



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS**  
**СКУПШТИНА КОСОВА**  
**ASSEMBLY OF KOSOVO**

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**Law No.2004/50**

**ON PRIVATE PRACTICES IN HEALTH**

Kosovo Assembly,

Pursuant to the Constitutional Framework for Provisional Self-Government in Kosovo, Regulation No. 2001/9 of 15 May 2001, in accordance with Chapter 5.1(h), 9.1.1, 9.1.26 (a), and

in order to set the legal basis for arrangement, advancement and improvement of the health status of the Kosovo citizens, by regulating the private practices in the health sector,

Adopts :

**LAW ON PRIVATE PRACTICES IN HEALTH**

Chapter I

Definitions

Article 1

“**Health Care Activity**” means all activities aiming at: advancement and improvement of health, prevention of diseases and injuries, diagnosis, treatment, recovery and medical rehabilitation of citizens;

“**Private Health Care Institution**”(hereinafter the Institution): each place, premise in the private property which meets criteria and standards as stipulated by this Law and other sub-legal acts regulating this field;

“**Licensing Board of Private Health Care Institutions**” (hereinafter the Board): authorized body of the Kosovo Ministry of Health (hereinafter the Ministry) for licensing of the Institution, established by this Law;

“**License to exercise private practice in health**” (hereinafter the License): written authorization to permit private health practice issued by the Board;

“**The healthcare professional from Article 86 of the Law on Health**”: health care professional possessing license issued by the Central Board for Licensing and Registration within the Ministry;

“**Private Health Care worker**”: Licensed health care professional exercising private practice in the private health care Institution or public health care Institution based on the contract with the respective Institution;

**“Establisher of the Health Care Institution”** physical or legal person, local or foreign, that establishes Private Health Care Institution based on the legal provisions in force;

**“Director of the Institution”**: person appointed, managing and presenting the Institution;

**“Health Care Standards”**: health care standards defined with the sub-legal act issued by the Ministry.

## Chapter II

### Health Care Professionals in the Private Sector

#### Article 2

2.1. Health care professional can practice health activity in the Kosovo private sector if:

- a). He/she is a licensed health professional;
- b). He/she has not been barred by a legal decision of a Court or decision of another competent body to practice health activity;
- c). He/she fulfills the necessary work experience requirements of the respective field, in accordance with the sub-legal acts issued by the Ministry.

2.2. Health care professional shall practice private health activity in conformity with Kosovo Health Law, this law and other respective laws.

2.3. Health care professional can provide private health services in the public health care institution based on the contract with the respective Institution.

2.4. Private health worker shall undergo same criteria for registration, licensing and Continuing Professional Education as other health workers in public health care institutions.

2.5. Private health worker shall use the official stamp of health professional in conformity with sub-legal acts.

2.6. Private health worker shall provide health care services in conformity with his/her professional qualification.

### The rights and obligations of private health care workers

#### Article 3

3.1. Private healthcare worker has rights and obligations defined with the Labor Law;

3.2. Private healthcare worker is obliged to:

- a). Provide emergency healthcare to citizens;
- b). Provide health care in conformity with the acknowledged health doctrine and principles of health ethic;
- c). Adhere to the standards of provision of health care;

- d). Participate in provision of health care in emergency cases by the invitation of competent bodies;
- e). Participate in the programs for elimination of communicable diseases by the invitation of competent bodies;
- f). Respect rights and responsibilities of citizens in the health care in conformity with the Law from the paragraph 5.1 (c).

### Chapter III

#### Establishment of the Institution

##### Article 4

- 4.1. Private Healthcare Practices shall be provided in the Institutions established in conformity with the Kosovo Health Law, this Law and other relevant laws.
- 4.2. The Institution is licensed to provide health care services, if it meets the conditions defined by the Kosovo Health Law, this law and other sub-legal acts.
- 4.3. Private health care Institution shall not practice health activity if it does not possess the License issued by the Board.
- 4.4. Licensing of the Institution is carried out by the Board.
- 4.5. Types of the Institutions are defined by the Ministry with sub-legal act.
- 4.6. The network plan of Institutions is approved by the Ministry, respecting same principles that apply to public health care institutions.
- 4.7. The network plan from the above paragraph consists of the number and the capacity of the Institutions that are in agreement with standards and designations.
- 4.8. Minimum general conditions of the Institutions regarding the space, staff and medical equipment are defined by the Ministry with sub-legal act.
- 4.9. The Institutions from the paragraph 4.6 are obliged to enter into contractual agreement with the Health Care Commissioning Agency or with the Health Insurance Fund after its establishment in order to provide health services.

#### Obligations of the Institution

##### Article 5

- 5.1. The Institution is obliged to:
- a). Adhere to all legal obligations regarding health services that apply to public health care institutions;
  - b). Issue the status and operative regulation of the Institution;
  - c). Ensure the civil responsibility for the damages caused to the health of citizens when utilizing health care services in the Institution, in conformity with the Law on the Rights and Responsibilities of the Citizens in Health Care;

- d). Select and appoint the Director of the Institution;
- e). Participate in the unique Health Information System;
- f). Keep documents and medical records in good condition for the period defined by the law;
- g). Protect health documentation if the Institution ceases functioning, in conformity with the law;
- h). Adhere to the standards for providing health care approved by the Ministry;
- i). Ensure access to disabled persons;
- j). Ensure adequate waste management according to the accepted standards;
- k). Present the list of services provided;
- l). Ensure professional staff for provision of services from the presented list of the services provided;
- m). Adhere to the price schedule harmonized with health services;
- n). Provide the adequate number of employees with respective qualifications in conformity with the License of the Institution;
- o). Report on its activities to the institutions defined by the Law;
- p). Ensure the continuity of health services to the citizens, if it cannot provide certain health services due to any reasons;
- q). Ensure citizens referral according to the Law and subsequent sub-legal acts;
- r). Respect rights and responsibilities of citizens in the health care in conformity with the Law from the paragraph 5.1 (c);
- s). Ensure implementation of the legal provisions dealing with methods, procedures and control for storage, distribution and administration of drugs if the Institution provides drugs to citizens;
- t). Display the table with the name and the type of the Institution and the work schedule in the building where the private health care Institution is functioning;
- u). Display in a noticeable place the work schedule, price schedule of health care services and the information on realization of the rights of citizens in the health care, in conformity with the Law from the paragraph 5.1 (c);
- v). Inform the Ministry regarding the changes of activities;
- w). Inform the Ministry regarding cessation of its activities not later than thirty (30) days before the cessation;
- x). Fulfill the additional conditions, defined by the Ministry with special sub-legal acts.

5.2. Private health activity is not allowed in the fields that are stipulated in Article 45 of the Kosovo Health Law.

Chapter IV  
Required standards  
Article 6

6.1. Institutions and health workers shall adhere to the required standards for health care as defined by the sub-legal acts issued by the Ministry in the following fields:

- a). Information for citizens;
- b). Quality of health care services;
- c). Management and personnel;
- d). Management of complaints of the citizens;
- e). Buildings, premises and equipment;
- f). Procedures for risk management;
- g). Registers and information.

6.2. Standards from the previous paragraph shall be in compliance with internationally accepted standards.

Additional standards  
Article 7

7.1. The Ministry shall define additional standards that need to be fulfilled by the Institution, depending on the type and its activity.

7.2. The Ministry shall at any time revoke, amend or complement any health care standard.

Chapter V  
The role of the Ministry  
Article 8

In order to implement the Kosovo Health Law and the present law, the Ministry shall:

- a). Take care of the health of citizens utilizing health services in private health care sector of Kosovo;
- b). Compile the development policy and strategy of private health sector;
- c). Compile necessary and additional norms and standards regarding space, equipments and staff of the Institutions;
- d). Cooperate with the General Professional Council on compiling the unique price schedule of health care services in the Institutions;
- e). Cooperate with the Ministry, Municipalities and other Institutions that in a certain way are involved in development of private health sector;
- f). Practice external administrative monitoring on Institutions;
- g). Monitor the activity of the licensing Board;

- h). Issue operative regulation and respective documentation on the procedure and work of Committees;
- i). Monitor the role of Municipalities on implementation of legislation regarding private health sector.

## Chapter VI

### The Licensing Board of Private Health Care Institutions

#### Article 9

9.1. The Board is a body authorized by the Ministry with this law.

9.2. The body from the above paragraph has all rights and competencies defined with Kosovo Health law and this Law.

#### The function and duties of the Board

#### Article 10

The Functions of the Board are as follows:

- a). To implement policies of the Ministry regarding private health sector;
- b). To ensure the implementation of necessary standards required for the Institutions and also the verification of these standards with the request of the establisher;
- c). To license the Institutions;
- d). To revoke the License;
- e). To keep the register of Institutions and private health workers;
- f). Other functions given to the Board by the Ministry.

#### Article 11

11.1. The Board shall issue its operative regulation including the work plan and method.

11.2. The Ministry shall publish its Decisions in the Kosovo Official Gazette.

The composition of the Board  
Article 12

12.1. The Board shall consist of 5 (five) members, representatives of Institutions and sectors as follows:

- a). The Officer of Private Practice Division;
- b). Private Sector;
- c). Professional General Council;
- d). The Ministry of Environment and Spatial Planning;
- e). The Association of Kosovo Municipalities;

12.2. The Board has full independence on decision-making.

Management of the Board  
Article 13

13.1. The Board shall be managed by the chairperson appointed by the Minister of Health with the proposal of the Board.

13.2. The Ministry shall provide the Technical Secretary of the Board.

The mandate of the members of the Board  
Article 14

14.1. The members of the Board shall be appointed for a period of 3 (three) years.

14.2. The members are entitled to reappointment only for another period of 3 (three) years.

14.3. In case of a conflict of interest, the member of the Board shall not participate in the decision making.

Discharge of the mandate of the members of the Board  
Article 15

The mandate of the member of the Board shall be terminated in the following situations:

- a). After the expiration of the mandate;
- b). When the member gives a written resignation;
- c). When the member is discharged with the decision of the court;
- d). When the member is not able to perform his/her duties for other personal serious reasons.

The procedures for discharging the member of the Board  
Article 16

In the case of serious negligence of duties, the procedures to discharge the member of the Board shall be initiated by the Institution that has proposed him/her or the Ministry of Health.

Funding of the Board  
Article 17

17.1. The Board shall be financed from the personal incomes according to the sub-legal act issued by the Ministry and the Ministry of Economy and Finance as well as from additional sources of the Ministry.

17.2. The financial reimbursement of the members of the Board is carried out according to the respective sub-legal acts issues by the Ministry.

CHAPTER VII

The Committee to ensure the fulfillment of the technical and professional criteria for  
licensing of Private Health Care Institutions  
Article 18

18.1. The Ministry, through a special act, shall establish the Joint Committees in cooperation with the Municipal Health Authorities and the Association of Private Doctors of Kosovo. The duty of the Committee is to carry out the inspection of the Institution in order to ensure the fulfillment of technical and professional criteria for licensing.

18.2. The Committees shall consist of 5 (five) members as follows;

- a). Municipal Sanitary Inspector in the Municipality where the Institution is located;
- b). Municipal Labor Inspector in the Municipality where the Institution is located;
- c). Municipal Inspector for Construction in the Municipality where the Institution is located;
- d). Private sector (from the field to which the Institution belongs);
- e). Health Authority of the Ministry that covers the Municipality where the Institution is located;

18.3. The Committee shall carry out the evaluation of the criteria according to the norms and standards defined by the Ministry with the Health Law, this Law, sub-legal acts and respective legislation.

18.4. The Committee carries out the inspection with the request of the Institution, not later than thirty (30) days after the submission of the request.

18.5. General and special conditions for the Institutions shall be issued by the Ministry with special sub-legal act.

18.6. The members of the Committee shall be reimbursed according to the respective sub-legal acts.



## Licensing Article 19

19.1. The establisher of the secondary and tertiary health care Institution shall initially ensure the approval from the Ministry for establishment of the Institution, whereas the establisher of Primary Health Care Institution should ensure the approval from the Municipality.

19.2. The Institution shall provide health services if it meets the conditions defined by the Kosovo Health Law, this law and respective Laws and other sub-legal acts.

19.3. The Institution shall not be licensed if it does not fulfill the obligations from the paragraph 5.1 (c) of this Law.

19.4. The License issued by the Board is a necessary criterion for the Institution to obtain the working license.

## Application for a license Article 20

20.1. The application for a license is carried out using a specific application form in the Ministry of Health upon payment of the administrative fee which shall be defined by the Ministry.

20.2. The license shall contain conditions required to be fulfilled and shall be issued in the form approved by the Ministry of Health.

20.3. The application for a license is also carried out in cases of change/extension of activities.

20.4. The Board may request fulfillment of additional criteria based on the norms and standards defined by the Ministry.

20.5. The Ministry shall define the deadline to fulfill the additional criteria.

## The decision for licensing Article 21

21.1. Related to the application for licensing of the Institution, the Board shall decide to:

- a). Allow a license;
- b). Disallow a license

21.2. The applicant may file a complaint at the Ministry against the decision of the Board. The Ministry shall give a written response to the applicant within the term of no more than 30 (thirty) days.

21.3. The applicant may file a complaint at the competent court against the decision of the Ministry, in conformity with respective laws.

## The Validity of the License Article 22

22.1. The license is valid for a period of 5 (five) years and comes into force in the day of its issuance.

22.2. The Board, within the period defined, shall inform the applicant regarding the decision taken.

## Renewal of the License Article 23

23.1. Each license shall be renewed in compliance with this law.

23.2. The renewal of the license is carried out through a written application managed by the Board.

23.3. The application for renewal of the license is carried out not earlier than 120 days before the expiration and not later than 60 days before the expiration of the license.

23.4. The Board shall renew the license for which the application form has been submitted, for the period of not more than 5 (five) years.

23.5. After application for renewal, the license shall continue to be valid until the Board decides regarding the application form.

23.6. Each renewal in such cases shall be effective from the date of expiration of the license.

23.7. The Board shall not renew the license in case when the applicant does not meet the criteria defined by this law and other respective laws.

23.8. The license shall not be the subject of transfer from one establisher to another.

## Revocation of the license Article 24

24.1. The Board is a single body that can revoke the license.

24.2. The Board shall revoke the license once it establishes that the license holder failed to fulfill or adhere to criteria according to this Law or other respective Laws or any additional criterion within the period defined by Law.

24.3. The Health Minister may, through the Board, initiate a procedure on revoking the license in the case when the requirements foreseen by law have not been met.

24.4. The decision of the Board to revoke the license shall be sent to the license holder.

24.5. The form and the content of the decision shall be defined by the Board.

24.6. The decision to revoke the license shall be published in the following edition of the Kosovo Official Gazette.

24.7. The license holder has the right to submit a complaint to the court against the decision of the Board within the period defined by law.

24.8. The revocation of the License automatically means reapplication to receive a license for the Institution.

## Chapter VIII

### Supervision of the Institutions

#### Article 25

25.1. Supervision of the Institutions is carried out in conformity with legal provisions of the Kosovo Health Law, respective laws and this Law.

25.2. Supervision of the Institutions includes internal and external supervision.

25.3. Internal professional supervision is organized and ensured by the Director of the Institution based on the operative rules of the Institution.

25.4. Subject of supervision of the Institution is:

- a). Application and implementation of the law and other sub-legal acts within health activity;
- b). Supervision of the professional work of health workers.

#### Article 26

26.1. Professional and administrative external supervision of the Institutions is carried out by the Health Inspectorate, the Board, the Health Authorities of the responsible Ministry for the respective Municipality, the Municipal Health Directorate, the Kosovo Sanitary Inspectorate.

26.2. Duties and responsibilities of supervision bodies and the manner of supervision are defined by respective laws and special sub-legal acts issued by the Ministry.

26.3. External supervision is carried out according to the work plan of the supervision body.

26.4. The Ministry may appoint known health professionals to monitor any particular aspect of the Institution, when it is considered as reasonable.

26.5. During supervision of the Institution, the supervision officer shall be identified through a card for official identification.

#### Article 27

27.1. When the professional supervision is carried out, the Institution and health workers are obliged to cooperate with the supervision officer and to make all documents requested available to him/her.

27.2. During supervision, the supervision officer shall be allowed to have a free access in all spaces of the Institution.

Disciplinary and penal provisions  
Article 28

28.1. Disciplinary and penal provisions defined by the Kosovo Health Law and other relevant Laws shall be applied to the Institution and Private Health worker.

28.2. If during supervision of the Institution, it was established that by breaking the rules, violation, economic delinquency or penal acts was caused, the supervision officer is obliged to immediately submit to the competent body a request to initiate the procedures, respectively the denunciation note.

28.3. The Body to which the denunciation note has been submitted from the previous paragraph is obliged to inform the Ministry about the outcome of the procedure.

Chapter IX

Interim provisions  
Article 29

29.1. The Institutions, other legal or physical persons that exercise private practice in compliance with this Law, shall harmonize the organization, the work and general acts with provisions of this Law in a period of 6 months from the day of coming into force.

29.2. In order to enforce this Law, the Ministry shall issue relevant sub-legal acts.

Article 30

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary - General .

**Law No.2004/50**  
**27 September 2004**

**President of the Assembly**  

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**Academic Nexhat Daci**