

LAW , No. 10 107, dated 30.3.2009
HEALTH CARE IN THE REPUBLIC OF ALBANIA
Pursuant to Articles 78 and 83, paragraph 1 of the Constitution,
The proposal of the Council of Ministers,
ASSEMBLY THE REPUBLIC OF ALBANIA, DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1

OBJECT AND SCOPE OF ENFORCEMENT

1. This law defines the main principles and legal framework for regulation, organization and functioning of health care system in the Republic of Albania.
2. This law applies to all physical persons or legal entities, Albanian or international, who work in health care system.

Article 2

PRINCIPLES OF HEALTH CARE

Health care is guided by the following principles:

- a) the right to health care is a fundamental right of the individual;
- b) guaranteeing equal rights to health care, based on non-discrimination;
- c) health care system operates based on efficiency and quality of services, by ensuring patients' safety and equity of care;
- d) participation of different stakeholders, patients, customers and citizens;
- d) accountability to citizens.

Article 3

DEFINITIONS

In this law the following terms have the following meanings:

1. "Health authorities" are the Ministry of Health and its' regional structures.
2. "Health care providers" are public or private persons, physical or juridical, as well as nonprofit organizations, who are registered by the MOH to provide health care in accordance with this law.
3. "Health care" is a set of measures and activities undertaken by institutions of health care, health workers and citizens, aimed at improving the physical, mental and social general welfare of the citizens.
4. "Health" is the situation of complete physical, mental and social health, as defined in the WHO Constitution.
5. "Professional Confidentiality" is to maintain patient's health data far from unauthorized persons.
6. "Health care services" are medical interventions aiming to increase the health protection and treatment, through preventive, diagnostic, curative and rehabilitation measures, provided by registered providers of health care.
7. "Health care system" is the organization, financing and delivery of health care services, which include health promotion and prevention; diagnostic, therapeutic and rehabilitation services, health care policies, laws, regulations and standards for implementation of policies and interactions between the central government, local and private providers or public health.
8. "Primary health care" is set of measures and activities undertaken by a professionals and health institutions network that provide basic medical services to the population.
9. "Health Promotion" is the process of giving citizens access to increased control and improve their health.
10. "Health professionals" are those equipped with the necessary scientific knowledge and professional exercising the profession in various fields and profiles of the health system.
11. "Medical emergency" is an injury or illness that poses an acute and immediate danger to person's life or his further health.
12. "The health emergency situation" is a situation of sudden disaster, such as epidemic or natural or human disaster, that can endanger the life, physical integrity and health of citizens, or that can disturb functioning of

health institutions; it is proclaimed by the Council of Ministers upon the proposal of the MOH for a specified period of time.

CHAPTER II RESPONSIBILITIES OF STATE AND THE CITIZENS

Article 4

RESPONSIBILITIES OF STATE

1. State exercises its activities related to health care in support of this law and have the responsibility to provide, supervise and manage health care services.
2. The state protects the principle of solidarity in financing and providing health care.
3. The Minister of Health directs the policy, organization and supervision of the health care system.
4. The Ministry of Health prepares health care system strategy, which includes policies and appropriate health programs and national treatment protocols.
5. The MOH shall develop policies for continuing education of human resources in health care.
6. The MOH is responsible for and inter-sectoral coordination issues that relates to public health.
7. The MOH raises committees or working groups to assist the special issues certain.
8. Programs and public health activities are funded by the state budget or other source determined by special laws.

Article 5

RESPONSIBILITIES AND RIGHTS OF LOCAL GOVERNMENT

1. In implementing the legislation in force for local government and the law, local governments are responsible for the following:
 - a) creating and maintaining a healthy environment within their territorial jurisdiction;
 - b) administration of health care facilities, which are owned by them;
 - c) involvement in policies and leading organizations of health institutions within their jurisdiction;
 - d) providing financial contributions for health care institutions within their jurisdiction.
2. Municipalities and communes can control health activities in the territory that they administer, in accordance with the legislation in force, in coordination with the MOH.
3. Municipalities and communes, in coordination with the MOH make sure to have continuous primary health care services for the population within their jurisdiction.

Article 6

RESPONSIBILITIES AND RIGHTS OF CITIZENS

1. Every citizen is responsible for:
 - a) maintaining and improving personal and community health;
 - b) respect the right of another, that has to do with maintaining and improving health, preventing diseases, as well as after their rehabilitation;
 - c) avoiding, in public spaces, the ways of behavior and activities, which, according to studies made for this purpose, are recognized as dangerous;
 - d) providing assistance in the financing of health care services, through compulsory health insurance contributions and determined direct payments.
2. Under this law, citizens enjoy these rights:
 - a) to use health care services that are part of the mandatory benefits package, provided by institutions and public health providers in implementing the legislation in force;
 - b) be informed about health protection and improvement in function of making decisions regarding personal health and their families;
 - c) be informed by health providers about health care services and options and how to use them, their rights as citizens and patients, the patient card, medical errors, as well as their implementation;
 - d) given consent for health care interventions to be provided;
 - d) actively participate, in accordance with actual legislation, in programming and implementing health care activities, particularly in terms of respect for patient rights.

CHAPTER III STRUCTURE AND ORGANIZATION OF HEALTH SYSTEM

Article 7

INTEGRATED HEALTH SYSTEM

1. Health care is provided by a system of integrated health services and a network of public or private institutions and unique implement a referral system.
2. The MOH prepares and updates at least every three years, a plan of the integrated public health care institutions network, to rationalize and maximize the use of capacity and performance of each hospital and to avoid overlapping services.
3. The plan for integrated public health care institutions network includes the type and number of services they offer, based on the needs of the population.

Article 8

HEALTH CARE FINANCING

1. Health care is funded by:
 - a) state Budget;
 - b) mandatory and voluntary health insurance;
 - c) private health insurance;
 - d) direct payments.
2. Compulsory health insurance and private health insurance are regulated by special laws.

Article 9

PRIMARY HEALTH CARE

1. Primary health care is provided through a network of health professionals and institutions, on the basis of family health care.
2. Primary health care is organized in such a way that every person living within the territory of Republic of Albania is able to use primary health care facilities, the right to choose a primary care contact and to register with the elected contact in primary health.
3. Primary health care is provided without restrictions resulting from disease, age, gender, marital status, economic or categories of patients. Primary health care meets the needs for basic nursing or medical treatment care, prevention and rehabilitation, unless other treatment and examination techniques are needed, which are provided in other levels of health care.
4. The Minister of Health approves, by order, the regulations for the organization and functioning of primary health care services.

Article 10

HOSPITAL CARE

1. Hospital care is provided to all citizens that need special diagnostic, and / or treatment intervention concentrated in hospital that can not be provided in primary health care services, in accordance with the referral system.
2. Organization and functioning of the activities of hospital health care services, public or private, are defined by special law.

Article 11

EMERGENCY MEDICAL SERVICE

1. Emergency Medical Service and paramedical includes clinical care, in situations where the life is at risk.
2. The need for emergency medical service ends with the stabilization of patient's health status or his admission to hospital.
3. The Minister of Health approves by orders and rules the organization and functioning of the medical emergency services and their financing.

Article 12

PUBLIC HEALTH

The organization, functioning and activities of public health services are regulated by a special law.

Article 13

Mental health

Rules for providing mental health care are regulated by a special law.

Article 14

DENTAL HEALTH

1. Dental service is provided only by licensed professionals in the field of dental care.
2. Rules of organization and functioning of dental services are regulated by a special law.

Article 15

CARE FOR THE TERMINAL PATIENT

1. Terminal care for the terminal patient is nursing and medical care, when the stage of the disease is considered incurable.
2. When the patient passes away, all services, should be made on the basis of medical deontology.

Article 16

PHARMACEUTICAL SERVICE

1. Pharmaceutical services are provided only by licensed professionals in this field.
2. Rules of organization and functioning of the pharmaceutical services are determined by a special law.

Article 17

OCCUPATIONAL HEALTH SERVICE

1. Professional health care includes preventive measures and security, advising employers, employees and their representatives, to demand the creation and maintenance of a secure and healthy environment, taking into account employees' health condition, physical and mental. It includes also the identification and evaluation of risks in the workplace, supervision of work environment factors and work practices that could affect the health of employees.
2. The MOH and Ministry of Labor, Social Affairs and Equal Opportunities coordinate their work in order to minimize accidents and illnesses at work.
3. The MOH determines, by by-laws, rules of organization and functioning of professional health services in working environment (including health care institutions).

Article 18

OPTICIAN SERVICES

1. This is a network of optical services, provided by opticians and technicians for correction and rehabilitation of vision, through the implementation of external correction methods, excluding, surgical intervention, implemented by the ophthalmologist as a medical specialist.
2. Rules of organization and functioning of optical service are determined by the MOH.

Article 19

REHABILITATION AND SPORTS MEDECINE

1. Rehabilitation Medicine is the science that deals with restoring lost or not yet attained skills, because of illnesses or other circumstances and it is provided by graduated physiotherapists.
2. Physiotherapists works in collaboration with a group of professionals with different competencies, to help restore autonomy in cognitive and psychological abilities, to achieve, through use of various techniques or electro medical devices, reduction of disability, improvement of skills and integration.
3. Sports medicine is a form of providing health care services for active sportsmen, and it is implemented as part of health care services.
4. MOH determines by by-laws and rules organization and operation of the medicine of sports services.

Article 20

ALTERNATIVE MEDECINE

1. The alternative medicine is a set of preventive and curative health practices such as homeopathic, naturopathic, chiropractic and herbal medicine, which do not follow general medical methods, accepted and may not have a scientific explanation for their effectiveness.
2. Field of treatment, conditions and ways of using no conventional therapeutic methods are defined by order of Minister of Health.
3. Is prohibited to advertise and practice alternative medicine methods if it is unlicensed by the MOH.

CHAPTER IV

HEALTH CARE STANDARDS

Article 21

GENERAL STANDARDS FOR HEALTH CARE INSTITUTIONS

1. Providers of health services shall, during the delivery of health care services, act in accordance with professional standards and ethics, established by the Minister of Health and orders of professionals.
2. The Minister of Health by order, approves norms and standards of health care services.
3. The Minister of Health approves regulations regarding the types and level of services in health care institutions.

Article 22

QUALITY OF SERVICE

1. Quality and safety of health care in accordance with professional standards and ethics is an obligation of health care institutions.
2. All health care institutions develop programs and mechanisms necessary for implementation of the national quality strategy, drafted by the Ministry of Health.
3. The purpose of quality management is to measure, assess and improve service delivery for patients, as well as develop and implement effective programs to disease management, clinical protocols and medical guidelines.

Article 23

SUPERVISION OF HEALTH CARE INSTITUTIONS

1. The Ministry of Health supervises the implementation of rules and standards of care institutions health.
2. Health institutions are obliged to accept supervision by the Ministry of Health.
3. Supervision of health institutions includes internal supervision and external supervision, inspection.

Article 24

INTERNAL SUPERVISION

1. Internal professional supervision is organized and run by principals of health care institutions, based on internal operational rules and standards set by the MOH.
2. The supervision of the institution has as an object:
 - a) law enforcement and bylaws;
 - b) implementation of professional standards and quality.
3. All books, records and other data in electronic form or on paper must be available to authorized inspector, upon his request. Preventing or stopping the activities of the inspector authorized, by any officer or employee of health care institution, constitutes a violation.

Article 25

EXTERNAL SUPERVISION, INSPECTION

1. Foreign inspection administrative and professional aspects of health care institutions performed by the State Health Inspectorate.
2. Duties/responsibilities of supervisory bodies, as well as the manner of supervision are defined by a special law

Article 26

ACCREDITATION

1. All health institutions should be accredited by the National Center for Quality, Safety and Accreditation periodically in order to assess the degree of fulfillment by their standards predetermined and published for them by the Ministry of Health.
2. Rules and ways of implementing the accreditation process of healthcare institutions is determined by the Council of Ministers.

Article 27

LICENSING

1. Licensing and relicensing is a compulsory process for physical persons or legal entities that provide services health in the Republic of Albania.
2. Licensing and relicensing health institutions regulated by a special law.

CHAPTER V

CONDITIONS AND PROCEDURES FOR HEALTH CARE delivery

Article 28

REFERRAL SYSTEM

1. Citizens' contact with the primary health care provider or the family doctor constitutes the first contact with the health care services and the basis of the referral / tracking towards to other levels of care system.
2. The MOH sets out how the referral / tracking system of patients is organized.

Article 29

PLACE WHERE HEALTH SERVICE provided

Health care services can be provided in health institutions (hospitals, clinics, health centers) and in other places defined and approved by the Ministry of Health.

CHAPTER VI

HEALTH INFORMATION

Article 30

HEALTH INFORMATION SYSTEM

1. The MOH establishes and maintains a unique system of health information, based on European standards of health information. All institutions that collect health data are obliged to provide the Ministry of Health access to this information, keeping confidentiality.
2. Providers of health care services, public or private, are obliged to collect and report information periodically, according to the reporting format and manner, determined by Council of Ministers.
3. The data of the health system are created through the collection and identification of the data in health documentation, which may remain in the institution or owned by patient.
4. Health professionals are responsible for the accuracy of the data recorded in the documentation and medical evidence, while health care institutions are responsible for maintaining confidentiality.

CHAPTER VII

HEALTH PROFESSIONALS

Article 31

HEALTH PROFESSIONALS

1. Registration of professionals is a mandatory process, implemented by the Ministry of Health.
2. The Minister of health approves rules and procedures for the registration and re-registration of health professionals.

Article 32

PROFESSIONAL ORDERS

1. Professional orders make sure their members respect rules of ethics and medical deontology for health care professionals.
2. Health care professionals register with the respective professional orders and are subject to tasks and corresponding benefits.
3. Operation of orders of professionals is regulated by a special law.

Article 33

CONTINUING PROFESSIONAL EDUCATION

1. The MOH establishes mandatory programs for continuing professional education.
2. Health care professionals are obliged to undergo continuing education updated training to improve their knowledge and professional skills, in order to increase the quality of healthcare.
3. Employment, privileges or contracts in health care institutions, terminates if professional staff are not subject to continuous education process, defined by the Ministry of Health.
4. Health care institutions are subject to sanctions if they employees do not meet the requirements in this article.
5. Health care institutions facilitate continuing professional education of health care professionals.

CHAPTER VIII

HEALTH CARE IN HEALTH EMERGENCY SITUATIONS

Article 34

HEALTH CARE IN EMERGENCY SITUATION

1. Health emergency situation is any unexpected situation that endangers the life, integrity and health of citizens or that violates the functioning of health care institutions.
2. The MOH prepares national health emergency plans with associated activities and emergency funding, coordinated with similar plans for civil emergencies.
3. The MOH establishes and develops the system of early warning preparedness.

Article 35

MEASURES IN HEALTH EMERGENCIES

1. The MOH prepare and updates a health emergency plan, which contains measures to be taken during such a situation, according to the guidelines of the International Organization Health.
2. During the emergency health care, the rights of citizens defined in this law and regulations, are respected, provided they do not jeopardize the effectiveness of measures taken and the welfare of the population.
3. The Council of Ministers provides emergency funding for operational interventions in health emergencies, using the reserve fund of the COM, in accordance the definitions of National Emergency Health Plan.
4. All health care institutions, public or private, cooperate, according to the definitions in the National Plan of Health Emergency and operate under their health emergency plans, adopted in cooperation with the MOH.

Article 36

PROVIDING SERVICES IN CIVIL EMERGENCIES

In case of a civil emergency situation, health care is provided in pursuance of the respective legislation in force.

Article 37

HEALTH CARE SERVICE FOR FOREIGNERS

1. Health Care Service, provided in health care institutions for foreign nationals, residents in the Republic of Albania, is made on the basis of relevant international agreements or under the principle of reciprocity.
2. In the absence of an international agreement or conditions which apply the principle of reciprocity, foreign nationals benefit health care services, under the provisions of this law and the health care financing law.
3. Foreign nationals who need health care in emergency medical situation make use of health care services in comparable conditions to those applicable to nationals of the Republic of Albania.

4. In case of death of foreign nationals in a health institution, the head of this institution reports official representatives of the country immediately concerned.

CHAPTER IX ADMINISTRATIVE SANCTIONS

Article 38

ADMINISTRATIVE

Providing health care in violation of this law constitute an administrative violation and punished by the State Inspectorate of Health as follows:

- a) Failure of the obligations provided for in Articles 21 and 22, related to general standards and quality of health care services, with a fine from 50 000 to 100 000 leks and, in repeated cases, with the license removal.
- b) Refusal by the service provider of state oversight process, carried on by institutions responsible, under Articles 23, 24 and 25 of this law, a fine from 20 000 to 50 000 leks.
- c) Violation of Articles 26 and 27 of this law by physical or legal persons, public or private, that offer health care in Albania, with a fine 500 000 leks and; in repeated cases, with 500% fine and denunciation to authorities.
- d) failure of health professionals, according to the definitions in Section 31, with a fine of 5 000 to 10 000 leks.

Article 39

APPEAL

1. Against the decision of the State Inspectorate of Health may be appealed to the Minister of Health.
2. Review of administrative violations, appeal and execution of decisions made under the law nr.7697, dated 7.4.1993 "For administrative offenses", as amended.

CHAPTER X FINAL PROVISIONS

Article 40

BY-LAWS

1. The Council of Ministers within 6 months from the entry into force of this Law, issues sub-legislation acts pursuant to Article 26, paragraph 2.
2. The Minister of Health, within 6 months from the entry into force of this Law, issue sub-legislation acts in accordance with articles 9.4, 11.3, 17.3, 18.2, 19.4, 20.2, 21.2, 21.3, 24.1.

Article 41

ABROGATION

Nr.3766 Law, dated 17.12.1963 "On health care", as amended, and any other provision, legal or laws that are inconsistent with this law repealed.

Article 42

ENTRY INTO FORCE

This law enters into force 15 days after publication in the Official Gazette.

Posted by nr.6129 decree dated 8.4.2009 of the President of the Republic of Albania, Bamir Topi