The purpose of this Law is to define the State policy and basic principles on health and to regulate the relations raised in connection with responsibilities of organizations, business entities and individuals in safeguarding the social health and the rights of the citizens and officials of this country to health protection and medical aid and service; to regulate legal framework of activities of health organizations and employees thereof.

Article 2. The Legislation On Health

2.1. The legislation on health shall consist of the Constitution of Mongolia, this Law and other legislative acts enacted in conformity with them.

2.2. If International Treaty, to which Mongolia is a Party, is inconsistent with this Law, then provisions of International Treaty Shall prevail.

Article 3. Definitions Of The Law

3.1. The following definitions used in this Law shall be understood in the belowmentioned meanings.
3.1.1. “Health” means a state of physical, mental and social wellbeing and not merely the absence of disease or infirmity.

3.1.2. “Health protection” means a comprehensive set of medical, social and economic measures, aimed at maintaining the health of the population through organizing the provision of public health care and medical services to the population.

3.1.3. “Public health care and services” means activities of health organizations, independently or jointly with Government structures, public organizations, business entities aimed at surveying, monitoring, protecting and promoting health of the population, prevention of diseases, providing health education, organizing medical training and research, and studying and eliminating negative health factors.

3.1.4. “Health promotion” means measures taken by individuals, independently or jointly with others, aimed at protecting their health and promoting health lifestyle.

3.1.5. “Medical care and services” means activities taken by doctors and other medical personnel, whether by themselves or in cooperation with others, aimed at detecting, diagnosing, treating, rehabilitating and preventing diseases and injuries, including obstetrical care.

3.1.6. “Health organization” means a legal entity whose main objective and mandate is provision of public health care and hospital care and services to the population.

3.1.7. “Social medical staff” means doctors, fieldshers, assistants to doctors, nurses, pharmacists, dentists and other qualified personnel with high and intermediate education in medicine.

3.1.8. “Health personnel” means medical specialists and any other people employed at health organization.

3.1.9. “Primary health care” means actions and measures taken at primary referral-level health organizations aimed at providing essential and primary health care to the population.

3.1.10. “Emergency medical aid” means actions and measures taken by doctors, whether independently or jointly with other medical specialists, to diagnose, treat lethal diseases and infirmity, treatment of which may not be postponed; and reanimate and prevent the occurrence of such lethal conditions of patients.

3.1.11. “Immunization” means a set of measures in order to prevent from, stop the spread of and defeat the communicable (contagious) diseases by using the vaccines.

3.1.12. “Donor” means a person who voluntarily donates his or her body organs\tissues or blood in order to save and support lives or health of others, or dead body from which some body organs\tissues can be removed with purpose to transfer.

3.1.13. “International quarantine diseases” mean the diseases which are mentioned in the international medical and sanitary regulation.

3.1.14. “Containing foci outbreak” means meansures aimed at treating the sources of natural foci diseases that communicate from domestic and wild animals during the period of activation or the outbreak of the source.

3.1.15. “Treatment” means a set of professional activities of a doctor aimed at disease diagnosing, treating, rehabilitating and preventing the occurrence of diseases.
3.1.16. Nursing" means set of professional measures taken by the nurse in order to prevent from, treat diseases, and rehabilitation of the sick person.
3.1.17. “Dispensing of drugs” means preparation, packing and giving away of drugs in conformity with pharmaceutical science.
3.1.18 The expression “The medical tools, equipment and instrument “ means things which have been created in order to replant, rehabilitate, treat and reanimate human body’s functions and defects.”

Article 4. State Policy and Principles on Health

4.1. The State shall implement the policy on population health as follows:
4.1.1. Health of the population shall receive special attention and support of the State;
4.1.2. Primary health care shall be accessible to all citizens without discrimination;
4.1.3. Health organisations shall be treated equally, regardless of the type and form of ownership;
4.1.14. Certain types of health care and services shall be provided to the citizens by the State free of charge, as provided under the Constitution of Mongolia.

4.2. The main principles of the State policy on health of the population are as follows;
4.2.1. Protection and promotion of health of the population shall be based on the principles of humanity, scientific knowledge and achievements, methods of contemporary and traditional medicine.
4.2.2. The social medical aid and service shall be perceived as the core strategy in the protection and promotion of health, and health organisations with different ownership forms that provide medical services shall have open independent status.
4.2.3. Health policy and measures shall be implemented by joint efforts of State, Administrative and local self-governance bodies, health and other organisations, business entities, communities, families and individuals.

CHAPTER TWO

HEALTH MANAGEMENT,

HEALTH ORGANIZATION SYSTEM AND FINANCING

Article 5. Health Management System

The health management system shall consist of the State Great Khural and the Government (Cabinet), State Central Administrative Body handling health matters, the Authorities of
Administrative Body handling health matters, the Authorities of Administrative and Territorial Units, Management of Health organisations.

Article 6. Powers Of The State Great Khural

6.1. The State Great Khural shall exercise the following powers with regard to protection and promotion of health:
6.1.1. Determine the National policy on health;
6.1.2. Determine the duties of health and other organisations, citizens during emergence situations in order to protect health and lives of people;
6.1.3. Decide the issues on Mongolia’s accession or withdrawal from international treaties on health;
6.1.4. Other powers provided by law.

Article 7. Powers of the Government (Cabinet)

7.1. The Government (Cabinet) shall exercise the following powers regarding health, apart from the powers provided in article 9 of the Law on Government (Cabinet):
7.1.1. Organise activities for implementing National Policy on Health;
7.1.2. Approve, finance and monitor the implementation of National Programme on Health;
7.1.3. Conclude, within the powers given, agreements with the Governments of other countries and international organisations on the cooperation in health sector;
7.1.4. Other powers provided by law.

Article 8. Powers Of State Central Administrative Body Handling Health Matters

8.1. State Central Administrative Body handling health matters shall exercise following powers in order to protect and promote citizens’ health:
8.1.1. Organise the implementation of the legislation on health at the national level;
8.1.2. Adopt rules on health protection and promotion of State Central Administrative Bodies, aimags and capital city and to ensure the enforcement;
8.1.3. Develop standards on medical aid, health care services, production and inspection, and approve these standards independently or in collaboration with relevant state administrative bodies and organise their implementation;
8.1.4. Provide state administrative and local self-governance bodies with professional support on population health protection and promotion;
8.1.5. Order for conducting scientific and research studies on health protection and promotion;
8.1.6. Provide citizens, business and other organisations with information on health;
8.1.7. Cooperate with non-government organisations, foreign countries and international organisations on health issues;
8.1.8. Other powers provided by law.
8.2. An unofficial professional council shall be established next to the state administrative
central organization. The member of the Government Cabinet in charge of health issues shall adopt the composition and the performance regulation of the council.

Article 9. Powers Of People’s Representative Khurals of Aimag, Capital City, Soums and Districts

9.1. Aimag, capital city, soum and district representative councils shall exercise following powers in order to protect and promote population health:

9.1.1. Approve measures to protect and promote health in their respective regions, allocate the budget and monitor the implementation;

9.1.2. Discuss and evaluate the report and information on the population health provided by the Governor;

9.1.3. Approve programmes on population health protection and promotion, and monitor their implementation;

9.1.4. Coordinate the participation of government and nongovernment organisations, citizens in protecting and promoting health;

9.1.5. Other powers provided by law.

Article 10. Powers Of Governors, Mayors, Heads Of Local Municipalities

10.1. Capital city Mayor and Governors of aimag shall exercise following powers in order to protect and promote population health:
10.1.1. To allocate the budget for financing the activities aimed at protecting and promoting the health of people in their regions, submit the budget proposals for approval by the local representatives councils, and monitor their implementation.
10.1.2. To facilitate the implementation of and provide information on health related laws and decrees issued by higher ranking authorities.
10.1.3. To develop short and long term programmes for protecting and promoting population health in their regions, submit those to the local representative assemblies for approval, and organise the implementation of decisions taken.
10.1.4. To adequately allocate human, material and financial resources and improve the structure and organization of health sector in their regions with approval of State Central Administrative Body handling health matters.
10.1.5. To take necessary measures during natural calamities, emergency and crisis situations, outbreaks of international quarantine diseases without any delay.
10.1.6. Other powers provided by law.
10.2. Health of soums, districts, bags shall exercise following powers to protect and promote population health:
10.2.1. To organise the implementation of health related laws and decrees issued by higher ranking authorities.
10.2.2. To make the primary health care available to citizens on accessible basis without discrimination;
10.2.3. To involve business entities, organisations and individuals in public measures aimed at protecting and promoting health;
10.2.4. To strengthen the human, material and financial resources of the regional health organisations;
10.2.5. Other powers provided by law.

Article 11. The System Of Health Organisations

The system of health organization consists of the state, public and private organisations involved in public health, medical care, professional controlling, supply of medicaments, scientific research and training.
11.2. A national unofficial council with duties to coordinate the implementation of the social health policy may be established next to the Prime Minister of Mongolia. The Government Cabinet shall adopt the composition and the performance regulation of the council.

11.3. A regional diagnostic and treatment centers may be established with duties to provide specialized professional health care and service, organize training and advocacy and provide health inquiry service to the population of the region. The Government Cabinet shall approve the standard regulation of the regional health center.

Article 12. Issuance Of Special Permit To Conduct Professional Activities To Health Organisations

12.1. A special permit to conduct professional activities in medical field shall be issued to any organization, regardless of ownership form, that has suitable premises, equipment and qualified personnel.

12.2. An organization that has nationwide operations, and/or with foreign capital involvement shall be issued special permit by the State Central Administrative Body handling health matters, while other regionally significant health organisations shall be issued special permits by the Administrative departments of Capital city Mayor's or Aimag Governors’ offices.

12.3. The following documents shall be submitted along with the application for the special permit except mentioned in the article 11.1 of the Law on Special Permit for Business Entities.

12.3.1. Memorandum of Association
12.3.2. Articles of Association

12.3.3. Information on medical personnel and their licenses

12.3.4. Warranties, safety and sanitation privs of buildings, premises, diagnostic and treatment equipment

12.3.5. Guarantees of financial resources.

12.4. The decision regarding the issuance of a special permit shall be taken within 30 days after receiving the application.

Article 13. Cancellation and Re-Issuance of The Special Permit

The organization which issued the special permit may cancel or hold the special permit on the grounds, declared in the articles 13 and 14 of the Law on Special Permits for Business Entities.

13.1. The authority that has issued the special permit may invalidate such permit on the basis of the following grounds:

13.1.1. n organization has or more records of conducting activities not stipulated in the Law or Regulations, and/or seriously violated the law.

13.1.2. on the basis of other reasons provided by law.

13.2. If an organization has not yet started its operation within 6 months after the issuance of the special permit, or it had interrupted its operation for 6 months, an organization has to obtain a new special permit.

Article 14. Powers Of A Health Organization

14.1. Health organisations shall exercise following powers according to its main functions:

14.1.1. Submit issues related to population health to upper level health authorities and/or local self-governance and administrative bodies.

14.1.2. Provide professional consultations and guidelines to organisations, business entities, families and individuals.

14.1.3. Demand compliance to medical requirements from any organization, business entity, individual.

14.1.4. Refuse to render services when such services might conflict with health organization’s objectives, rights and duties.
14.1.5. Other powers provided by law.

Article 15. Duties Of Health Organisations

15.1. Health organizations shall undertake following duties:

15.1.1. Fulfil the duties undertaken under the special permit to conduct professional activities.

15.1.2. Ensure the adequacy of premises, equipment to the specifics of the employees' tasks and the occupational safety and health standards.

15.1.3. Fulfil the quality standards and receive appropriate accreditation.

15.1.4. Comply with requirements of health related legislation, decisions of the superior health authorities, local self-governance authority, administrative offices and demands made by the professional health inspectors.

15.1.5. Publicize the health related legislation to organisations, business entities and individuals.

15.1.6. Cooperate its activities with other relevant organisations in promoting health education among individuals, families, organisations, and in organizing public movement on health promotion.

15.1.7. Prepare timely reports and in information on their activities, and provide information to health issues to other organisations and individuals.

15.1.8. Other duties stipulated in the law.

Article 16. Medical Accreditation Body

16.1. Medical Accreditation Body is a legal entity, which issues accreditation to health organisations based on analysis of technology and standards of medical care and services provided; determines and reports ranking of health organization, issues licenses to medical specialists for treating, nursing people and dispense the medicaments. This organization shall be self-financed on the income generated.

16.2. Medical Accreditation Body shall be issued permit to operate for the period of four years by the State Central Administrative Body handling health matters.

16.3. A medical organization, which meets technological and qualitative standard requirements to provide medical care and services according its apartment, equipment and trained professional staff’s skill and ethics, shall be granted medical accreditation for the period up to 5 years.
16.4. The central state administrative body shall nominate unofficial annalist through selection in order implement the accreditation process. The member of the Government cabinet in charge of health matters shall approve the regulation to select the unofficial annalist.

16.5. Medical Accreditation Body may have local branches.

Article 17. Issuing Accreditation To Health Organisations And Licenses To Medical Specialists For Treating, Nursing And Dispensing The Drugs

17.1. Accreditation to health organizations and licenses to medical specialists for treating nursing and dispensing the drugs shall be in two types such as general and specialized practices.

17.2. The medical license for general practices shall be issued for period of five years to the medical specialist who has graduated from the certified medical pharmaceutical or nursing institution and successfully passed the professional examination.

17.3. The medical license for specialized practice shall be issued for period of five years to the medical specialist who has completed the post graduate training after not less than two years professional experience and passed the specialized practice examination.

17.4. The doctors, nurses and pharmacists who have received professional degrees or had professional experience not less than 20 years shall be granted the permanent medical license for treatment, nursing and dispensing the drugs without any hindrance.

17.5. The license for treatment, nursing and dispensing the drugs can be issued for period until of five years to the medical specialist who is foreign citizen and alien and has graduated from certified medical pharmaceutical or nursing institution and successfully passed professional examination.

17.6. The state central administrative organization in charge of health matters shall issue the license for treatment, nursing and dispensing the drugs to medical specialists.

17.7. Medical specialists who have not received professional medical education at approved medical and pharmaceutical institutions, but practice traditional medicine shall be given medical license to treat and dispense the medicaments upon passing of professional examination administered by the Medical Accreditation Body.

17.8. Medical specialists that are not citizens of Mongolia or of any other country, and work with registered and licensed health organisations with special permit on the basis of International Treatines, to which Mongolia is Party, or inter-hospital contract, may have medical practice on treatment and nursing.
17.10. The health organization, that employs medical specialists that are not citizens of Mongolia or of any other country, as mentioned in paragraph 17,9 of this Law, shall be responsible for providing appropriate Mongolian language environment to such medical specialists. This health organization and medical specialists shall be responsible for any damages and losses incurred during treatment or services.

17.11. Rules of extending the license of health organisations and medical specialists shall be set by the Government.

Article 18. Setting Up And Registration Of Health Organization In State Registry

18.1. Health organization shall come into existence upon approval of the Memorandum and Articles of Association by the founders and registration with the State Registry.

18.2. The founders of the health organization shall obtain special permit to conduct professional activities.

18.3. The registration of health organisations shall be done by the authority that has issued special permit.

18.4. The founders shall submit application for registration, along with special permit and appropriate documents prepared for obtaining such permit and appropriate documents prepared for obtaining such permit to the registering authority within 30 days of obtaining special permit.

18.5. A registering authority shall register the health organization within 30 days and issue certificate to that effect, provided that the documents mentioned in 18.4 of this Law fulfil the requirements.

18.6. A registering authority may refuse registration and return documents due to unfulfilled requirements mentioned in 18.4, 18.5 of this law.

18.7. Applicant founders may approach court of law if they are not satisfied with the decision of registering authority as mentioned in 18.6 of this law.

Article 19. Articles of Association of A Health Organization

19.1. Articles of Association shall contain the following:

19.1.1. Name and location of the organization

19.1.2. Main objectives and functions
19.1.3. Management composition and its authority

19.1.4. Sources of financing

19.1.5. Purpose of funds utilization

19.1.6. Rules on restructuring and winding up.

Article 20. Restructuring And Winding Up Of Health Organisations

20.1. The health organisation may be restructured or wound up by the decision of founders according to the rules set forth in the Civil Code.

20.2. Health organization shall cease to exist and be removed from the registry by the Registering Authority when its special permit is completely invalidated.

20.3. Health organization, that several times or seriously violated the law, shall be wound up according to the rules set forth in the Article 31 of the Civil Code.

20.4. Founders shall inform Registering Authority within seven days upon taking the decision to restructure or wind up the health organization, according to the Article 20.1 of this Law.

20.5. Health organization shall obtain a new special permit when it has been restructured.

Article 21. Health Financing
Health financing shall be comprised by state and local budgets, health insurance, special fund for citizens’ health protection, contributions of the organization, entities and individuals, payments for services delivered and other income generated during the normal course of activities of health organisations, foreign credit, aid and any other sources not prohibited by the relevant legislation and regulations.

21.2. The expenditure for the free of charge medical care and treatment mentioned in article 28' the fixed expenditures of the state owned medical organizations and family hospitals shall be born by either the state central or local budget.

CHAPTER THREE
RIGHTS AND DUTIES OF MEDICAL SPECIALISTS

Article 22. Practice for Treatment, Nursing and Dispensing of Drugs
22.1. Medical specialists, who have completed studies at approved medical institutions and obtained medical license to conduct professional activities from the Medical Accreditation Body, shall have the special right to have a medical treatment practice.

“have the right” by “have the special right” in 22.1, 22.2, 22.3, 24.1

22.2. Medical specialists, who have completed studies at approved nursing institutions and obtained medical license to conduct professional activities from the Medical Accreditation Body, shall have the special right to have a nursing practice.

22.3. Medical specialists, who have completed studies at approved pharmaceutical institutions and obtained medical license from the Medical Accreditation Body, shall have the special right to have a pharmaceutical practice.

Article 23. Cancellation And Re-Issuing Of The Medical License For Treating, Nursing And Dispensing The Drugs, And Setting Professional Ethical Standards

23.1. Medical license shall be cancelled for the period from 6 months to 1 year and 6 months by the competent official of State Central Administrative Body handling health matters in the following circumstances:

23.1.1. Serious violation of ethical norms of medical profession.

23.1.2. Professional failure that was proven to have resulted in death or serious damage to health.

23.2. Medical specialist, whose medical license is cancelled as stipulated in 23.1 of this Law, may reapply for medical license to Medical Accreditation Body upon the expiry of the cancellation period.

23.3. The Disciplinary Committee shall be established under the state administrative organization in charge of health matters. The regulation of the Disciplinary Committee and the ethical norms for the medical professionals shall be approved by the Government Cabinet member in charge of health matters.”

Article 24. Doctor’s Oath

24.1. Every person, who has received education of a medical doctor at the approved medical institution, shall swear the following oath:

“I, a doctor, solemnly swear

To follow the ethics of a doctor and the law,
To fully dedicate me knowledge and compassion
To preserve the lives and health of people."

24.2. The oath shall be approve by the government cabinet member in charge of health matters.

24.3. A sworn doctor shall use personal seal.

Article 25. Rights Of A Medical Specialist

25.1. A medical specialist shall exercise the following rights:

25.1.1. Give professional counselling to and demand from any organization and individuals to comply with requirements.

25.1.2. Use means of transportation available (whether belonging to a citizen, organization, business entity) when there is a need to provide emergency medical aid, i.e. immediate danger to life or childbirth.

25.1.3. Refuse treatment or services to a patient, when actions demanded would be harmful to a patient’s health and contradict the rights and obligations of a doctor.

25.1.4. Make a choice of a most effective treatment when patient is in a serious and dangerous condition.

25.1.5. Other rightes stipulated in the Law.

25.2. Specific rights of a medical specialist related to the professional activity may be defined by the State Central Administrative Body handling health matters.

25.3. Expenses incurred in connection with cases specified in 25.1.2. of this Law shall be reimbursed by the health organization involved according to the emergency medical aid tariffs.

Article 26. Obligations Of A Medical Specialist

26.1. Medical specialist shall have following obligations:

26.1.1. Follow ethical standards of a profession, honor humanitarian principles and shall not misuse the profession against human health.
26.1.2. Provide medical care in any circumstances to people whose lives are seriously endangered due to injury or illness and to pregnant women except the cases stipulated in 25.1.3 of this Law.

26.1.3. Fulfil the obligations specified in health related legislation, standards and technologies of diagnostic, preventive and treatment procedures, rules of providing medical care and services and other duties and obligations set by the State Central Administrative Body handling health matters.

26.1.4. Support activities aimed at providing health education to the population through training and mass media publicity, and encouraging healthy life style.

26.1.5. Maintain confidentiality of a citizen’s health and of an organization.

26.1.6. Provide accurate information on diseases and illnesses, conditions of patients and deceased people to relevant organisations, citizens and patients’ families when it is not prohibited by law.

26.1.7. Other obligations provided by law. 10.1.5, 27.1, 27.2 and 27.3 “virulent diseases” by international quarantine diseases

Article 27. Additional Remuneration And Compensations For Medical Officer

27.1. Medical officer mobilized for working during the outbreak of international quarantine diseases and natural calamities, and in other emergency situations shall be paid three times of their normal remuneration by the organization that organized such mobilization within a month after the disease disappearance.

27.2. A families of medical officer that died during working in the source of international quarantine diseases due to contracting that disease or during providing emergency medical aid due to external causes, shall be paid once a compensation equal to three years of salary of the employee by the employer.

Medical officer that has temporarily lost working ability or become disabled, shall be paid the allowance and the difference of the previous salary by the employer during the period when such allowance is paid.

27.3. Citizens that were mobilized for working during the outbreak of the international quarantine diseases and for providing emergency medical aid shall be entitled to the same compensations as mentioned in 27.2 of this Law.

27.4. Remuneration to citizens mentioned in 27.3 of this Law and without permanent employment, shall be paid based on the amount of minimum wage.
CHAPTER FOUR
HEALTH SERVICES INSPECTION

Article 28. Health And Medical Education, Training

28.1. Organization of health education to the public shall be managed by health, cultural and educational institutions, Non-Government Organisations and business entities on their own or in cooperation with others.

28.2. The rules of providing health and medical education and retraining of health personnel shall be determined and endorsed jointly by the State Central Administrative Bodies handling health and education matters.

Article 28'. Free of charge medical aid and service

Article 28'.1. The citizens of Mongolia shall take the following medical aid and service free of charge regardless whether he or she is covered by the Health Insurance.

28'.1.1. The medical emergency and ambulance service;

28'.1.2. Tuberculoses, cancer, mental or some disease which require long term rehabilitation process, service for cancer research, planned immunization, and sanitation infection sources of the communicable (contagious) diseases;

28'.1.3. Medical examination, check, and treatment of a pregnant woman, during pregnancy or birth delivery or after birth delivery by hospital’s instruction (only by reasons related to the pregnancy and birth delivery);

28'.1.4. Treatment of a person who has injured or get sick as result of natural disaster, sudden accident or wide spread dangerous contagious diseases;

28'.1.5. Treatment of a person who has been injured or become ill in order to save life or prevent large scale of damage in necessary protection or inevitable circumstances;

28'.2. The member of the Government cabinet in charge of health issues shall adopt the regulation to provide free of charge treatment provided in article 28'.1 and the list of diseases mentioned in article 28'.1.2 of the present law.

Article 29. Prevention And Elimination Of Communicable Diseases
29.1. The State Central Administrative Body handling health matters shall issue and endorse rules and procedures for prevention and elimination of communicable diseases.

29.2. Local authorities shall be responsible for preventing the occurrence of international quarantine diseases and natural foci infectious diseases, containing the outbreak of such diseases.

29.3. Public health measures aimed at eliminating communicable diseases shall be regulated by this Law and other laws and regulations enacted in conformity with it.

Article 30. Immunization

30.1. All citizens of Mongolia permanent or temporary foreign residents, people without citizenship shall be covered by the immunization in order to prevent the occurrence of communicable diseases.

30.2. The procedure for immunization shall be defined by the State Central Administrative Body handling health matters.

Article 31. Treatment Of The Infected, Contacted People And Virus Carriers

31.1. Persons infected with diseases that are dangerous to health of others and virus carriers shall be isolated and treated in hospitals, contacted people may be isolated and the quarantine established, if so required.

31.2. The rules and procedures for isolating and establishing quarantine shall be defined by the State Central Administrative Body handling health matters.

Article 32. Prohibition To Cultivate And Produce Pathogenic Viruses Without Permission

32.1. It shall be prohibited to cultivate for laboratory and production purposes, conserve, store, transport, sell, import and export pathogenic viruses and its toxins without permission of the State Central Administrative Body handling health matters.

Article 33. Emergency Medical Aid

The nearest health organization shall emergency medical aid to patients in cases of life threatening conditions, accidents and injuries, poisoning and childbirth.

Article 34. Use Of Diagnostic, Treatment And Prevention Methods

34.1. Health organisations shall use diagnostic, treatment and prevention methods that are approved by the State Central Administrative Body handling health matters.
34.2. When there is necessity to perform complicated diagnostic procedure or surgery, a permission shall be obtained from the patient or from the parents, family members, the legal guardian or caretaker, if the patient is under age of 18 or mentally ill.

34.3. A doctor or a health organization may take decisions by themselves when any delay of complicated diagnostic procedure or surgery may endanger patient's life.

Article 35. The Guarantee Of Protecting The Health Of Mothers And Children

35.1. The health of mothers and children in Mongolia shall be under the constant attention of the State.

35.2. Specialized medical care shall be provided to mothers and children free of charge.

Article 36. Abortion

36.1. Abortion shall be performed only in medical conditions that meet requirements and by licensed medical specialists as specified in the Article 17 of this Law.

36.2. The rules of performing abortion as mentioned in paragraph.

36.1. of this law shall be defined by the State Central Administrative Body handling health matters.

Article 37. Special Rights Of Health Organisations

37.1. Pregnancy may be stopped by medical means based on the permission of the mother, and if necessary the permission of the husband when developmental and physical abnormalities of fetus are confirmed or the pregnancy causes danger to life of the mother."

37.2. Measures shall be taken to prevent the pregnancy and conception of people with hereditary mentally illnesses and disorders.

37.3. Provisions of 37.1 and 37.2 of this law shall be regulated by the relevant laws and regulations.

Article 38. Treatment In Health Resors

38.1. The list of diseases to be treated and rules on medical services to be provided in the health resorts shall be defined by the State Central Administrative Body handling health matters.

38.2. The use of mineral spring waters, mud and others natural factors (effects and composition of which are definite) with the purpose of treatment, setting up health resorts, establishing green
zone around them shall be organized by the Governors of aimags and Capital city Mayor under the professional management and coordination of the State Central Administrative Body handling health matters and in conformity with the relevant laws and regulations.

Article 39. Health Care For Mentally Ill People

The health care for people with mental illnesses shall be regulated by relevant law.

Article 40. Forensic Analyses

40.1. Post mortuam analysis shall be made in order to determine the causes of death and diagnose the disease of deceased people.

40.2. The rules of performing post mortuam analysis shall be determined by the State Central Administrative Body handling health matters.

40.3. Forensic and criminal psychology analysis and assessment shall be performed by medical specialist according to the request of the criminal investigating organization and/or the court ruling.

40.4. The procedure of conducting forensic and criminal psychology analysis shall be determined jointly by the State Central Administrative Bodies handling health and judicial matters.

Article 41. Obtaining and Using For Treatment Donor’s And Deceased Person’s Tissue And Organs, And Passage Of Blood And Blood Products Through The Border

The procedures of obtaining and using for treatment of a donor’s and deceased person’s tissue and organs, and the importation and exportation of blood and blood products shall be regulated by the relevant law.

Article 42. Testing And Introduction Of New Methods Of Diagnostics, Treatment And Prevention

42.1. Testing and introduction of new methods of diagnostics, treatment and prevention shall be done with the permission of the State Central Administrative Body handling health matters.

42.2. New methods and technology of diagnostics, treatment and prevention shall be introduced for medical practice after clinical experiments are completed.

42.3. The procedures of clinical experiments and test shall be defined by the State Central Administrative Body handling health matters.
Article 43. Forced Treatment

The forced treatment of people whose illness presents danger to the public shall be regulated according to the relevant laws enacted in conformity with this law.

Article 44. The medical equipments’ manufacturing, trading and importing

44.1. The legal entity, which has been granted special license from the state central administrative, shall manufacture, trade and import the medical equipments.

44.2. The documents certifying materials, from which the equipments made, technical and qualitative characters of the equipments shall be attached in order to manufacture, trade and import medical equipments.

Article 45. Medical Reports

45.1. Medical reports shall be prepared by a doctor and/or a health organization in the following cases:

45.1.1. When a citizen of Mongolia, temporary or permanent foreign resident and person without citizenship, is ill, has an accident, dies, becomes pregnant, gives a birth, fixes artificial limbs, is under medical care, gets quarantined, and looks after a patient.

45.1.2. Partial and complete loss of working ability.

45.1.3. Issue of the results of forensic and criminal psychiatry analyses

45.1.4. Report of the results of autopsy

45.1.5. Other medical cases

45.2. The procedures of preparing medical reports shall be determined by the relevant State Central Administrative Bodies.

Article 46. The Professional Health Inspection

46.1. The professional health inspection shall be conducted by the state inspection agencies for hygiene, epidemiology, drugs, biopreparation, quality assurance of medical services and internal inspection of health organisations.

46.2. The Government shall approve the rules of conducting professional health inspection.
CHAPTER FIVE
THE RIGHTS AND DUTIES OF CITIZENS ON HEALTH

Article 47. The Rights Of Citizens:

47.1. Citizens shall exercise the following rights to protect their health:

47.1.1. Receive medical care and services from doctors and health organisations;

47.1.2. Choose a doctor and a health organization that will provide medical care and services.

47.1.3. Obtain an information concerning their health conditions from doctors and health organisations.

47.1.4. Refuse treatment, diagnosis and medical analysis in cases other than communicable diseases.

47.1.5. Report and complain to relevant organisations on activities of organisations, business entities whose activities hazard the health of people.

Article 48. The Duties Of Citizens

48.1. Citizens shall have following health related duties:

48.1.1. Obtain and implement health education in their life style, create conditions that protect and promote their health.

48.1.2. Have annual medical checkups and analyses as preventive measure.

48.1.3. Participate in actions and activities aimed at protecting and promoting population health.

48.1.4. Prevent the spread of communicable diseases, and follow the procedure of quarantine measures.

48.1.5. Immediately inform health organisations about diseases, poisoning, accidents, injuries, and any other natural phenomena that present danger to human health and the community.

48.1.6. Follow the requirements of health organisations aimed at stopping the actions that contain danger to the health of people.
48.1.7. Have medical checkups on communicable diseases and analyses an their own initiative or at the request of a doctor or a health organisation.

48.1.8. Have immunization at the request and advice of health organisations.

CHAPTER SIX
THE DUTIES OF BUSINESS ENTITIES, ORGANISATIONS AND COMMUNITIES ON HEALTH PROTECTION AND PROMOTION

Article 49. The Duties Of Business Entities And Organisations On Health Protection and Promotion

49.1. Business entities and organisations shall have the following duties on protection and promotion of health of the people:

49.1.1. Comply with the laws and regulations in health, decisions taken by the Government, local self-governance authorities and Governors, the requirements of health organisations and professional health inspectors.

49.1.2. Organise activities to provide health education, protect and rehabilitate the health and working abilities of employees according to the suggestions of health organisations.

49.1.3. Create healthy working conditions, reduce level of work related disabilities, prevent any diseases particularly poisoning, infection, accidents, injuries and occupational diseases, and keep strictly the standards and rules on health risk factor adopted by the competent authorities.

49.1.4. Business entities and organisations that are involved in production and services which might adversely affect human health shall approve annual budget and plan to prevent and eliminate the risk factor and shall satisfy the requirements for production lines and services, hygiene and technological safety and product quality.

Article 50. The Involvement Of Non-Government Organisations In Protection And Promotion of Health

50.1. Non-Government Organisations may conduct following activities to protect and promote the health of the people:
50.1.1. Implement public control on the compliance with the health related laws and regulations, demand such compliance and elimination of discrepancies found, and report the above information to competent authorities for further actions.

50.1.2. Involve communities and citizens in activities aimed at protecting health, provide appropriate health education by themselves and/or in cooperation with others.

CHAPTER SEVEN

MISCELLANEOUS

Article 51. Liability For Offenders Of Legislation On Health

51.1. A person, whose violation (action or inaction) of Legislation on Health that are not considered criminal, shall be liable for the following administrative measures to be determined by a judge or an authorized national inspector:

51.1.1. A fine of MNT 40,000 to 50,000 for violation of the article 22 of this Law.

51.1.2. A fine of MNT 10,000 to 20,000 for violation of the paragraphs 26.1.1, 26.1.2, 26.1.5 of this Law.

51.1.3. A fine of MNT 20,000 to 50,000 for violation of the paragraph 26.1.3 of this law.

51.1.4. For violation of the paragraph 31.1 and 32.1 of this Law citizens shall be liable for a fine of MNT 20,000 to 30,000, executive employees for MNT 30,000 to 40,000 business entities and organisations for MNT 150,000 to 250,000.

51.1.5. For violation of the paragraph 33.1 of the present law organizations shall be liable for the fine of MNT 100,000 to 250,000 and citizens shall be liable a fine of MNT 20,000 to 30,000”.

51.1.6. A fine of MNT 10,000 to 50,000 for violation of the paragraph 34.2 of this Law.

51.1.7. For violation of the paragraphs 36.1 of this Law illegally generated income and valuables shall be confiscated, and citizens and officers shall be liable for a fine of MNT 40,000 to 50,000, business entities and organisations for MNT 100,000 to 250,000.

51.1.8. A fine of MNT 40,000 to 50,000 for violation of the paragraph 37.1 of this Law.
5.1.9. A fine of MNT 20,000 to 50,000 to executive employees for violation of the paragraph 42.1 and 42.2 of this Law.

5.1.10. A fine of MNT 10,000 to 20,000 for violation of the paragraphs 48.1.4, 48.1.6, 48.1.7, 48.1.8 of this Law.

51.1.11. For violation of the 28’.1, 49.1.1, 49.1.4 provision of the present law executive employees shall be liable for the fine from MNT 30,000 to 60,000 and organizations or business entities shall be liable for the fine from MNT 150,000 to 250,000.

51.2. For damages caused to citizen’s health, guilty parties shall pay appropriate fines according to the relevant articles of the Civil Code and Th Health Insurance Act.

Article 52. Promulgation of the Law

This law shall come into force from 1 of July of 1998.

Chairman of the State Great Hural Of Mongolia R. Gonchigdorji

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**Title:** LAW ON AMENDMENTS TO THE HEALTH ACT

**LAW OF MONGOLIA**

19 April 2002 Ulaanbaatar city

ON AMENDMENTS TO THE HEALTH ACT

Article 1. To make amendments to the following articles, provisions and paragraphs
of the Health Act.

1) Article 28'

“Article 28'. Free of charge medical aid and service

Article 28’.1. The citizens of Mongolia shall take the following medical aid and service free of charge regardless whether he or she is covered by the Health Insurance.

28’.1.1. The medical emergency and ambulance service;

28’.1.2. Tuberculoses, cancer, mental or some disease which require long term rehabilitation process, service for cancer research, planned immunization, and sanitation infection sources of the communicable (contagious) diseases;

28’.1.3. Medical examination, check, and treatment of a pregnant woman, during pregnancy or birth delivery or after birth delivery by hospital’s instruction (only by reasons related to the pregnancy and birth delivery);

28’.1.4. Treatment of a person who has injured or get sick as result of natural disaster, sudden accident or wide spread dangerous contagious diseases;

28’.1.5. Treatment of a person who has been injured or become ill in order to save life or prevent large scale of damage in necessary protection or inevitable circumstances;

28’.2. The member of the Government cabinet in charge of health issues shall adopt the regulation to provide free of charge treatment provided in article 28’.1 and the list of diseases mentioned in article 28’.1.2 of the present law.

2) 2nd paragraph of article 8:

“8.2. An unofficial professional council shall be established next to the state administrative central organization. The member of the Government Cabinet in charge of health issues shall adopt the composition and the performance regulation of the council.

3) 2nd and 3rd paragraphs of article 11

“11.2. A national unofficial council with duties to coordinate the implementation of the social health policy may be established next to the Prime Minister of Mongolia.
The Government Cabinet shall adopt the composition and the performance regulation of the council.

11.3. A regional diagnostic and treatment centers may be established with duties to provide specialized professional health care and service, organize training and advocacy and provide health inquiry service to the population of the region. The Government Cabinet shall approve the standard regulation of the regional health center.

4) 3rd and 4th paragraphs of article 16

“ 16.3. A medical organization, which meets technological and qualitative standard requirements to provide medical care and services according its apartment, equipment and trained professional staff’s skill and ethics, shall be granted medical accreditation for the period up to 5 years.

16.4. The central state administrative body shall nominate unofficial annalist through selection in order implement the accreditation process. The member of the Government cabinet in charge of health matters shall approve the regulation to select the unofficial annalist.

5) 2nd paragraph of article 21

“ 21.2. The expenditure for the free of charge medical care and treatment mentioned in article 28' the fixed expenditures of the state owned medical organizations and family hospitals shall be born by either the state central or local budget.

6) 18 paragraph of 1st par of article 3

“ 3.1.18 The expression “The medical tools, equipment and instrument “ means things which have been created in order to replant, rehabilitate, treat and reanimate human body’s functions and defects.”

Article 2. To change the expression “policy and principles” by “policy and basic principles”, “protect (safeguard)” by “protect the social health and”, ” medical aid “ by “medical aid and service” and “citizens” by “citizens and officials” in the article 1 of the Health Law; ”the special permit” by “the special permit except mentioned in the article 11.1 of the Law on Special Permit for Business Entities” in 12.3; “have the right” by “have the special right” in 22.1, 22.2, 22.3, 24.1; “from the place” by “within a month after the disease disappearance” in 27.1; “medical aid” by medical aid and services” in 47.1.1 and 47.1.2; “Organizations that violated the paragraph 33.1 of this law shall be liable for the fine of MNT 100,000 to 250,000” by “For violation
of the paragraph 33.1 of the present law organizations shall be liable for the fine of MNT 100,000 to 250,000 and citizens shall be liable a fine of MNT 20,000 to 30,000”.

**Article 3.** To change the following expressions in articles and paragraph of the Health Act by the following expressions.

1) Article 13

“Article 13. Cancellation ion and re-issuance the special permit

The organization which issued the special permit may cancel or hold the special permit on the grounds, declared in the articles 13 and 14 of the Law on Special Permits for Business Entities.

2) Article 17. Issuing accreditation to health organizations and licenses to medical specialists for treating nursing and dispensing the drugs.

17.1. Accreditation to health organizations and licenses to medical specialists for treating nursing and dispensing the drugs shall be in two types such as general and specialized practices.

17.2. The medical license for general practices shall be issued for period of five years to the medical specialist who has graduated from the certified medical pharmaceutical or nursing institution and successfully passed the professional examination.

17.3. The medical license for specialized practice shall be issued for period of five years to the medical specialist who has completed the post graduate training after not less than two years professional experience and passed the specialized practice examination.

17.4. The doctors, nurses and pharmacists who have received professional degrees or had professional experience not less than 20 years shall be granted the permanent medical license for treatment, nursing and dispensing the drugs without any hindrance.

17.5. The license for treatment, nursing and dispensing the drugs can be issued for period until of five years to the medical specialist who is foreign citizen and alien and has graduated from certified medical pharmaceutical or nursing institution and successfully passed professional examination.

17.6. The state central administrative organization in charge of health matters shall
issue the license for treatment, nursing and dispensing the drugs to medical specialists.

3) Paragraph 3 article 23.

“23.3. The Disciplinary Committee shall be established under the state administrative organization in charge of health matters. The regulation of the Disciplinary Committee and the ethical norms for the medical professionals shall be approved by the Government Cabinet member in charge of health matters.”

4) Article 44

“Article 44. The medical equipments’ manufacturing, trading and importing

44.1. The legal entity, which has been granted special license from the state central administrative, shall manufacture, trade and import the medical equipments.

44.2. The documents certifying materials, from which the equipments made, technical and qualitative characters of the equipments shall be attached in order to manufacture, trade and Import medical equipments.

5) Paragraph 1of article 37.

“37.1. Pregnancy may be stopped by medical means based on the permission of the mother, and if necessary the permission of the husband when developmental and physical abnormalities of fetus are confirmed or the pregnancy causes danger to life of the mother.”

7) Provision 11 of paragraph 1 of article 3

“3.1.11. “Immunization” means a set of measures in order to prevent from, stop the spread of and defeat the communicable (contagious) diseases by using the vaccines.

8) Provision 12 of paragraph 1 of article 3

“3.1.12. “Donor” means a person who voluntarily donates his or her body organs\tissues or blood in order to save and support lives or health of others, or dead body from which some body organs\tissues can be removed with purpose to transfer.

9) Provision 13 of paragraph 1 of article 3

“ 3.1.13. “International quarantine diseases” mean the diseases which are mentioned in the international medical and sanitary regulation.”
10) Provision 16 of paragraph 1 of article 3

“3.1.16. Nursing” means set of professional measures taken by the nurse in order to prevent from, treat diseases, and rehabilitation of the sick person.”

11) Provision 11 of paragraph 1 of article 51

“51.1.11. For violation of the 28’, 49.1.1, 49.1.4 provision of the present law executive employees shall be liable for the fine from MNT 30,000 to 60,000 and organizations or business entities shall be liable for the fine from MNT 150,000 to 250,000.”

**Article 4.** To change the expressions in article 3.1.7 “medical specialist” by social medical staff”, in article 4.2.2 “prevention” by the social medical aid and service”, in articles 10.1.5, 27.1, 27.2 and 27.3 “virulent diseases” by international quarantine diseases”, in article 24.1 “receiving” by “has received”, in article 24.2 “a sworn doctor shall pay respect to the state flag” by “the oath shall be approve by the government cabinet member in charge of health matters.” in article 29.2 “virulent diseases” by international quarantine diseases”, and in article 51.1.4 “MNT 100,000” by “MNT 150,000” of the present law.

**Article 5.** Hereby orders to remove the expression “obtained medical license” from article 24.1 of The Health Act.

**Article 6.** Hereby orders to consider provisions 4.1.5 and 22.4 of The Health Act invalid.

CHAIRMAN OF THE STATE GREAT KHURAL OF MONGOLIA

S.TOMOR-OCHIR