



## CONSTITUTIONAL AND LEGAL FOUNDATIONS OF THE RIGHT TO USE QUALIFIED MEDICAL SERVICES IN THE REPUBLIC OF UZBEKISTAN

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**Abstract:** This article highlights the importance of citizens' health, reforms carried out by the head of state in this regard, attention and care given to minors, powers of the Cabinet of Ministers in the field of health care.

**Keywords:** health care, social protection, rights, Cabinet, powers, minors.

One of the first legal documents adopted in the implementation of the "Citizens' right to use qualified medical services" mentioned in Article 48 of the newly revised Constitution of the Republic of Uzbekistan is the "Citizens' Health" adopted on September 14, 1996. is the law on storage. Considering the purpose of this law:

- ✓ Ensuring that the rights of citizens to health care are guaranteed by the state;
- ✓ Formation of a healthy lifestyle of citizens;
- ✓ Legal regulation of activities of state bodies, enterprises, institutions, organizations, public associations in the field of public health care.

Therefore, the main purpose of this legal document is to serve as a means of guaranteeing and implementing the state's protection of citizens' health as defined in the Constitution. At the same time, this law specifies the powers of each state organization in the field of health care.



The powers of the Cabinet of Ministers of the Republic of Uzbekistan in the field of public health care are as follows:

- Protection of human rights in the health sector;
- state policy in the field of public health care;
- approval and funding of health care and medical science development programs;
- management of the state healthcare system;
- control over ensuring sanitary-epidemiological stability;
- to take measures to save people's lives and protect their health in emergency situations, to inform citizens about the situation in the emergency zone and the measures being taken;
- establishment of a unified system of statistical accounting and reporting in the field of public health care;
- To approve basic programs of medical insurance for citizens of the Republic of Uzbekistan;
- to establish privileges in the provision of medical care and provision of medicines to certain groups of citizens;
- to coordinate and control the activities of state management bodies, economic entities in the field of public health care, protection of family, motherhood and childhood;
- performs other powers in accordance with the law.

As can be seen from these documents, the Cabinet of Ministers is directly concerned with health care, the creation of wide conditions for citizens to use qualified medical services and the provision of this right, and most importantly, it allocates funds for this area and exercises control.

At this point, it is appropriate to point out the powers of the Ministry of Health:

- 1) Participates in the development of the regulatory framework of health care and medical insurance, state standards for the quality and volume of medical care;
- 2) supervises the compliance of all medical institutions with the legislation on the protection of citizens' health;



- 3) implements targeted state programs in the field of public health care;
- 4) organizes the provision of primary medical and sanitary assistance to the population within the scope guaranteed by the state;
- 5) carries out licensing of medical and pharmaceutical activities (with the exception of licensing of the direction of pharmaceutical activities - retail sale of drugs and medical supplies) in the prescribed manner;
- 6) regulates the level of tariffs for medical services in institutions of the state healthcare system;
- 7) carries out standardization and certification of medicines, medical devices and medical equipment allowed for use in the territory of the Republic of Uzbekistan;
- 8) performs other powers in accordance with the law.

The regulatory legal documents issued by the Ministry of Health of the Republic of Uzbekistan on treatment-preventive, sanitary, anti-epidemic, radiation, environmental issues within the scope of its powers are issued by state bodies, enterprises, institutions, organizations, public associations in the territory of the Republic of Uzbekistan and It is mandatory to be performed by individuals.

We would not be wrong to say that all this is a clear proof of how much attention is paid to the health of the citizens of our country and the importance of every citizen living in Uzbekistan for the state.

In addition to the Cabinet of Ministers and the Ministry of Health, the local government also has a lot of powers in this regard:

- protection of human rights in the field of health care;
- ensuring the implementation of legislation in the field of health care of citizens;
- formation of management bodies of the healthcare system, development of the network of its institutions;
- organization of primary medical-sanitary and medical-social care, ensuring that everyone can enjoy them, monitoring compliance with clinical-statistical standards of the quality of



medical care, providing citizens with medicines and medical supplies in the territory under their control;

- Licensing of the direction of pharmaceutical activity - retail sale of medicines and medical supplies in the prescribed manner;
- formation of own sources of financial provision of healthcare costs;
- ensuring citizens' peace of mind in terms of sanitation and epidemiology, implementation of preventive, sanitary-hygiene, anti-epidemic and nature protection measures;
- ensuring environmental protection and environmental safety;
- to take measures to save people's lives and protect their health in emergency situations, to inform citizens about the situation in the emergency zone and the measures being taken;
- coordinating and controlling the activities of health system bodies, institutions and enterprises, monitoring the quality of medical and social care provided in health care institutions;
- establishment of institutions that restore the strength of disabled people and persons in need of medical and social protection and ensure their activities;
- implementation of family, motherhood and childhood protection measures;
- organizing sanitary-hygiene and environmental education for citizens;
- creation of conditions encouraging the development of private and other health care systems;
- exercise other powers in accordance with the law.

It is certainly not for nothing that the local government has been granted such powers. It is to help ensure the local implementation of the decisions issued by the Cabinet of Ministers and the Ministry of Health or the work that needs to be implemented. At the same time, it provides quarterly reports on the activities carried out in the regions.

Funding of the state health care system from the state budget, medical insurance funds, funds of special funds intended for the protection of citizens' health, medical care in excess of the state-guaranteed capacity of treatment and prevention institutions. Funds



received for assistance and paid services, enterprises, institutions, organizations, public associations and private individuals to health care facilities are made through voluntary and charitable contributions, loans from banks.

Chapter II, Article 13 of the Law "On Health Care of Citizens" states that citizens of the Republic of Uzbekistan have an inviolable right to health care. The state ensures the health of citizens regardless of age, gender, race, nationality, language, religion, social origin, faith, personal and social status. The state guarantees that citizens are protected from discrimination regardless of the presence of any form of illness. It is indicated that the persons guilty of violating this rule shall be held responsible in accordance with the law.

It is noteworthy that our state not only ensures the use of qualified medical services for citizens of Uzbekistan, but also guarantees the right to health care of foreign citizens in the territory of the Republic in accordance with the international treaties of the Republic of Uzbekistan. The fact that stateless persons permanently residing in the Republic of Uzbekistan enjoy equal rights in health care with citizens of the Republic of Uzbekistan is also mentioned as a special norm, and it is worth being proud of. Because in many countries, foreign citizens have limited access to state medical services or even if they have funds, there are many problems in suing. For example, a black immigrant living in the US state of Pennsylvania needs access to health care, but his place of work is located in Chicago. If he injures himself on the job and is forced to go to a Chicago hospital, he will be sent back to his area, and the condition of the patient will be secondary. Such situations are not allowed in our country.

At the same time, citizens have the right to receive medical and social assistance. When they become ill, when they lose their ability to work, citizens receive preventive, diagnosis-treatment, restoration of strength, sanatorium-spa, prosthetic-orthopedic assistance and other types of assistance, as well as care for patients, incapacitated and disabled people. have the right to receive medical and social assistance, which includes



social measures related to care, including the payment of temporary disability benefits. Medical and social care is provided by medical workers and other specialists.

Citizens have the right to voluntarily obtain medical insurance from the funds of enterprises, institutions and organizations, their own funds and other sources not prohibited by law, as well as to use additional medical and other services.

Currently, 20 health insurance companies are operating in Uzbekistan. This number cannot be called happy, because in a country with more than 37 million inhabitants, only 20 health insurance companies operate. In addition, our citizens now understand the need for health insurance, and if something goes wrong, the company will cover the costs of treatment. However, in practice, even if a citizen has insured his health, there are still problems in getting this money from the insurance company.

Certain categories of citizens have the right to preferential provision of prostheses, orthopedic and adaptive products, hearing aids, mobility devices and other special devices. The Cabinet of Ministers of the Republic of Uzbekistan shall determine the categories of citizens who have such a right, the conditions and procedures for their provision.

Therefore, citizens have the right to undergo a medical examination in specialized healthcare institutions.

In order to protect the health of citizens engaged in certain professions, to prevent infectious and occupational diseases, the list of productions approved by the Ministry of Health of the Republic of Uzbekistan and employees of certain professions must undergo an initial mandatory medical examination at the time of starting work. they undergo medical examination from time to time. For example, state bodies: State Security Service, Internal Affairs, citizens working in the armed forces or young people who want to enter the university of these fields undergo medical examinations even before entering there, and according to the regulations, they must undergo re-examination every 6 months.

If, due to the state of health, a citizen is temporarily or permanently unable to engage in certain types of professions and activities that are a source of high risk, such a decision



corresponds to the list of activities considered inappropriate from a medical point of view. if it is accepted based on the conclusion made by the medical commissions and it is considered that it can be appealed to the court.

The list of certain types of professions and activities related to a highly hazardous source that cannot be engaged in from a medical point of view is provided by the Ministry of Health of the Republic of Uzbekistan, the Ministry of Employment and Labor Relations of the Republic of Uzbekistan and the trade union of Uzbekistan Associations are determined together with the Council of the Federation and revised at least once in five years.

Employers are personally responsible for the timely passing of mandatory medical examinations of their employees and for the harmful consequences caused to the health of citizens as a result of employing persons who have not passed mandatory medical examinations. For this, they can even be held responsible according to the law.

The family has always been in the state's attention. Taking care of his health has become more important than ever. Every citizen has the right to receive free consultations in the institutions of the state health care system regarding issues related to the family, whether he has diseases or diseases that are dangerous for those around him, medical-psychological aspects of marriage and family relations, as well as medical-hereditary and has the right to receive advice and undergo examination on other matters. Also, every family has the right to choose a family doctor.

Already, when children under 3 years of age, as well as seriously ill children or elderly people who, according to the opinion of doctors, need additional care, are being treated in the hospital, their father or mother or another member of the family directly caring for the child in the treatment facility an opportunity will be created for him to be with him and he will be given a certificate of incapacity for work. In its place, this also serves as a factor in the implementation of the rights of our citizens to use their constitutional rights.





Minors and the elderly also have the right and privilege they have. The state ensures the rights of minors in the use of Health and qualified medical services for their spiritual, physical development, by creating the most favorable conditions for the Prevention of diseases, while establishing medical services in preschool organizations, schools and other institutions.

Minors have the following rights: 1) to be under the control of a dispensary in accordance with the procedure determined by the Ministry of Health and to receive treatment in treatment and prevention institutions for children and adolescents, to receive sanitary-hygiene education, study and their physiological characteristics and work in healthy conditions; 2) to receive free medical consultations at the expense of budget funds when determining their suitability for a profession, to receive necessary information about their health in a convenient way for themselves.

Minors over fourteen years of age have the right to voluntarily give informed consent to medical intervention or refuse it.

Minors with disabilities in physical or mental development can live in institutions of the social protection system at the expense of budget funds, funds from charitable foundations and other foundations, as well as funds from parents or their substitutes, according to the application of their parents or their substitutes.

Violation of the rights and interests of minors in their upbringing by parents or other persons, neglecting to educate them, and cruel treatment of minors to the extent of harming their health shall be the reason for prosecution in accordance with the law.





### **REFERENCES:**

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2. Law of the Republic of Uzbekistan No. 265-I "On Protection of Citizens' Health" adopted on August 29, 1996.
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5. Resolution No. PF-4847 on October 2, 2020 "On measures to further improve the public administration system in the health sector".