

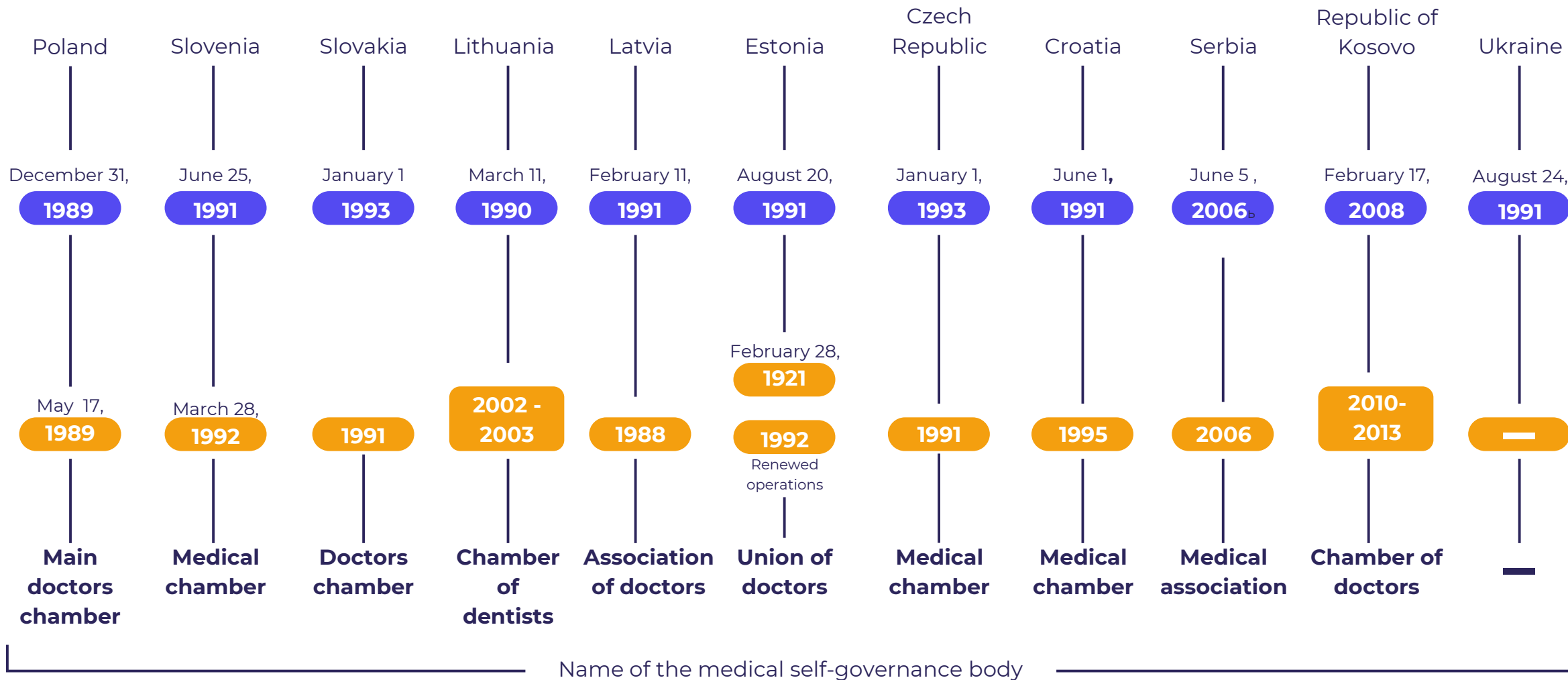


**здорові  
рішення**

для відкритого суспільства

# Professional self-governance

**Free doctor in Ukraine  
or Moses's path**



■ Independence day
 ■ Doctors' self-governance body established

# Ukrainian history of self-governance

- ◆ 1859 – territorial unions of doctors (Kharkiv, Kherson, Khmelnytsky)
- ◆ 1875 – doctors who had diplomas had united into first professional medical self-governance (Kharkiv) 1867 – Society of Galychyna Doctors (Lviv)
- ◆ 1910 – foundation of the Ukrainian doctors' society (Lviv)
- ◆ 1917 – formation of the All-Ukrainian society of doctors on the territory of Ukrainian Civil Republic (Kyiv)

**Since 1918 bolsheviks and the soviet authorities consequently disintegrated and destroyed all forms of medical management and self-governance**

**Since Ukraine gained its independence in 1991,  
there is NO LEGISLATION that would make it  
possible to restore self-government in Ukraine**

# International support to Ukraine

- ✦ Sharing experience through conferences and meetings
- ✦ Exchange visits with self-governance bodies of Germany and Poland and other countries
- ✦ Formal advocacy with different teams at Ministry of Health of Ukraine, Parliament Committee, and with medical leadership

# Official visit of Ukrainian delegation to Essen in 2023

- ✦ The Chairman of the Parliamentary Committee of the Verkhovna Rada has changed the idea of the format of self-government looking at the European experience
- ✦ Our team and medical organisations in Ukraine received the inspiration and support from the European colleagues
- ✦ We were able to present a variety of organizations and understand the historical content of cooperation with European societies



# Official visit of Ukrainian delegation, Essen 2023





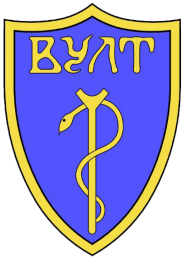
# Ukrainian Medical Association – history of international cooperation



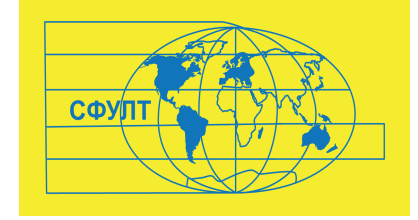
22.09.2018 – supported draft Law of Ukraine «On doctors' self-governance” by providing statement of 17 countries in Europe and CPME in their appeal to the Parliament of Ukraine, Cabinet of Ministers and Ministry of Health

At ZEVA 25th Symposium of the Central and East European Chambers of Physicians, in Prague





# AUDS at 127 Assembly of the German Medical Chamber (Essen, May 2023)





# Representatives of the WFUDS and AUDS at 37 EFMA meeting (Warsaw, 06.2023)



- ✦ Action platform who joining medical leaders, associations, organisations in the healthcare system
- ✦ Our goal is a promoting the development of a capable and successful medical industry, as part democratic legal and socially oriented state
- ✦ Our area of interest розвиток самоврядності медичної спільноти на різних рівнях системи



## НАША МІСІЯ

Бути дієвим майданчиком лідерів змін в системі охорони здоров'я!

Реєстр медичних  
асоціацій





Ukrainian association  
of medical workers

**17th-18th of June 2021, Kyiv**



**Representatives of governance,  
medical associations, leaders  
and experts in healthcare,  
patients organisations  
took part at the workshop**



# Medical Leaders



Ukrainian association  
of medical workers



**17th of August 2023, Kyiv**

## Ukrainian association of medical workers



**43 medical associations and  
healthcare organisations  
took part at the congress**

# Ukrainian context: Health reform results

- ✦ “money follow the patient” principle implemented
- ✦ Establishment of the National Health Service of Ukraine as a strategic purchaser of the medical services
- ✦ Reformed approach to management of the public health care facilities (autonomization of the public and state-owned hospitals/institutions)



# Doctor's status remains the same

- ◆ **Limited pathway to enter medical profession (doctor does not have professional freedom to practice medicine)**

Doctor can carry out professional activities only as an employee of the health facility/hospital, or a private entrepreneur, only after a separate license is obtained

- ◆ Morally old, bureaucratic and overly complicated process of the business licensing for medical practice, that allows for corruption

- ◆ Absence of transparent self-governance of doctors as a form of professional self-realization and effective control mechanism over the quality and safety of medical care

# Professional associations

There are over 1300 professional associations and organization that are based on affiliation to medicine in Ukraine

## Largest ones are:

- ✦ Ukrainian Academy of Paediatric Specialties
- ✦ Ukrainian Medical Union (Association)
- ✦ Federation of public medical unions of Ukraine
- ✦ National Union of Dentists of Ukraine
- ✦ Ukrainian Medical Expert Community
- ✦ Association of Midwives of Ukraine



Registry of professional medical associations  
Compiled by NGO Medical Leaders

# Professional Associations $\neq$ Professional Self-governance

- ◆ **Professional associations are CSO** that are formed and registered according to the Law of Ukraine on civil organization similar to other NGOs focusing on culture, education, humanitarian, or other thematic focus organizations;
- ◆ Membership in a professional CSO may not be compulsory
- ◆ **Government does not delegate** any of its authority to such professional associations
- ◆ Professional associations **do not have the right to decide upon entrance into profession** or issue of malpractice/professional responsibility in case of violations
- ◆ Ukraine has self-governance bodies of other professions: notary, lawyers, that is formed according to a separated Law and in a separate legal form

# History of attempts to form and regulate doctors' self-governance in Ukraine

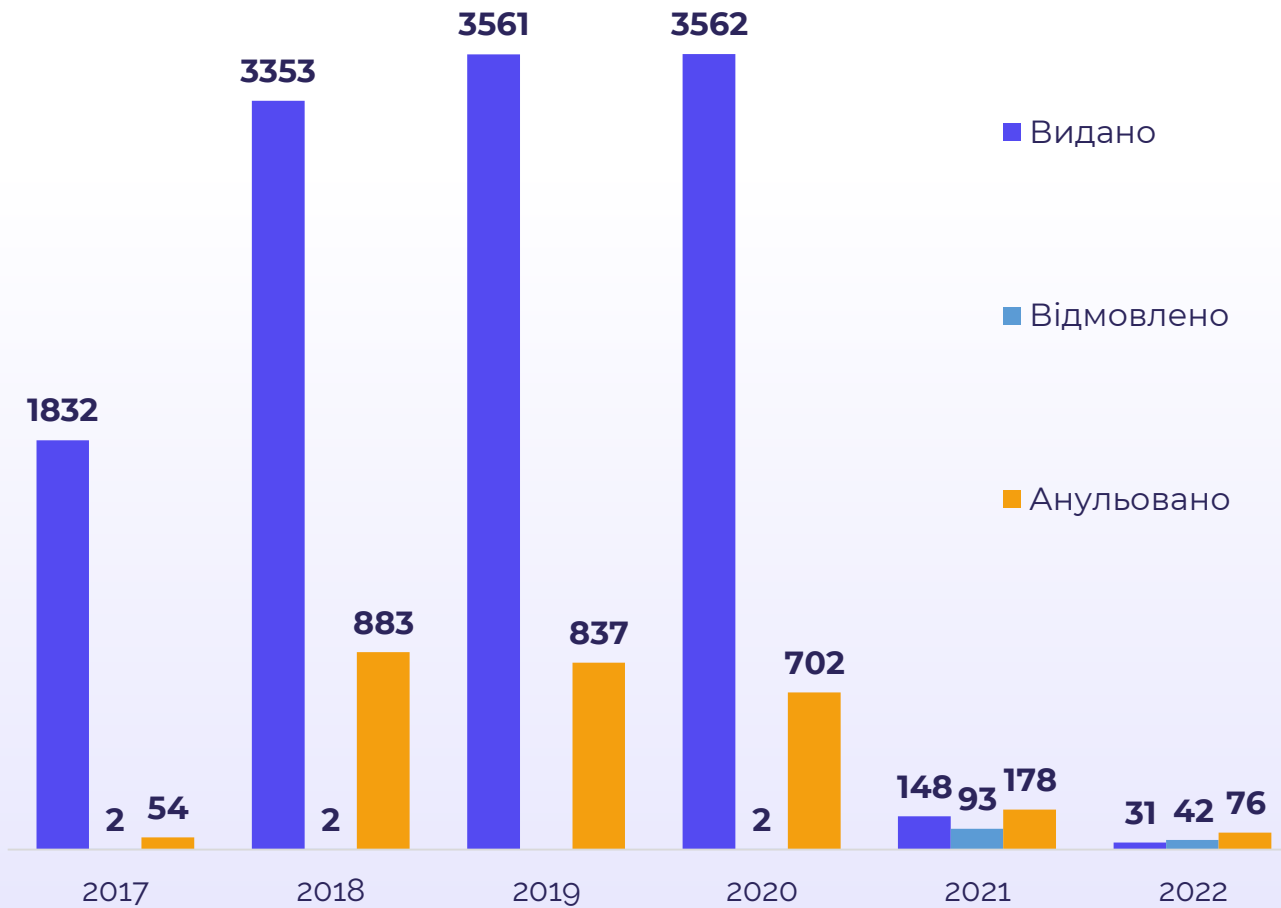
- ✦ Draft Law of Ukraine «On doctors' self-governance» 07.09.2006 № 2053
- ✦ Draft Law of Ukraine «On doctors' self-governance» 23.12.2008 № 3539
- ✦ Draft Law of Ukraine «On doctors' self-governance» 01.10.2014 № 5124
- ✦ Draft Law of Ukraine «On doctors' self-governance» 28.12.2016 № 5617 and 13.01.2017 № 5617-1;
- ✦ Draft Law of Ukraine «On doctors' self-governance» 06.04.2018 № 8250;
- ✦ Draft Law of Ukraine «On self-governance of medical professions» 14.11.2019 № 2445  
(new edition n 26.11.2019 № 2445-1, on 26.11.2019 № 2445-2, and on 02.12.2019 № 2445-3)
- ✦ Draft Law of Ukraine «On self-governance of medical professions» 03.07.2020 p. № 2445-д.

# 32 years of being non-free

## How did it happen?

- ◆ **Heritage of the totalitarian system.** Post-soviet countries, that does not have doctors' self-governance are: (ex.) russia, Belarus, and Ukraine
- ◆ **Government keeps doctors as «hostages»**
- ◆ **Absence of individual licences to practice medicine**
- ◆ **Overly criminalized medical mistakes**
- ◆ **Outdated legislation**, that does not correspond to the needs of the society's request and modern realities: business licensing of medical practice is among **134** business that is licensed by the government. Last review of the licensing process was done in 2015, while health reform started in 2018

# Quantity of business licenses issued and cancelled in 2017-2022



Health facilities turned from budgetary institutions into public non-commercial enterprise and obtained new business licenses, .

There is a chance that more business licenses for medical practice were issued in 2022, but the registry may not reflect all the information properly

**In 2019 there is ONLY ONE business license for medical practice that was cancelled due to detected misrepresentation to the licensing requirements**

## How did it happen?

Literally only one option is feasible to seek personal professional responsibility of a doctor in regards to malpractice and it is criminal proceeding:

**art. 139**

**Not providing medical care by health professional**

**art. 140**

**Inappropriate performance of professional duties by medical  
for pharmaceutical staff**

**art. 141**

**Violation of patient's right**

**art. 145**

**Illegal disclosure of protected medical information**

## How did it happen?

✦ **Doctors are fully dependent from health facility leadership**

✦ **Multiple associations dissipate the voices and power of professional groups/unions**  
there are more than 1300 professional associations/unions in Ukraine

✦ **Absent patient voice**

there is no means/instruments that would instantly protect patient's rights in health settings, health facilities inherited culture of institutions with limited freedom and access to information



# What does Ukrainian doctor **CAN NOT** do:

- ✦ **Carry out medical practice outside the health facility**  
(Law of Ukraine «Fundamental Law of Ukraine on Health Care»)
- ✦ **Independently make professional decisions**  
(all responsibility is on the health facility)
- ✦ **Influence personal income from medical practice/care they deliver**  
(salary is defined by the MOH and health facility management)
- ✦ **Work on a contract basis in one or at several health facilities at the same time**
- ✦ **Establish professional self-governance**

# What is wrong with current draft law

«On self-governance in health sector in Ukraine»

**First, we need to liberate the doctor and only AFTER this – establish medical self-governance**

- ✦ **Does not offer autonomy and professional independence** for doctors; leaves them fully dependent on the leadership/top management of health facilities
- ✦ Contains **corruption risks**: does not determine specific criteria for doctors and pharmacists and other medical profession to obtain individual license, timeframe for review and decision making, list of criteria/issues upon which the license may be denied, non-transparent division of authority among decision making bodies with the self-governance institution
- ✦ **Separation of family doctors** (primary care providers) and specialized care doctors into two different chambers (without any valid argumentation)
- ✦ Does not provide for **any instruments/processes to protect patients' rights**

# What shall we do?

- 1 Advocate for amendments/changes in proposed draft law:
  - ◆ Separate and distinguish between the **medical practice (business) and medical care (right to treat the patient)**
  - ◆ Form transparent **registry of doctors and other medical professions**, that will eliminate corruption risks in access to profession (digitalized automated issue of individual license)
  - ◆ Change **modality of government regulation of medical practice** from licensing to declaration (aka Medical Diia)
  - ◆ Allow **ethical and key professional qualification issues** to be reviewed and decided upon by professional community but not by the government bodies

# What shall we do?

- 2** Establish self-governance of doctors **only after the end of martial law** (may doctors are currently serving in Armed forces, others have evacuated to safety, etc.)
- 3** Form transparent and **democratic conditions to engage doctors into formation of the self-governance institution**, its statute and operational rules
- 4** **Engage** wide range of **partners from EU and neighboring countries** to support establishment of doctors' self-governance that corresponds to EU best practices
- 5** Start **communication and advocacy campaign** for medical community and society in general to explain mission, role and functions of medical self-governance



# Additional challenge:

for Ukrainian professional medical community:

## Returning health services and system onto liberated territories:

- ✦ Some Ukrainian health providers are intentionally switched to **work with and for aggressor**. Ethical issues of their return/integration into Ukrainian community
- ✦ **How we should integrate providers** who had worked in occupied territories for almost 10 years into Ukrainian health care system?
- ✦ Transition from providing care according to **russian standards to Ukrainian**
- ✦ **Re-entering the profession** for providers from occupied since 2014 territories (re-certification/ assessment of their skills and knowledge).
- ✦ **Restoring trust to Ukrainian** health care system of patients and medical staff from territories occupied since 2014

# What is the role of patients in professional medical self-governance?

- ✦ Formation of effective **system to review and address patients complains** by self-governance body and its institutions (medical arbitration)
- ✦ **Engaging patients'** organization in establishment of medical professional self-governance to enable communication and coordination
- ✦ Establishment of **de-personalized database of medical errors and mistakes during treatment**
- ✦ Establishment of transparent and effective **mechanism to protect patients' rights and interests** in health sector



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