



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-38

ON HEALTH INSPECTORATE

Kosovo Assembly,

Based on the Chapter 5.1.(h) and 9.1.26 (a) of the Constitutional Framework of Provisional Self-Government in Kosovo (UNMIK Regulation no.2001/9 dated 15th May 2001)

In order to set legal basis for arrangement, advancement and improvement of health status aiming at the health care of Kosovo citizens,

Hereby adopts the following:

LAW ON HEALTH INSPECTORATE

Basic provisions

Article 1

1.1. The Health Inspectorate (hereinafter the Inspectorate) is an administrative authority of the Ministry of Health that carries out external professional monitoring of the health institutions according to Article 102.1 of the Health Law.

1.2. According to the Kosovo Health Law, Article 101.2, professional monitoring ensures implementation of the ethic and professional norms and standards approved by the Ministry of Health.

1.3. The Inspectorate carries out external monitoring of the professional activities of health care institutions regardless of their forms of financing and ownership.

1.4. Monitoring of the work of health care institutions implies undertaking of all inspection measures foreseen with this law in order to achieve respective standards approved by the Ministry of Health.

1.5. The purpose of this body is to increase the quality of medical services and care towards citizens in the health care institutions.

Functions of the Health Inspectorate

Article 2

Functions of the health inspectorate are as follows:

1. Monitors implementation of the Health Law and other provisions in conformity with Article 1.5 regulating the health field.
2. Ensures technical and professional advice for health activities in order to implement legal provisions and standards foreseen with the Health Law.
3. Ensures necessary information regarding methods and techniques for fulfillment of respective standards in the health field.
4. Informs the Ministry of Health, institutions and competent authorities regarding illegal work in the health care institutions and undertakes measures foreseen by this law and other laws in conformity with given authorizations.
5. Ensures information, provides help and promotes the best medical practice for health care institutions.
6. The duty of the Inspectorate is to provide support to health care institutions in interpretation of legal norms and all other sub-legal acts issued by the Ministry of Health in order to carry out their efficient implementation.

Organization of the Health Inspectorate

Article 3

- 3.1. The Health Inspectorate consists of the Chief Health Inspector and health inspectors.
- 3.2. The Chief Health Inspector and health inspectors are selected through advertisements organized by the Ministry of Health in conformity with the civil service rules.
- 3.3. The Health Inspectorate compiles the work program.
- 3.4. Health Inspectors are responsible to the Chief Health Inspector.
- 3.5. The internal organization and functioning of the inspectorate is carried out with a special sub-legal act issued by the Ministry of Health.
- 3.6. In order to implement legal authorizations from its field of activity, the Health Inspectorate cooperates and coordinates its activity with the Labor Inspectorate, the Sanitary Inspectorate, the Inspectorate of Environment, Water Inspectorate and other relevant inspectorates, Prosecutors' Offices, Kosovo Protection Corps (KPC) and the Kosovo Police Service (KPS).

Chief Inspector

Article 4

- 4.1. The Chief Inspector is a manager and responsible for the work of the Health Inspectorate.
- 4.2. The Chief Inspector ensures monitoring of unique implementation of Laws and regulations within the competencies of the Inspectorate.
- 4.3. The Chief Inspector monitors the execution of decisions dealing with legal violations.
- 4.4. The Chief Inspector is responsible to the Minister of Health regarding his work.
- 4.5. The Chief Health Inspector compiles monthly and annual reports for his work and presents them to the Minister of Health.
- 4.6. Initiates disciplinary procedure regarding the work of health inspectors (hereinafter: Inspectors) in the cases when they violate legal provisions or perform illegal activities during their work, under his powers.
- 4.7. For each action, under paragraph 4.6, informs the Minister of Health and the Permanent Secretary.

Financing of the activity of the Inspectorate

Article 5

The Ministry of Health finances the activity of the Health Inspectorate.

Health Inspectors

Article 6

Health Inspectors practice their activity in conformity with Article 2 of this law and carry out monitoring of the:

- a) Quality of health services according to the fields, according to the standards accepted and set by the Ministry of Health;
- b) Method of admission, treatment and discharge of patients from health care institutions;
- c) Reports from health staff and supportive staff in relation to patients, citizens and visitors within health care institutions;
- d) Prescription and the method of utilization of drugs and expiration dates as well as transport, warehousing and storage of drugs;
- e) Adequate manner to apply prevention, diagnostic, therapeutic and rehabilitation methods;
- f) Maintenance of medical documents and evidences as well as other reporting forms in conformity with the determined rules.
- g) Method of health staff reaction in emergency situations;
- h) General inspection through which is ensured a high level of health care;

- i) Thematic inspection in order to provide an efficient review of the health policy of the Ministry at the national level or for specific obstacles in health care;
- j) Public health inspection regarding the health conditions of the population in general and regarding vulnerable groups according to priorities of the Ministry and in cooperation with the National Institute of Public Health;

Responsibilities and authorizations of health inspectors

Article 7

7.1. Health Inspectors possess authorization for free access in the inspection of the implementation of normative acts of health care institutions.

7.2. Health Inspectors shall freely enter at any time to all working places within health care institutions during their inspection without any notification.

7.3. During inspection, Health Inspectors bear identification cards while practicing their function.

7.4. Health Inspectors shall carry out necessary inspection and research to collect evidences that are considered important in order to ensure that legal provisions are being applied by health care institutions.

7.5. During inspection, Inspectors are authorized to question health workers and health staff, in person or in the presence of other health workers and witnesses.

7.6. Shall inspect application of measures on the part of the health care institutions with the purpose of avoiding threats to the health of patients.

7.7. Health Inspectors shall require improvement and elimination of obstacles that may present violation of legal provisions in a period defined.

7.8. Health Inspectors shall carry out control of all books and documents kept by the health care institution.

7.9. The Inspector has the authorization to copy extracts from registers and documents and confiscate them in case they need evidence in the presence of the staff or witnesses, by keeping records on the materials confiscated from the respective health care institution and by adhering to the rules (or sub-legal acts) foreseen for protection of the confidentiality of the patient and institution.

7.10. Health Inspector can temporarily cease the activity of the health care institution.

7.11. Health Inspector can fully or partially cease the activity of the health care institution until the legal conditions are met.

7.12. Health Inspector can order implementation of concrete measures within the period defined by law.

7.13. Health Inspector can order other necessary measures for implementation of the law or other sub-legal acts issued by the Ministry of Health.

7.14. Health Inspector shall issue denunciation papers regarding severe violations of the law in order to raise penal procedure in the competent court against physical or legal persons.

7.15. During inspection, the inspector shall be also accompanied by the staff of the health care institution.

7.16. During inspection, inspectors shall protect the confidentiality of subjects inspected and interests of the third party.

7.17. In conformity with article 119 of the Health Law, health inspectors shall penalize in cases when provisions of this Law are being violated.

Practice of the work of the Health Inspectorate

Article 8

8.1. The person who has finished the faculty of medicine, pharmacy or dentistry and who is licensed by the Ministry of Health, who has passed the inspector exam and has at least five-year long work experience in the respective medical field, shall have the right to practice the function of the Health Inspector.

8.2. The monitoring of implementation of the law cannot be carried out by workers with lower professional qualification than the worker that is subject of monitoring.

8.3. The exam for Health Inspectors is organized by the Ministry of Health.

Article 9

9.1. For the issues that require longer professional knowledge and experience, the Health Inspectorate may engage independent experts of respective field.

9.2. For the inspection according to article 6.1. (a), the Health Inspectorate hires in an obligatory manner an expert of the field which is object of inspection.

Termination of the activity of the Health Inspector

Article 10

10.1. When the Health Inspector establishes that legal authorizations were misused while carrying out the inspection by the health inspector, the health inspector has interacted in the business process of any health care institution or is in a blood relationship with any members of the management staff of this institution, the practicing of the activity by the health inspector will be terminated.

10.2. The activity of the health inspector shall be terminated also with a court decision.

10.3. In addition to termination of practicing the function of the Health Inspector, other disciplinary measures of regulating inspectors may be developed in conformity with provisions of the Kosovo Civil Service.

Appeals Procedure

Article 11

11.1. An appeal against the decision of the Health Inspector can be lodged within 8 days from the day when the Health Inspectorate has taken the decision.

11.2. The Health Inspectorate is obliged to decide according to the appeal lodged regarding the decision of the health inspector within 30 days.

11.3. The administrative contest against the decision of the health inspector can be raised to the competent court within 30 days.

11.4. The appeal lodged against the decision of the health inspector does not postpone the execution of the decision.

Interim Provisions

Article 12

In order to implement this law, the Ministry of Health shall issue sub-legal acts, no later than six months since the promulgation of the law.

Article 13

This law invalidates any other law or other provisions that are inconsistent with this law.

Article 14

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. 02/L-38
19 January 2006

President of the Assembly

Academic Nexhat Daci