ADMINISTRATIVE AND LEGAL ENFORCEMENT OF HEALTH CARE: CONCEPTUAL FRAMEWORKS

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ABSTRACT
Introduction: The analysis of the administrative and legal enforcement of health care in Ukraine indicates the lack of sufficient regulatory and legal acts due to the lack of and deficiencies in conceptual documents, doctrinal developments, strategic planning in this area. The modern administrative-legal management is historically due, since during the Soviet period health care regulation was determined by the high centralization of governance, the imperative of decision-making, the precise regulation of the activities of its subjects, the lack of overall control and supervision.

The Conceptual Frameworks in this area, as shown by the analysis of scientific literature and legal documents, should include general provisions, goals, objectives, principles, legal framework, subject and object, priority areas of implementation, phases and stages, terms, amount of financial, material and technical resources, expected results.

Each component of the Conceptual Frameworks should be scientifically verified, confirmed by practical experience and statistical data, and also to correspond to the real state of health care in Ukraine. Interconnectivity and intersectionality of the structural parts of the Conceptual Frameworks will ensure its effectiveness.

KEY WORDS: health care, administrative and legal enforcement, conceptual frameworks, purpose and tasks in the area of health care, laws of Ukraine

INTRODUCTION
The concept of administrative and legal enforcement of health care is a guiding document that should contribute to the development of perspective goals and objectives in this area aimed at streamlining and improving medical activities, providing a high level of medical care, other medical services to the population, prolonging life and improving the health of a man. The implementation of conceptual purpose and objectives that are established in accordance with the type of medical activity or medical care is carried out by public authorities and other non-state institutions within their competence and competence in the area of health care. The effectiveness of the realisation of any concept depends on the appropriateness and priority of the selected areas of achievement of predicted and expected results, efficiency and effectiveness of administrative and legal means and administrative and legal regulation.

Ukraine has long been developing concepts in the medical sphere, it is the Concept for the development of public health care in Ukraine, the Concept of financing health care system in Ukraine, the Concept for the development of the system of public health protection of Ukraine, the Concept of management of quality of health care in the area of health care Ukraine, Concept of Informatization in the area of health care Ukraine and some others. Their realisation is provided by plans of measures approved by government decrees or orders of the Ministry of Health Of Ukraine. However, the Concept of administrative and legal enforcement for this area is proposed for the first time before implementation.

MATERIALS AND METHODS
In order to establish the objectivity and validity of scientific statements, conclusions, during the research used a set of general scientific and special scientific methods, in particular, such as: the formal legal method was used to determine the general provisions of the Conceptual Frameworks; by the comparative legal method the task of the subjects of executive power in the area of health protection was clarified, the method of forecasting and modeling was used to establish the terms of implementation of the Conceptual Frameworks; the method of system analysis allowed to study the priority directions of the implementation of the Conceptual Frameworks; the historical-legal method has allowed to reveal the features of the phases and stages of the Conceptual Frameworks. There has also been used the scientific-heuristic potential of such philosophical methods of research as analysis, synthesis, deduction, induction, abstraction, etc.

REVIEW AND DISCUSSION
The general provisions of the constituent elements should include information on the state of health and life expectancy of citizens, the quality of provision of medical services, including at the primary level; resource efficiency; expediency of the system of remuneration of doctors and other employees in this area. The general provisions should include indication of the main directions of public health policy, namely: step-by-step increase of state allocations to this sphere, their effective use; intensive development of the medical and pharmaceutical industry, etc.[1]
The purpose and objectives of the Conceptual Frameworks are in line with the law purposes and objectives in the area of healthcare, based on the fact that they have a common goal, tasks, objects and subjects of activity.

The aim of the Conceptual Frameworks is to create a health system that would ensure a high standard of living for the population, provide quality medical care, and guarantee the protection of human rights and interests in the medical sphere.

To the general tasks of the Conceptual Frameworks we include:
1) analysis and assessment of the state of the administrative and legal provision of health care, including the identification of problems and disadvantages that need to be eliminated;
2) the development and implementation of a system of management and organizational measures to improve the administrative and legal enforcement of health care;
3) realisation of the developed measures in accordance with the defined directions of the Conceptual Frameworks;
4) implementation of control and supervisory functions in order to ensure the effectiveness of the expected results;
5) improvement of the departmental legal and regulatory framework on the competence and authority of health care providers in the organization of medical activities and medical care, licensing and control.

Defining the principles of the Conceptual Frameworks, we would mention that they must include: 1) general principles in the area of health care; 2) principles of realization of the state policy in a concretely defined sphere of health care; 3) the principles of administrative and legal provision of health care; 4) principles that will contribute to the development of the Conceptual Frameworks; 5) principles of implementation of the Conceptual Frameworks.

The legal basis for the Conceptual Frameworks is legislative and subordinate acts. To the legislative base we include: the Constitution of Ukraine and the laws of Ukraine in the area of health care. Article 3 of the Constitution of Ukraine, man, his life and health, honor and dignity, inviolability and security are proclaimed the highest social value. Article 27 establishes the inalienable right of every person to life. No one can be arbitrarily deprived of life. The duty of the state is to protect human life. Everyone has the right to protect his life and health, life and health of others from unlawful encroachments. Article 49 establishes the right of everyone to health care, medical care and health insurance. Health care is provided by state financing of the relevant socio-economic, health and sanitation and health-prevention programs [6].

The regulatory framework also includes departmental acts that clarify and concretize legislative provisions on competence, function, task, direction, and specifics of the subject matter of the Conceptual Frameworks. Rulemaking activity has its goals to ensure: legal consolidation of existing relations in this area and their legal regulation; formation of new relations, desirable or necessary in terms of performance of perspective tasks; elimination of relations and situations, outdated and inhibiting the development of progressive tendencies [2].

The subjects of the implementation of the Conceptual Frameworks are: the supreme bodies of state power, including the legislative and executive (the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine), who exercise authority in the area of health care; a special central executive body (Ministry of Health of Ukraine); other central bodies of executive power in the sphere of health care, central executive authorities, which are subject to health care institutions, local state administrations and local self-government authorities.

The Verkhovna Rada of Ukraine adopts laws on the functioning of the medical sector, approves national programs on public health and the principles of the relevant state policy, examines the reform of the health care system, and conducts parliamentary hearings on the state of health care in Ukraine.

The general guidance in the area of health care is the authority of the President of Ukraine, namely, the Head of the State bears personal responsibility for the implementation of the relevant state policy, through the system of state executive bodies ensures the implementation of the national policy in this area, and exercises other powers provided for by the Constitution of Ukraine.

The Cabinet of Ministers of Ukraine directs and coordinates the activities of central and local government bodies in shaping and implementing state policy in the field of health care; annually reports on implementation of state policy to the VRU, organizes the development and implementation of national programs in the area of health care, concludes intergovernmental agreements, coordinates international cooperation on health care issues.

The Ministry of Health of Ukraine is the main authority in the system of central bodies of executive power, which ensures the formation and implementation of state policy in the field of health care, protection of the population from infectious diseases, the fight against HIV / AIDS and other socially dangerous diseases, ensures formation and implementation of state policy in the field of creation, production, quality control and sale of medicines, medical immunobiological preparations and medical products, in the sphere of narcotic drugs circulation, psycho tropical substances, their analogues and precursors, counteraction to their illicit circulation, etc. [3].

The authority and competence in the field of public health of the Ministry of Defense of Ukraine, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the Ministry of Infrastructure of Ukraine and other ministries and departments are established by the relevant legislative acts.

The local state administration in the area of health care: implements relevant state policies and national programs; implements measures to preserve the network of such institutions; develops forecasts for their development; takes measures to prevent infectious diseases, epidemics, epizootics and their elimination; organizes the work of medical institutions to provide assistance to the population, provides the established benefits and assistance related to the protection of maternity and childhood, improving the living conditions of large families [7].
The executive bodies of village, settlement and city councils manage the health care institutions and health institutions, organize health care and nutrition in educational, cultural, physical education and sports institutions, and health facilities owned by territorial communities; provide within the given authority of the bodies the availability and free of charge medical services in the respective territory; development of all types of medical care; development of a network of medical institutions of all forms of ownership; provide, in accordance with the legislation, privileged categories of the population with medicinal products and medical products [8].

The system of entities in this area is a combination of state and non-state authorities, their officials and managers who directly or indirectly participate in the management process for ensuring the effectiveness of health care. Their powers are defined and carried out in accordance with legislative and regulatory acts rather widely, but for the most part they are not sufficiently specified.

The object of administrative and legal enforcement is a system of measures carried out by public authorities and local self-government bodies, their officials, health care institutions, individual entrepreneurs who are registered in the manner prescribed by law and received a license for the right to conduct economic activities from medical practice, medical and pharmaceutical workers, public associations and citizens in order to preserve and restore physiological and psychological functions, optimal disability and social activity of a person with the maximum biologically possible individual duration of her life [4].

The priority areas for the implementation of the Conceptual Frameworks are:
- legal and organizational provision of state comprehensive and targeted health care programs, including on the development of primary health care on the basis of family medicine;
- realization of measures on restructuring of medical industry and its informatization, improvement of licensing of medical activity and medical aid; raising the level of health care in Ukraine to relevant foreign experience and practice;
- elimination of problems and disadvantages of the state of administrative-legal protection of health care, namely: lack of coordination and interaction of state bodies of executive power, local self-government bodies, medical institutions; disadvantages of licensing medical practice and medical practice;
- assistance in improving the subordinate legal and regulatory framework for the organization of medical activities and medical care.

Stages and Phases of the Conceptual Framework are defined according to each direction and type of activity with the approval of the general term. Installed in most: preparatory stage, implementation stage, integration stage.

As to the terms of implementation of the Conceptual Frameworks, we will point out the complexity of their definition on the following grounds: first, they can be determined for each stage and phase, the failure of one period will lead to the failure of the following; second, the tasks at each stage or stage depend on their financial and logistical support; and thirdly, their implementation is conditioned by the general socio-economic situation in the country. It is impossible to set concrete and imperative deadlines for the implementation of the Conceptual Foundations, therefore, in most cases they are determined tentatively.

The volume of financial, material and technical resources must made up of funds from the state and local budgets, funds of compulsory state social medical insurance and voluntary medical insurance, funds of accumulation funds of territorial communities and charitable foundations, charitable donations and donations of legal and natural persons, funds received for providing paid medical services, and sources aren't prohibited by law [1].

Expected results. The practical implementation of the Conceptual Frameworks will enable Ukraine to guarantee the proper level of human health and longevity, obtaining quality medical care and its compliance with international standards. The result of the Conceptual Frameworks must maximize full, timely and prompt response to possible challenges in this area.

CONCLUSIONS

The Conceptual Frameworks of the administrative and legal enforcement of health care are developed within the framework of a unified state policy in the medical sphere; formation of the administrative-legal base of health care is provided by the legislative authority; organization, protection, development of social relations is carried out by the activities of competent entities through the use of administrative and legal means.

The Conceptual Frameworks in this area include its purpose, objectives, principles, legal framework, subject and object, priority directions of implementation, stages and stages, terms, scope of financial, material and technical resources, expected results. Each component of the Conceptual frameworks has its own meaning and function.

The Conceptual Frameworks are general, fundamental and define the priorities of Ukraine's medical policy for the long-term perspective. The Conceptual Frameworks will contribute and form the basis for developing program documents and regulations on improving, protecting and protecting the life of the population, improving the level of health and life expectancy of a person, as well as state policy in the medical sphere.

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