining their health or having a harmful effect on it, including information on the sanitary and epidemiological well-being of the area of residence, the state of the environment, rational diet, quality and safety industrial products, food products, goods for personal and domestic needs, potential risks to human health of work performed and services rendered. Such information is provided by state authorities and local authorities in accordance with their powers, as well as organizations in the manner prescribed by the legislation of the Republic of Uzbekistan. The rights of military personnel and persons equated in medical support with military personnel, as well as citizens undergoing alternative civilian service, citizens subject to conscription (sent to alternative civilian service), and citizens entering military service or contractual service equivalent to it, to protect health - Military personnel and persons equated with medical support to military personnel (hereinafter - military personnel and persons equated to them), as well as citizens undergoing alternative civilian service, have the right to undergo military medical examination to determine their fitness for military service or service equivalent to it and for early dismissal from military service or service equivalent to it on the basis of the conclusion of the military medical commission [11]. Citizens subject to military service or sent to alternative civilian service, and citizens enlisted in the military service or contracted service equivalent to it, undergo a medical examination in the manner prescribed by Decree of the President of the Republic of Uzbekistan dated 10.11.1998 N UP-2107, and are entitled to receive complete information about medical contraindications for military service or equivalent service and indications for deferment or exemption from military service due to health reasons. Military personnel and persons equated to them have the right to receive medical care at departmental medical organizations, and in their absence or in the absence of departmental medical organizations of the appropriate profile, specialists or special medical equipment - to receive medical care in the manner established by the legislation of the Republic of Uzbekistan, at the expense of the budget provided for these purposes by executive and state bodies in which law provides for military service or service equivalent to it (Resolution of the Cabinet of Ministers of the Republic of Uzbekistan 02/01/2011 N 26 On Approval «Of The Regulation on medical and sanatorium-resort support in the armed forces of the Republic of Uzbekistan»).

On the basis of the law "On the protection of health of citizens" dated 08.29.1996, in accordance with the article

of the same Law, "the rights from the child belong to and are guaranteed by the state". When children receive medical care, they are subject to the rights of the patient, enshrined in the law of the Republic of Uzbekistan on the protection of the health of citizens. Due to age characteristics, physical and mental development, children are not able to fully realize their interests, use their rights and, if necessary, defend them independently, this is the responsibility of the child's legal representatives (mother, father) until the child reaches a certain age and obtaining a passport, after which the child has the right to make decisions independently.

The right to a respectful and humane attitude on the part of medical and service personnel: This is respect for the personality and interests of the patient, the requirement to take all possible measures to alleviate the pain associated with the disease, compliance with the sanitary and hygienic requirements for the conditions for the patient to undergo examination and treatment, in accordance with Article 30 "Fundamentals of the legislation of the Republic of Uzbekistan on the protection of public health".

The right to choose a doctor, including the attending physician, as well as the choice of a medical institution. This is the patient's right, based on his preferences, without any outside pressure to choose a doctor, including the attending and family, taking into account his written consent, as well as the choice of a medical treatment institution among those with which agreements are made by insurance medical organizations, issuing the patient a policy of compulsory or voluntary health insurance [15].

The right to be examined, treated and maintained in conditions that comply with sanitary and hygienic requirements. This is the compliance of hospitals with a number of departmental and regulatory documents governing the activities of healthcare facility personnel in the provision of medical care using medical devices, in accordance with sanitary-hygienic and sanitary anti-epidemic standards.

The right to consult and consult other specialists. This is the patient's right to hold at his request consultations (meetings of several specialists) and consultations of other specialists whose professional knowledge is needed during the provision of medical care, according to article 24 of the law "On the protection of health of citizens" N 265-I of 08.29.1996.

The right to pain relief. This is the patient's right to reduce or relieve pain associated with a disease, injury or medical intervention, using available methods and means, according to article 24 of the law "On the protection of health of citizens" N 265-I of 08.29.1996.

The right to confidentiality of medical information. This is the patient's right to non-disclosure without his consent of information on the fact of seeking medical care, health status, diagnosis and other medical and non-medical information received from him during the examination and treatment, according to article 25 of the law "On the protection of health of citizens" N 265-I of 08.29.1996.

The right of voluntary informed consent to medical intervention. It is the patient's right not to undergo medical intervention that does not correspond to his informed and voluntary decision, based on information received in sufficient volume and in a form accessible to his understanding, according to article 19 of the law "On the protection of health of citizens" N 265-I of 08.29.1996.

The right to refuse medical intervention. This is the right of the patient or his legal representative to refuse medical

intervention or to demand its termination at any time after receiving, in a form that the patient understands, information about the possible consequences of such a refusal and recording it in medical documents. The list of exceptions is determined by law, articles 19, 24, 27 of the law "On the protection of health of citizens" N 265-I of 08.29.1996.

The right to receive information about rights, obligations and health status. This is the patient's right to receive, in a form that is understandable to him, information about his state of health, including information about the results of the examination, the presence of the disease, his diagnosis and prognosis, treatment methods, the associated risks, alternative options for medical intervention, their likely consequences, including the right to choose third parties to whom information on his health status can be transmitted in his interests, according to article 24 of the law "On the protection of health of citizens" N 265-I of 08.29.1996.

The right to receive medical care under voluntary medical insurance (voluntary health insurance) according to article 16 of the law "On the protection of health of citizens" N 265-I of 08.29.1996. This is the patient's right to receive medical care and related services within the framework of collective and individual voluntary insurance, which provides for the possibility of a wider choice of doctors and healthcare facilities both in Uzbekistan and abroad, as well as the provision of conditions for increased comfort in hospitals, the provision of sports, health and beauty services, home care, etc.

Along with the rights, the laws of the Republic of Uzbekistan highlighted the obligations of the patient, these include: take measures to maintain and strengthen their health; seek medical attention in a timely manner; respect medical workers and other persons involved in the provision of medical care; provide the person providing the medical care with known reliable information about the state of their health, including contraindications to the use of medicines, previously transferred and hereditary diseases; cooperate with a doctor at all stages of medical care; after obtaining informed consent to medical intervention, strictly comply with all appointments of the attending physician and nursing staff [13, 14].

Do not resort to unappointed diagnostic methods, do not use unappointed medications, procedures and manipulations - immediately inform the doctor about a change in your health status during the diagnosis and treatment; do not take actions that could violate the rights of other patients. If a patient fails to comply with the medical prescriptions or rules of the internal organization of the healthcare organization for patients without good reason, the attending physician, with the permission of the chief physician of the healthcare organization or the department head, may refuse to monitor and treat the patient if this does not threaten the patient's life or the health of others.

Currently, the problem of protecting the rights of doctors in legal science is not sufficiently developed. Currently, legal research in the field of protecting the rights of doctors is of not only theoretical, but also of great practical importance.

Relations between doctors and patients in the Republic of Uzbekistan are governed mainly by the Constitution of the Republic of Uzbekistan, the Fundamentals of the legislation of the Republic of Uzbekistan on the protection of public health; laws: "On the Protection of Consumer

Rights", "On Psychiatric Care and Guarantees of the Rights of Citizens when Providing It," "On Health Insurance g" and others. The main feature of the legislative regulation of these relations in the Republic of Uzbekistan is that for the doctor, in general, prohibitions are established, and for the patient certain rights, primarily as a consumer of health care.

The main document regulating the work of the doctor is 08.29.1996, N 265-I "On the protection of health of citizens". According to this law, the following rights of a doctor are established in general terms:

The doctor has the right to engage in medical activities, subject to the availability of a higher medical education, diploma and special rank, as well as a specialist certificate and a license to carry out medical activities.

Documents on the obtained level of medical education, including the degree, allow you to fill the corresponding vacant positions in medical and preventive (outpatient and inpatient), medical educational and scientific institutions (Appendix No. 2 of this order), as well as apply for a qualification category in specialties. In addition, some specialties (biopsy diagnostics, operative diagnostic laparoscopy, etc.) do not have similar positions, but allow a specialist to have the right to access one or another high-tech method of treatment and diagnosis (for example, only with a training certificate in the specialty of extracorporeal detoxification». The toxicologist has the right to carry out hemosorption, a cardiologist or hematologist - plasmapheresis, etc.), others - to organize advanced training courses (neurophysiology, neuroophthalmology).

Doctors with a work experience of 10 years or more in a specialized specialty, but for various reasons who do not have documents on obtaining a narrow specialty, reserve the right to a position in the institution where they work. If they were previously, prior to the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 319 of December 18, 2009, received the highest or first qualification category in a specialized specialty without taking specialization courses, these specialists are granted the right to receive a qualifying category in a specialty and subsequently without certificates for the corresponding specialization. In the absence of a qualification category for these specialists before the above period (December 18, 2009), its assignment is possible only if there are documents on primary specialization.

The doctor has the right to use methods of diagnostics, treatment and medicines that are not approved for use, but are being considered in the established manner, in the interest of treating the patient only after receiving his voluntary written consent; the doctor has the right to participate in the medical and social examination at the invitation and in the presence of the application of a citizen, or his legal representative; the doctor has the right to engage in private medical practice with a diploma of higher medical education, a specialist certificate and a license for medical activity [16].

Also, the doctor has the right, with the consent of the citizen or his legal representative, to transfer information constituting medical secrets to other citizens, including officials, in the interests of examining and treating the patient, for conducting research, publishing in the scientific literature, using this information in the educational process and for other purposes; Doctors have the right to create professional associations and other public associations formed on a voluntary basis to protect the rights of medical workers, develop medical practice,

promote scientific research, and resolve other issues related to the professional activities of medical workers [1,8].

According to the legislation of the Republic of Uzbekistan, a doctor has the right to: ensure the conditions of his activity in accordance with labor protection requirements; work under an employment contract (contract), including abroad; protection of their professional honor and dignity; obtaining qualification categories in accordance with the achieved level of theoretical and practical training; improvement of professional knowledge; retraining if it is impossible to perform professional duties due to health reasons, as well as in cases of dismissal of employees due to a reduction in the number or staff, liquidation of enterprises, institutions and organizations in accordance with the legislation of the Republic of Uzbekistan.

It is known that practice is becoming more widespread when claims are brought against doctors on the basis of the Law on the Protection of Consumer Rights. The profession of a medical worker gains a new quality and becomes the object of legal control.

The right of a doctor in this area is certainly important. Therefore, one cannot ignore the issue of unfounded accusations against doctors and healthcare institutions that provided medical care to the patient.

Legal services in healthcare institutions do not solve this problem in the best way. Despite many years of work as the legal adviser of the respective institution, such lawyers, as a rule, are not able to provide qualified assistance to their employer on issues such as protecting the interests of a doctor in a civil case due to a medical mistakes.

There are frequent cases when the legal adviser is not able to work with the evidence base of the opposite side and is not able to collect his own evidence base, and when considering the case, substantive law norms are given as counterarguments without an appropriate evidence base. Such a problem with the conduct of civil cases, in the end, very deplorably ends not only for the clinic, but also for the doctor, since a criminal case can also be brought against him. In this regard, it is also important to note the fact that in many medical institutions there is no proper work with documentation, which is also an indirect reason for unfounded accusations against doctors.

The main problem of legal services of medical organizations is the lack of appropriate specialization. Legal advisers are mainly involved in drafting business contracts for the clinic, without paying due attention to issues such as the relationship of patients with doctors and the healthcare institution itself.

In the light of the changes that are taking place, the social role of the doctor and the medical professional in general is changing, and within the framework of this article it is not possible to point out all the possible problems of protecting the rights of doctors, since they require a detailed study [4].

The issues of the possibility of an active rule-making process in the field of "patient - doctor" relationships from the point of view of their correlation, bringing the legislative base in line with existing social relations in this area, and much more remain insufficiently considered.

All this gives reason to believe that the legislation on health has its positive and negative sides.

As for the problems in the field of the rights of doctors, they are caused by insufficient regulation of this sphere of relations in the Fundamentals of the legislation of the Republic of Uzbekistan on the protection of public health.

Therefore, in order to more fully implement the constitutional norms, institutions and principles governing healthcare, some provisions require their further development.

Modern education offers many different ways to study such a discipline as "Medical Law". And each of these methods is not without drawbacks. In our opinion, one of the main problems in the independent study of medical law is poor-quality literature.

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