

REGULATORY AND LEGAL REGULATION OF THE HEALTHCARE SECTOR IN UKRAINE AND HUNGARY: GENERAL AND SPECIAL

Tkach Konstantin

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Annotation. This article conducts a comparative analysis of the current state of legal regulation in the healthcare sector in Ukraine and Hungary. The significance of healthcare issues has elevated them to the level of one of the most important state tasks and an internal function of the modern state. This necessitates not only the execution of effective state governance but also the formation and implementation of state policy in this sphere. The article is dedicated to the formation and implementation of state policy concerning the legal regulation of the healthcare sector in Ukraine and Hungary, which underscores its relevance.

During the writing process, the author researched the system of legal relations and state bodies responsible for performing relevant functions and tasks in the formation and implementation of healthcare policy. It analyzes the legislative system regulating these areas and the practice of its application in both countries. The article identifies the roles and places of the Verkhovna Rada (Supreme Council) of Ukraine and the Hungarian National Assembly, as well as the Cabinets of Ministers and the executive branch systems in both countries in the realization of healthcare policy.

Like most contemporary scientific developments in this field, the article covers problems of three scientific disciplines – medicine, management, and law. In preparing this article, the author reviewed a considerable amount of medical literature, particularly in social medicine and healthcare organization, thoroughly exploring their scientific issues in both Ukraine and Hungary. However, it aims to illuminate the issues and problems arising in this context, specifically from the legal standpoint, particularly administrative law. Therefore, the focus of this work is primarily on legal categories and concepts – the legal mechanisms for implementing state medical and health improvement programs, ensuring the constitutionally guaranteed right of individuals in Ukraine and the Fundamental Law of Hungary to medical care, healthcare, and medical insurance, particularly the guaranteed level of free qualified medical aid.

Key words: Ukraine, Hungary, Constitution of Ukraine, Fundamental Law of Hungary, legal regulation, healthcare sector.

1. Introduction.

Following the political system change in Ukraine and Hungary, the legislative and executive powers faced the challenge of creating a healthcare system that would meet the best European standards. The healthcare sector is a leading link in the social sphere of Ukraine, obligated to provide medical services to citizens, thus performing one of the most crucial internal functions of the modern state. In this regard, the healthcare system, as part of the socio-economic development of the country, faces complex tasks, the scale and significance of which require the creation of a robust legal base.

Unsatisfactory health indicators in Ukraine compared to leading world nations, as evidenced by general and child mortality rates and morbidity, necessitate comprehensive healthcare system reform programs from the Verkhovna Rada and the country's government. Therefore, seeking effective models

for providing medical services to the population and their legal support is a pressing issue that can benefit from the experiences of countries that have successfully navigated this path, notably Hungary.

In turn, Hungary managed to harmonize its legislation with the legal base of the EU in the healthcare sector, allowing Budapest to become a full member of the Community in 2004. To this end, significant amendments were made to the Fundamental Law of the country, and numerous legislative acts were passed. These were directed towards creating a sectoral healthcare code, protecting patients' rights, detailing the conditions for medical assistance, ensuring the rights of social service consumers, regulating the conditions for medical services, creating a healthcare management system, ensuring social insurance, and pharmaceuticals. This task was realized in the 2020s, but the work on creating an effective healthcare system continues to the present day.

2. Analysis of the recent studies and publications.

The analysis of recent studies and publications initiating the resolution of this problem reveals that Ukrainian scholars such as L. Babinec, I. Borovyk, S. Buleca, Y. Matvienko, and D. Stepanchenko have engaged with this topic. Hungarian scientists such as BEDNAY, DEZSŐ CORA, ZOLTÁN FERGE, ZSUZSA JUHÁSZ, GÁBOR KINCSES, GYULA KOVÁCS, JÁNOS MENYHÁRT, SZABOLCS ZOMBORI, GYULA, RÁCZ ZOLTÁN, Szinai Alexandra, Dr. Jakab Nóra Asbóth Márton, Fazekas Marianna, Koncz József have examined this issue in detail and from various angles. However, in Ukrainian scientific discourse, these works have been practically unused. As for the comparative analysis of the current state of legal regulation of the healthcare sector in Ukraine and Hungary, this issue has not been addressed in Ukrainian legal science.

3. The purpose of the work.

The article aims to perform a comparative analysis of the current state of legal regulation of the healthcare sector in Ukraine and Hungary. It also seeks to uncover the primary problems in identifying the main theoretical and practical aspects of state management of medical assistance development in the current conditions of healthcare system reform in Ukraine.

4. Methodological basis.

The methodological basis of the study involves the application of various research methods, such as comparative analysis, historical method, analysis of legal documents, and interpretation of legislation, among others.

5. Results.

Thus, it can be summarized that during their period of independence, Ukraine and Hungary have established a significant legislative foundation for effective operation in the healthcare sector. At the same time, the current healthcare system in Ukraine does not fully meet the needs of the majority of the country's population. Therefore, it is necessary to focus on updating and improving the existing legal base. The legislative principles of healthcare in Ukraine need revision to adequately reflect the modern needs and development trends of society.

Main content presentation.

1. Comparative legal analysis of health care regulation in the constitutions of Ukraine and Hungary.

After the change in the political system in Ukraine and Hungary, the legislative and executive branches faced the challenge of creating a healthcare system that would meet the best European standards.

The healthcare sector is a leading link in the social sphere of Ukraine, which is obliged to provide medical care to citizens, thereby fulfilling one of the most significant internal functions of the modern state. In this regard, the healthcare system, as an integral part of the country's socio-economic development, faces complex challenges, the scale, and importance of which requires the creation of a strong regulatory framework.

The quality of life in Ukraine is one of the worst among all European countries, as well as all the former Soviet Union countries included in the ranking. This assessment is consistent with the results of similar studies by reputable international organizations: Ukraine was ranked 78th out of 177 in the UN Human Development Index, 98th out of 111 in the Economist's Quality of Life Index, and 174th out of 178 in the New Economics Foundation's Happiness Index.

The unsatisfactory indicators of public health in terms of general and infant mortality, as well as morbidity in Ukraine compared to the leading countries of the world, require the Verkhovna Rada and the government to develop a comprehensive program of reforming the country's healthcare system. Therefore, the search for effective models of health care services and their legal support is an urgent problem, which can be solved by using the experience of countries that have successfully passed this way. In this case, we are talking about Hungary.

Hungary, in turn, managed to harmonize its legislation with the EU healthcare regulatory framework, which allowed Budapest to become a full member of the Community in 2004. For this purpose, the Hungarians made significant changes to the country's Basic Law, adopted several legislative acts aimed at creating a sectoral healthcare code, protecting the rights of patients, detailing the conditions for the provision of medical care, ensuring the rights of consumers of social services, regulating the conditions for the provision of medical services, creating a healthcare management system, providing social insurance, and pharmaceuticals. In the 20s of the XXI century, this task was realized, but the work on creating an effective healthcare system continues to this day.

Today, the healthcare system in Ukraine is regulated by the Constitution, and in Hungary by the Basic Law. Thus, in the Constitution of Ukraine, Article 27 states that everyone is entitled to protect their life and health, as well as the life and health of other people from unlawful encroachments. Article 49 states that everyone is entitled to health care, medical assistance and medical insurance. Health care is ensured by state funding of relevant socio-economic, medical, health and preventive programs. The state creates conditions for effective and accessible medical care for all citizens. In state and municipal health care institutions, medical care is provided free of charge; the existing network of such institutions cannot be reduced. The State shall promote the development of medical institutions of all forms of ownership. The state takes care of the development of physical culture and sports, ensures sanitary and epidemiological well-being¹.

The Basic Law of Hungary, adopted in 2011, also pays great attention to health care. Article X1X (1) states that Hungary strives to ensure social protection for all its citizens. In the event of maternity, sickness, disability, widowhood, orphanhood, and unemployment that are not caused by the citizen, every Hungarian citizen is entitled to assistance provided by law. (2) Hungary shall implement social security through a system of social institutions and measures for individuals in need of assistance under paragraph (1) and others. (3) The nature and scope of social measures may be determined by law in accordance with the socially useful activities of the person to whom the social measures are applied.

Article XX (1) states that everyone is entitled to physical and mental health, and (2) emphasizes that Hungary supports the realization of the right under paragraph (1) in agriculture free of genetically modified organisms, by ensuring access to healthy food and drinking water, by organizing occupational safety and health, by supporting sports and regular exercise, and by ensuring environmental protection².

A comparative legal analysis of the regulation of the healthcare sector in the constitutions of Ukraine and Hungary shows that the Ukrainian Basic Law more clearly defines the role of the state in this area. For example, Article 27 states that the state shall create conditions for effective and accessible health care for all citizens. Another significant difference is that Ukraine's constitutional provision is

¹ Constitution of Ukraine <https://www.president.gov.ua/ua/documents/constitution/konstituciya-ukrayini-rozdil-ii>.

² Magyarország Alaptörvénye (2011. április 25.) URL: <https://net.jogtar.hu/jogszabaly?docid=a1100425.atv>.

that medical care is provided free of charge in state and municipal health care institutions, and that the existing network of such institutions cannot be reduced.

To implement the provisions on health care enshrined in the Constitution of Ukraine and the Basic Law of Hungary, the Verkhovna Rada and the State Assembly adopted several laws.

2. Create a sectoral healthcare code in both countries.

The law was adopted in November 1992: "Fundamentals of the Legislation of Ukraine on Health Care" on the content of the right to health care states that this right, in particular, provides for a standard of living, including food, clothing, housing, medical care and social services and provision that are necessary to maintain human health; a safe environment for life and health; sanitary and epidemiological well-being of the territory and settlement where a person lives; safe and healthy working, studying, living and recreational conditions; qualified medical and health care, including free choice of a doctor and health care facility; reliable and timely information about the state of one's health and the health of the population, including existing and possible risk factors and their degree; participation in the discussion of draft legislative acts and submission of proposals for the formation of state policy in the field of health care; participation in health care management and public examination on these issues in the manner prescribed by law; the possibility to unite in public organizations to promote health care; legal protection against any unlawful forms of discrimination related to health; compensation for damage caused to health; appeal against unlawful decisions and actions of employees, institutions, and health care authorities; the possibility of conducting an independent medical examination in case of disagreement with the conclusions of the state medical examination. It should be noted that the same rights are enjoyed by foreign citizens and stateless persons permanently residing in Ukraine¹.

December 7, 2000. The Presidential Decree approved the Concept of Development of Health Care of the Population of Ukraine, which is aimed at implementing the provisions of the Constitution and laws of Ukraine to ensure accessible qualified medical care to every citizen of Ukraine, introducing new effective mechanisms of financing and management in the health care sector, creating conditions for a healthy lifestyle².

Back in 1972, the Hungarian National Assembly adopted Law No. II on Health Care. This document was modified and in 1997 Law No. CLIV "On Health Care Issues" was approved, which entered into force on July 1, 1998. The general part of this legislation regulates the rights of patients, public health, types of medical care, i.e. the structure of the health care system, material and personal conditions of medical services, quality assurance, and the responsibility of state bodies in its organization. A separate part of the law deals with medical research, human reproduction, treatment, and care of psychiatric patients, organ and tissue transplantation, etc.³.

3. Protection of the rights of patients in the legislative activity of the Verkhovna Rada of Ukraine and the State Assembly of Hungary.

The broadest list of patients' rights is defined by the Fundamentals of Ukrainian Healthcare Legislation. These rights include, in particular:

- the right to freely choose a doctor, if the latter can offer his or her services, and to choose treatment methods in accordance with his or her recommendations;
- the right to receive accurate and complete information about their health status, including the right to familiarize themselves with relevant medical documents related to their health;

¹ IMPROVEMENT OF HEALTHCARE LEGISLATION (NEW VERSION OF THE FUNDAMENTALS OF UKRAINIAN HEALTHCARE LEGISLATION): DISADVANTAGES AND ADVANTAGES. URL: https://minjust.gov.ua/m/str_2396.

² Decree of the President of Ukraine of December 7, 2000 N 1313/2000 CONCEPT of development of public health care in Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/1313/2000#Text>.

³ 1997. évi CLIV. Törvény az egészségügyről. URL: <https://net.jogtar.hu/jogszabaly?docid=99700154.tv>.

- the right to informed consent to the use of diagnostic, prevention, and treatment methods and the right to refuse treatment;
- the right to secrecy about their health status, the fact of seeking medical care, diagnosis, as well as information obtained during their medical examination;
- the right of a patient undergoing inpatient treatment in a health care facility to be admitted to other medical professionals, family members, guardian, trustee, notary and lawyer, as well as a clergyman for worship and religious rites;
- the right to be sent for treatment abroad if a patient needs a particular type of medical care and cannot receive it in Ukrainian healthcare facilities;
- the right to compensation for damage to health;
- the possibility of conducting an independent medical examination if a citizen disagrees with the conclusions of a state medical examination, if compulsory treatment is applied to him or her, and in other cases where the actions of healthcare workers may infringe upon universally recognized human and civil rights;
- the right to appeal against unlawful decisions and actions of employees, institutions, and health care authorities¹.

The Hungarian National Assembly has also adopted several laws in this area, the most important of which is Act No. CLIV on Health Care Issues, adopted in 1997, as well as Act No. LXXIX on the Protection of Fetal Life in 1992, and Act No. XLVII in 1997. “On the Protection of Personal Data Related to Citizen’s Health was adopted in 1997. Law of 2000 No. CXVI “On the Procedure for Mediation in Medicine”.

4. Legislative regulation by two legislative bodies of the countries of the conditions for the provision of medical care.

On October 9, 2017, the Law of Ukraine “On State Financial Guarantees of Medical Care for the Population” No. 2168-VIII was adopted, which introduced a guaranteed package of free medical services for patients and a new mechanism for financing the providers of such services. The implementation of this mechanism and, accordingly, the administration of the medical guarantees program was entrusted to the National Health Service of Ukraine (NHSU), which was established on December 27, 2017, as the central executive body implementing the state policy in the field of state financial guarantees of medical care.

The NHSU functions as the only state purchaser of healthcare services, accumulating financial resources of the State Budget of Ukraine intended to pay for such services, directly making payments to healthcare institutions, and monitoring their compliance with the quality requirements for the provision of healthcare services set out in the contracts.

In July 2022, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Improving the Provision of Medical Care” was adopted. This legislative act was developed to improve the efficiency of the NHSU as the sole state purchaser of healthcare services in its interaction with healthcare providers to implement state financial guarantees for healthcare services to the population of Ukraine.

The adoption of the law allowed to ensure the continuation of the implementation of the medical guarantees program in the most effective way, which provides for the full realization of the right of Ukrainian citizens to access free medical care guaranteed by the Constitution of Ukraine².

¹ Law of Ukraine Fundamentals of the Legislation of Ukraine on Health Care. (Bulletin of the Verkhovna Rada of Ukraine, 1993, No. 4, p. 19).

² The Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Improving the Provision of Medical Care» <https://zakon.rada.gov.ua/laws/show/2347-20#Text>.

In 2000, the Hungarian National Assembly adopted Act II on Independent Medical Practice. The preamble to the law emphasizes that the Parliament, realizing that the implementation of healthcare reform, prevention, recognition, and treatment of disease can only be realized with the active participation of the medical community, which loves its profession, remembering that treatment is a public matter in which the primary responsibility lies with the attending physician, recognizing this work by the medical community to improve its position and thereby improve the quality of patient care, creates the following law.

In 2003, the Law LXXXIV "On Certain Issues of Healthcare Activities" was adopted. When adopting this legislative act, the Hungarian National Assembly was guided by the following to address certain issues of the legal status of healthcare professionals:

- Recognizing the critical importance of healthcare activities,
- keeping in mind the social respect for healthcare workers,
- considering the specifics of the continuous functioning of the healthcare system and the activities of healthcare professionals,
- considering the right of patients to be cared for by a resting healthcare worker,
- considering sector-neutral requirements for the rights and obligations of healthcare providers,
- considering the differences arising from legal relations regarding the continuation of individual medical activity and work,
- to unify the rules for medical professionals and thus improve the safety of medical care¹.

5. The rights of consumers of social services in Ukraine and Hungary are ensured.

In April 2019, the Law of Ukraine "On Social Services" was adopted, which defines the basic organizational and legal framework for the provision of social services aimed at preventing difficult life circumstances, overcoming or minimizing their negative consequences to individuals/families in difficult life circumstances.

The Law defines uniform terminology and approaches to organizing work for any target group (people with disabilities, the unemployed, victims of domestic violence, etc.); the main directions of state policy in the field of social services; the rights and obligations of recipients, and the tasks of social service providers.

It also provides for the grounds for recognizing individuals and families as requiring social services (by assessing the needs of an individual or family in difficult life circumstances); a unified procedure for the provision of such services (application for social services, including in electronic form);

This Law applies to citizens of Ukraine, foreigners and stateless persons who legally reside or stay on the territory of Ukraine, including persons covered by the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection" and belong to vulnerable groups and are in difficult life circumstances².

In Hungary, in 1993, the Law No. III on Social Administration and Social Benefits was adopted, which established the regulation of benefits and created the institutional system necessary to assess eligibility for benefits. This law ensures the rights of consumers of social services, which are provided for in the constitution. It describes in detail the special rights of each group of beneficiaries, with particular attention paid to the disabled, psychiatric patients and the homeless.

According to the law, the state is responsible for providing social care through central and local governments, and allows the latter to establish other benefits at the expense of their budget. Thus, LGAs should be classified as one of the social management bodies.

¹ 2003. évi LXXXIV. Törvény az egészségügyi tevékenység végzésének egyes kérdéseiről <https://net.jogtar.hu/jogszabaly?docid=a0300084.tv>.

² The Law of Ukraine «On Social Services»: an up-to-date commentary <https://ldn.org.ua/consultations/zakon-ukrajiny-pro-sotsialni-posluhy-aktualnyj-komentar/>

The law applies to Hungarian citizens and immigrants residing in the country, as well as to homeless people, refugees and European social and citizens of other countries holding a European social card who legally reside in the country.

Established benefits can be broadly divided into two broad groups: social cash benefits and social benefits in kind.

The first group includes: pensions for the elderly, care for able-bodied people, housing maintenance, care fees, temporary assistance and burial assistance. As for the second group, these are: employment assistance, housing maintenance, public health care, the right to health care, debt management and energy support¹.

6. Regulation of the conditions for the provision of medical services.

Two laws have been adopted in Ukraine in this regard. The Law of Ukraine "On State Financial Guarantees of Medical Care for the Population" of 19.10.2017 and the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving Legislation on the Activities of Healthcare Institutions" of 06.04.2017.

For the first time, the latter Law defines such a concept as a medical service: it is a service provided to a patient by a healthcare facility or an individual entrepreneur who is registered and has obtained a license to conduct business activities in medical practice in accordance with the procedure established by law and is paid for by its customer. In this case, the customer and, accordingly, the payer of the service is not only the patient, but also the state (through the National Health Service of Ukraine (hereinafter - NHSU), relevant local governments, other legal entities and individuals.

With the entry into force of this law, the concept of healthcare institutions has been significantly expanded. From now on, they can operate as state, municipal, private or mixed-ownership institutions. The organizational and legal form of healthcare facilities can be as follows:

- state-owned enterprises – as state-owned enterprises or state institutions;
- municipal property – as municipal non-profit enterprises or municipal institutions.

Private healthcare institutions are not limited in their choice of organizational and legal form.

And the Law on Financial Guarantees introduced a new definition – "medical service providers". These are health care institutions of all forms of ownership and individual entrepreneurs who have obtained a license to conduct business activities in medical practice and have concluded a contract for medical care with the main spending units². As for Hungary, in 2000, Law No. II "On Independent Medical Activity" was approved, in 2003, Law No. LXXXIV "On Certain Issues of Health Care Activities". In 2006, Law No. CXXXII "On the Development of the Health Care System" was adopted.

Law No. CLIV of 2011 on the transfer of health care institutions of local governments and the capital municipality to the state, Law No. XXXVIII of 2012 on the transfer of ownership of inpatient specialized institutions of local governments and amendments to some laws on transfer, Law No. XXV of 2013 on the assumption by central budgetary bodies of specialized tasks and economic companies with 100% state ownership providing basic health care services related to certain inpatient treatment, as well as.

In the area of public health protection, it is necessary to highlight the 1993 Law No. XCIII "On Occupational Health and Safety", which defines the material and organizational conditions for safe work to protect the health and ensure the efficiency of employees and humanize working conditions, thus preventing accidents at work and occupational diseases and the related obligations and rights of the state, employers, and employees³.

¹ 1993. évi III. Törvény a szociális igazgatásról és szociális ellátásokról. URL: <https://net.jogtar.hu/jogszabaly?docid=99300003.tv>.

² Medical services: whoever orders pays. URL: <https://ibuhgalter.net/ru/material/416/9005>.

³ 1993. évi XCIII. Törvény a munkavédelemről. URL: <https://net.jogtar.hu/jogszabaly?docid=993000093.tv>.

And also, Act No. XXV of 2000 on Chemical Safety, which states in its preamble that, taking into account the fundamental constitutional rights of citizens to the highest level of physical and mental health and a healthy environment, to ensure the chemical safety-related rights of individuals living in Hungary, appropriate identification and prevention of harmful effects of hazardous substances and hazardous mixtures, this law is adopted¹.

In 2011, Law No. XLI was passed, which modified Law XLII of 1999 on the Protection of Non-Smokers and the Regulation of the Consumption and Distribution of Tobacco Products. The Hungarian National Assembly was guided by the following:

- given the unfavorable health indicators of the Hungarian population;
- to reduce the availability of these products to minors by partially restricting the distribution of tobacco products;
- Declaring its intention that by regulating the consumption of tobacco products primarily in public places, non-smokers, and people otherwise in need of enhanced protection due to their age or health status should be protected from the harmful effects of secondhand smoke;
- Further recognizing that regulations to protect non-smokers should be reviewed at regular intervals in parallel with the spread of a healthier approach, so that the state can ensure protection from the harmful effects of secondhand smoke in new areas;
- in addition to respecting the right to privacy, strongly emphasizing that smoking should be avoided, especially in the presence of minors, pregnant women, patients, or persons with reduced mobility for any reason, even in the privacy of their homes, especially indoors or in a closed car, as tobacco smoke is toxic in any case and has no safe limits, thereby contributing to the realization and protection of constitutional rights related to health and a healthy environment²

In 2008, the Law XLVI "On the Food Chain and Official Supervision" was adopted. This legislative act was also aimed at protecting public health by providing people with safe food, which in turn requires constant official supervision of the entire food chain. It should be noted that this law was developed in accordance with the norms of the European Union³.

7. Pharmaceuticals as a separate branch of public health regulation by both states.

The regulatory framework of the pharmaceutical industry is currently a giant array of legal acts that differ in legal force, date of adoption, scope, nature of expression of will, etc. As for the legislative regulation, the main laws that regulate legal relations in the pharmaceutical sector are the laws of Ukraine: "Fundamentals of Legislation of Ukraine on Healthcare"; "On Medicinal Products"; "On Amendments to the Fundamentals of Legislation of Ukraine on Healthcare regarding the Establishment of Restrictions for Medical and Pharmaceutical Workers in the Course of Their Professional Activities"; "On Narcotic Drugs, Psychotropic Substances and Precursors"; "On Measures to Counteract Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Their Abuse"; "On Licensing of Economic Activities" and many others.

28.07.2022, the Verkhovna Rada adopted the Law of Ukraine "On Medicinal Products".⁴ This legislative act regulates legal relations in the field of medicinal products related to the creation, pharmaceutical development, preclinical research, clinical trials, state registration of medicinal products, production, manufacturing (production) in a pharmacy, prescription, use, import, wholesale and retail trade, distance selling, quality control of medicinal products, pharmacovigilance, and defines the rights and obligations of legal entities and individuals, the powers of state authorities.

¹ 2000. évi XXV. Törvény a kémiai biztonságról. URL: <https://net.jogtar.hu/jogszabaly?docid=a0000025.tv>.

² 2011. évi XLI. Törvény a nemdohányzók védelméről és a dohánytermékek fogyasztásának, forgalmazásának egyes szabályairól szóló 1999. évi XLII. törvény módosításáról. URL: <https://mkogy.jogtar.hu/jogszabaly?docid=a1100041.TV>.

³ 2008. évi XLVI. Törvény az élelmiszerláncról és hatósági felügyeletéről. URL: <https://net.jogtar.hu/jogszabaly?docid=a0800046.tv>.

⁴ Law of Ukraine of 28.07.2022 «On Medicinal Products». URL: <https://www.apteka.ua/article/645308>.

In Hungary, Law No. XV on Medicinal Products for Human Use and Other Laws Regulating the Pharmaceutical Market was adopted in 2005. The purpose of the law is to define the basic provisions on medicine, the supply of medicines and the rights of consumers of medicines, considering the legal acts of the European Community and other international legal norms and recommendations. It is the duty of the state to determine the conditions for the supply of medicines. As part of this, the state defines a system of requirements that ensures access of citizens to safe, effective, quality medicines that meet the standards¹.

In 2006, the Law No. XVIII "On Safe and Economical Supply of Medicines and Medical Devices, as well as General Rules for the Dispensing of Medicines" was adopted. In this legislative act, the legislator emphasized that it considered the fact that medicines and medical products play a special role in maintaining health, preventing, detecting and treating diseases, and improving the quality of life. And also considering the fact that even if efforts to prevent diseases are successful, it is impossible to eliminate individual differences in chances resulting from diseases, and to reduce these differences, state regulation that affirms fairness, equity, and efficiency is necessary.

When adopting this law, the State Assembly was guided by the fact that modern healthcare cannot be realized without the transformation of pharmaceuticals, and that this transformation should be based on national traditions, international rules and practices².

Conclusions.

Thus, it can be stated that in Ukraine and Hungary, since independence, a strong legislative framework has been created to ensure the effective operation of the health care sector. At the same time, in Ukraine, the existing health care system does not meet most of the problems of the Ukrainian population. Reforms in the healthcare sector should be carried out, firstly, by improving the existing legal framework. The fundamentals of Ukraine's healthcare legislation need to be revised to consider new trends in society.

The list of paid services (the so-called "medical services of secondary importance" and "paramedical services"), the conditions for the introduction of health insurance, etc. should be defined in the law.

In addition, the issue of introducing the institute of family medicine needs to be resolved. First and foremost, a single long-term State program for healthcare reform should be developed and adopted, which should include

- creation of legal, economic and administrative mechanisms for the realization of the constitutional rights of Ukrainian citizens to health care, medical assistance and health insurance;
- Ensuring a guaranteed level of free qualified medical care in the scope defined by law;
- formation of a managed market for paid medical services, promotion of healthcare institutions of all forms of ownership, and creation of conditions for meeting the needs of the population for medical services;
- introducing a system of socio-economic incentives for healthy lifestyles, restricting advertising of alcohol, tobacco and other substances harmful to health, etc.

In Hungary, when adopting a particular healthcare law, the National Assembly harmonized it with the requirements of the European Union. Therefore, these legislative acts are quite thoughtful and balanced and serve to strengthen the public health sector.

¹ 2005. évi XV. Törvény az emberi alkalmazásra kerülő gyógyszerekről és egyéb, a gyógyszerpiacot szabályozó törvények módosításáról. URL: <https://net.jogtar.hu/jogszabaly?docid=a0500095.tv>.

² 2006. évi XCVIII. Törvény a biztonságos és gazdaságos gyógyszer- és gyógyászatisegédeszköz-ellátás, valamint a gyógyszerforgalmazás általános szabályairól. URL: <https://net.jogtar.hu/jogszabaly?docid=a0600098.tv>.

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Konstantin Tkach,

*PhD student at the Faculty of Law,
KROK University of Economics and Law, Kyiv, Ukraine
E-mail: doktorvzgjad@gmail.com
ORCID: 0000-0003-0141-2202*