

LAW, Nr.9106, dated 17.7.2003

FOR HOSPITAL SERVICES IN THE REPUBLIC OF ALBANIA

Pursuant to Articles 78 and 83, paragraph 1 of the Constitution, under the proposal of the Council of Ministers, the parliament of the REPUBLIC OF ALBANIA

DECIDED

CHAPTER I
GENERAL PROVISIONS

Article 1

This law aims to regulate the organization, financing, operation and control of activity in the area of hospital services in the Republic of Albania.

Article 2
Hospital service

Albanian and foreign citizens benefit from hospital services in public hospitals and non-public, their function within the territory of the Republic of Albania, under the provisions of this law.

Article 3

1. Hospitals are institutions equipped with beds, paving and providing health services to the patients declared.
2. Opening and closing of hospitals ordered the Minister of Health, according to criteria established by the Council of Ministers.

Article 4

Hospitals provide:

- a) general medical assistance and specialized;
- b) health protection activities in cooperation with other health institutions;
- c) the conditions necessary for the acquisition of work practice and education and technical professional and technical health personnel;
- d) promotion of hygienic-sanitary education of the ill and his relatives, by virtue of its health personnel.

Article 5

1. Service hospital in the Republic of Albania is public and non-public, general and specialized.
2. Separation in public hospitals and non-affiliation is based on the property and financing, as well as on the basis of intent to exercise activity.
3. Hospitals are general or specialized, according to the nature of the services they provide.

Article 6

1. And non-public hospitals are obliged to ask and to provide medical assistance to Albanian and foreign citizens, to secure or not, who need urgent hospital services for any illness or accident.
2. Documents necessary expenditure for the support provided after hospitalization met.
3. Criteria for determining the state of the ill, in need of urgent medical assistance, as well as proper documentation to cover the expenses incurred are determined by the Council of Ministers.

Article 7

1. Public Hospital provides medical service for the sick patient, and medical services for ambulatory sick, according to criteria established by order of Minister of Health.
2. Non-public hospitals offer medical services, according to the criteria reported in the founding act and in accordance with agreements for transborder health services.

Article 8

Hospitals are obliged to enforce the rights of patients admitted, the "Charter of Patient Rights", accepted by the World Health Organization.

Article 9

Public and non public hospitals for services that offer, have the right to conclude contracts and agreements with health insurance, public or private, domestic or foreign.

Article 10

Public hospital service organization is in line with the strategy of the health system of the Republic of Albania.

CHAPTER II

STRUCTURE AND ADMINISTRATION OF AUTHORITY District Public Hospital

Article 11

Organizing public hospital district authority

1. Each county hospital authority includes one or more hospitals, which provide medical services, from the functional standpoint, are independent and act in accordance with the development strategy of hospital services, local and national.
2. Minister of Health oversees the implementation of institutional development strategy and ensures standards of public hospital services, based on relevant legislation of the Republic of Albania.

Article 12

Leading bodies of the county hospital authority

Bodies of the county hospital authority are:

- a) administrative council;
- b) Directorate;
- c) medical commission.

Article 13

Administrative Council

1. Administrative Council of the county hospital authority consists of:
 - a) two members appointed by council district where the county hospital authority;
 - b) a member appointed by each municipal council where hospitals are located in the municipality level;
 - c) a representative appointed by the prefect of the district;
 - d) President of the order of the district doctor;
 - d) the director of the hospital authority;
 - f) the director of health care insurance to the county or a person authorized by him;
 - e) General head nurse of the District Hospital.
2. The administrative council meeting to participate without the right to vote:
 - a) medical commission chairman of the county hospital authority;
 - b) economic deputy, who performs the functions of the administrative council secretary.
3. Administrative Council elected for a 3-year period. Administrative council members have the right of reelection.

4. There may be members of the administrative council persons who are shareholders of hospitals or other non-health institutions.

Article 14

Functions of the administrative council

Administrative Council shall exercise the following functions:

- a) adopt policies, prepares technical and financial programs for the concretization of short-and long-term plans in the field of hospital service districts, in accordance with state health strategy and policies, established by the Ministry of Health;
- b) scheduled and Minister of Health proposes structural changes to the county hospital authority;
- c) proposes draft, division and its destination;
- d) decides on the acceptance of gifts from individuals or foundations and associations for the purpose of charity, and twining with similar hospitals;
- d) Minister of Health proposes the appointment and dismissal of the executive director of the county hospital authority;
- f) appoints and dismisses the directors of county hospitals, according to the proposal made by the Executive Director.

Article 15

Rules of operation of the administrative council

1. Administrative Council meets:

- a) not less than 6 times a year;
- b) the request of the chairman or more than half of all members.

2. Extraordinary meetings held at the request of the Minister of Health at any time and at the request of more than half of the members.

3. Administrative Council takes decisions by majority vote. Administrative Council decisions are taken when the present two-thirds of the members.

Administrative Council decisions can be canceled only by order of Minister of Health, when it is inconsistent with the applicable legal provisions or with the state development strategy of hospital service.

4. The first administrative council convened by the Executive Director.

Article 16

Chairman of administrative council

1. Administrative Council of the county hospital authority elects a chairman from its members.

2. Chairman of administrative council elected once in three years with the right of reelection and:

- a) represents the administrative council in relations with third parties;
- b) directs the council meetings and is responsible for their welfare.

3. Representative district health insurance and the director of the county hospital authority can not be elected chairman of the administrative council.

Article 17

The merger of the administrative council

1. Administrative Council of the county hospital authority may be dissolved by order of Minister of Health if:

- a) majority of the members resign;
- b) we note the violation of the provisions that regulate the activity of the county hospital authority and infringe on its interests.

2. Administrative Council shall be established again within 3 months from the date of issuance of the order of the Minister of Health for its dissolution.

3. Against the order of the Minister of Health may be an appeal to court within 30 days from the date of issuance of the order.

Article 18

Composition of the directorate of the county hospital authority

1. Directorate of authority to district hospital consists of:

- a) Executive Director;
- b) Deputy Technical;
- c) economic Deputy;
- d) General Head nurse.

2. Structure and rules of functioning of the administration of the county hospital authority determined by the Council of Ministers.

3. The composition of the directorate of the county hospital authority is not allowed the appointment of directors or specialists who have vested interests in non-public hospitals.

Article 19

Functions of the executive director

The executive director is executive, organizing and controlling of all activities of the directorate and exercises the following functions:

- a) reports and responses before the administrative council;
- b) represents management in relations with third parties;
- c) follow implementation, technical-economic indicators of hospital;
- d) represents management in relation to workers under the Labor Code;
- d) prepares plans in early labor and submits the administrative council for approval;
- f) controls organizes medical and non-medical activities and services in hospitals and takes appropriate decisions to improve the situation;
- e) directs the work of drafting the draft economic and financial and administrative council presents for approval budget unbuttoned for each hospital, the service department;
- h) controls work and is responsible for implementing the budget;
- f) following the implementation of decisions of directorate staff training and specialization of the framework of the high and medium;
- g) adopt rules for the functioning of the medical commission.

Article 20

The medical

1. Medical Commission is an advisory and technical directorate composed of the directors of hospitals, operating within the county hospital authority and service chiefs or representatives elected by the people of these hospital services.

2. Medical Commission chaired by the president elected by secret ballot, based on criteria established by the Minister of Health and carries out its activity for three years.

Article 21

Functions of medical commission

Commission proposes medical directorate district hospital authority:

- a) the purchase of medical equipment, diagnostic and therapeutic;
- b) decisions, which include medical aspects of work;
- c) rules of organization of medical services institution;
- d) evaluation, establishment, closure or modification of facilities, hospitals or all depending on the functional units;
- d) evaluation of service quality indicators;
- f) implementing treatment protocols;
- e) training of medical personnel and aid him;
- h) services and new equipment.

Article 22

Supervision and control

1. Ministry of Health, while respecting the duties and responsibilities of the county hospital authority, exercises oversight and control over the county hospital authority for the quality of services and implementation of standards in hospitals, as well as economic and financial control of the budget that funds.
2. Ministry of Health exercises control over other institutions and non-profit management of their staff only for fulfilling the conditions of hygiene and health standards.
3. Control over contracts with various institutions and on social security agreements with, exercised under obligations stipulated in contracts or agreements themselves.

CHAPTER III PUBLIC HOSPITALS

Article 23

1. Public hospitals are institutions with an independent budget, profit and their function in facilities and equipment that are owned by the Ministry of Health.
2. Minister of Health determines the organization, structure and regulations of the functioning of public hospitals.

Article 24 Financing of hospitals

Public hospitals are funded by:

- a) Ministry of Health;
- b) health insurance institutions;
- c) local government;
- d) domestic and foreign donors.

Article 25

Non-public hospitals have their own sources of financing, as defined in the statute, the act of establishment and the court decision for registration as a legal person.

Article 26

Public hospitals and non can sell their service in health insurance institutions of the Republic of Albania and foreign countries.

Article 27

Public hospitals, providing services, implement tariffs set by the Council of Ministers.

Article 28

Forms of financing of the activities of public hospitals are:

- a) payments to the budget;
- b) payments to residents;
- c) fees for service;
- d) payment for the event;
- d) payment for the same diagnosis groups.

Article 29

Hospitals and develop their financial activity, in accordance with the laws and bylaws in effect for

institutions with an independent budget.

Article 30

Public Hospitals report at the end of the financial year, the Ministry of Health, health insurance institutions and any other institution that has contributed funds for their development activity.

CHAPTER IV REQUIREMENTS AND CLASSIFICATION OF HOSPITALS

Article 31

Health Minister knows, step, classifies and issues licenses to non-public hospitals, subject to fulfillment of conditions, achieving the standards, based on hospital technology and scale to meet the requirements necessary for:

- a) qualified services in emergency admission units, the level of implementation of personal hygiene of patients, hospital facilities, as well as appropriate technology capabilities at the service of supervision of patients;
- b) providing appropriate facilities for laying, that answer the specific nature of service, sex and age of the patients;
- c) special facilities for isolation and care of patients with contagious diseases;
- d) radiologic specific services and laboratory analysis;
- d) special services for blood transfusion and anesthesia;
- f) library services and equipment to doctors' conference room;
- e) disinfection services, lavanderia, wardrobes, bath, kitchen and storage;
- h) services aid teams qualified with the necessary instruments and equipment, as well as appropriate means of transport;
- f) facilities for outpatient counseling for control and treatment of patients after discharge from the hospital, the exercise of preventive medicine and health education;
- g) appropriate logistics and equipment to unit morgue and autopsy room;
- k) treatment and the elimination of hospital waste, in accordance with rules established by the Council of Ministers.

Article 32

Categories hospitals

1. Public hospitals are general and specialized.
2. General hospitals provide care to the paving and patients in general medical units, general surgery and special.
3. Hospitals provide paving and specialized care to the patients with the disease; they do participate in one or more specialties.
4. For specialties that are created for the first time, name of the hospital becomes the order of the Minister of Health.

Article 33

Hospitals are classified into the following categories:

- a) day hospitals;
- b) municipal-level hospitals;
- c) district hospitals;
- d) tertiary hospitals.

Article 34

Day hospitals

Public hospitals and non-daily offer first aid treatment and medical treatment within 24 hours.

Article 35

Public hospitals at the municipal

General public hospitals provide services at the municipality:

- a) Emergency;
- b) the general medicine;
- c) general surgery;
- d) of pediatric and obstetrics-gynecology;
- d) radiology;
- f) the clinical-biochemical laboratories;
- e) the unit-reanimation anesthesia;
- h) the pharmacy.

Article 36

District Public Hospitals

1. District public hospitals provide services:

- a) Emergency;
- b) the general medicine;
- c) general surgery, orthopedics-traumatology;
- d) the obstetrics-gynecology;
- d) The pediatric;
- f) the radiology;
- e) physiotherapist;
- h) the anatomy and pathological histology;
- f) the clinical-biochemical laboratories of Microbiology;
- g) of anesthesia-reanimation;
- gj) of pharmacy;
- h) ambulatory counseling to all the above specialties.

2. District hospitals are equipped with clinics or cabinets for:

- a) hemodialyzys;
- b) ophthalmology;
- c) otorinolaringology;
- d) urology;
- d) neurology;
- f) psychiatry;
- e) dermatology;
- h) oncology.

3. The district hospitals can function as:

- a) Functional reformatory and rehabilitation services;
- b) neuropsychiatry infantile services;
- c) ideology services;
- d) school-based boarding school for nurses and for qualification of personnel and technical assistance.

Article 37

Tertiary hospitals

1. Hospitals called tertiary hospitals with technical organization, medical equipment and services, which are able to provide:

- a) medical aid summit;
- b) scientific research, in collaboration with departments of teaching;
- c) professional training for medical personnel with knowledge of science news;
- d) school qualification and technical support staff.

2. Tertiary hospitals operate with special status, according to determinations made by the Council of Ministers.

3. Tertiary hospitals are funded by:
- a) State Budget through the Ministry of Health and Ministry of Education and Science;
 - b) health insurance institutions;
 - c) donors.

Article 38
Specialized Hospitals

Naming of specialized hospitals based on the specific nature of the specialty services that they offer.

CHAPTER V
PLANNING Hospital

Article 39
State Planning Committee for Hospital

1. Near the Minister of Health carries out its activities as an advisory body, the State Planning Committee Hospital.
2. The composition, duties and manner of functioning of this Committee are defined by the Council of Ministers.

Article 40
Committee for planning the public hospital district

1. Near the public hospital district authority carries out its planning committee for the public hospital district, which is his advisory body.
2. The composition, duties and manner of functioning of this committee are determined by decision of the administrative council of the county hospital authority.

Article 41
State hospital plan

1. State hospital plan approved by the Council of Ministers, under the proposal made by the Minister of Health.
2. State hospital plan specifies:
 - a) qualitative and quantitative distribution of the number of beds at the county level, to be held at the expense of the state;
 - b) territorial and qualitative criteria for the use of state hospital fund;
 - c) needs for new beds or to reduce them, as well as didactic and scientific requirements of the university;
 - d) redrawing of the number of beds, hospital activity between sectors and different levels of network organizational-functional state hospital;
 - d) redrawing of quantitative and qualitative need for hospital service;
 - f) rates that apply to the state plan and district-level plan, based on the results of oncologic framework, the state of all components hygienic-sanitary, and social evolution, economic and cultural relationship between the number of beds and the population concerned, as and distribution of the number of beds, taking into account forecasts urban plans.

Article 42
Plan at the county hospital

1. Public hospital district authority scheduled its interventions in the hospital sector, in accordance with the state plan in the field hospital, in which the authority has the duty and territorial responsibility.
2. Hospital district plan approved by the administrative council, in accordance with state hospital plan, and sets of interventions in the district forecasts related to the establishment of new hospitals, with the transformation, modernization or closure of existing hospitals, the need for a separate bed cases of acute, chronic, convalescent, equipment efficiency, road network and geomorphologic conditions and hygienic-

sanitary population.

3. Expansion, transformation, except adaptations bound by functional requirements, should be realized, in accordance with the plan district hospital.

4. The plan envisages the existence county hospital:

a) the day hospital, which is able to serve a population of 20 000 to 40 000 inhabitants;

b) the municipal hospital at the center circle, which is able to serve a population over 100 000 inhabitants;

c) district hospital, which is able to serve a population over 200 000 inhabitants.

5. In the district hospital should be established funds to build new hospitals, expansion, transformation or modernization of existing ones, purchase of relevant equipment, as well as their distribution in relation to objectives set by the plan of the district hospital.

CHAPTER VI HOSPITALS non

Article 43

1. Any legal person, domestic or foreign, may perform service activities in the field of hospital only after approval of the permit issued, under the procedures set forth in the provisions of this law.

2. Allowed the opening of non-harmonized hospitals with state and local hospital plan.

Article 44

The procedure for opening non-public hospitals

1. Any legal person, who intends to open a non-public hospital, to expand or transform an existing non-public hospital must submit the application to the Licensing Commission of the Ministry of Health.

2. The request must contain the following documentation:

a) for medical activities to be held;

b) for hygienic-sanitary conditions;

c) the number of beds;

d) for the facilities plan;

d) for the regulation of the functioning of the hospital.

Article 45

1. Licensing Commission inform the mayor or municipality where the hospital is expected to be opened and reviewing the request and relevant documentation within 30 days of their submission. Within 5 days of approval of the request, the Minister of Health proposes granting the license for opening of non-public hospital. In case of refusal, the Licensing Committee of the Ministry of Health is obliged to return the official response to interested reasons for disapproval of the license for opening of non-public hospital.

2. The same route is followed for requests for expansion and transformation of non-public hospitals.

3. License model is determined by order of Minister of Health in accordance with European Community standards.

Article 46

1. In the case of non respecting the provisions of this law and the conditions stated in the act of permission, hospital warns to avoid violations within a suitable period as stipulated in the act of warning.

2. In the case of repeated violations of the provisions of this Law, the Minister of Health, the proposal of the Commission of Licensing, removes non-public hospital license.

3. Removal of non-public hospital license makes the Minister of Health, based on the proposal of the Licensing Committee. Minister of Health can not give non-public hospital license without consideration of the licensed entity arguments.

Article 47

1. Ministry of Health has the right to control:

a) Technical rules of construction, conditions, equipment and services, in accordance with activity that will exercise;
service regulations and curriculum vitae of personnel.
2. Designation of non-public hospitals are always preceded or defined with the label "non-public hospital. Designations that create misunderstandings with the names of hospitals or clinics, public university can not be used.

Article 48 Medical Director

1. Any non-public hospital, which has more than 50 beds, must have a medical director with full-time job, which is forbidden any activity of the exercise of the profession in other hospitals, whether public or non.
2. Medical director personally responsible for organizing – technical functional and performance standards of hygienic-sanitary services.
3. For each case with infectious diseases, the director takes the necessary measures and making the denunciation, in accordance with applicable law.

Article 49

Non-profit organizations that provide or wish to provide care for the sick, was born right at the Ministry of Health request for approval of this event.

Article 50

Public hospitals and non reward sick and injured, according to the Civil Code, when damage has come from the disregard of rules in the exercise of duty by medical personnel or failure to give timely emergency medical assistance, under Section 6 of this law.

Article 51

1. Violation of Article 6 of this law by medical personnel, when not constituting a criminal act constitutes an administrative offense and is punishable by a fine in amount of two monthly salaries. This measure deals with the decision of the directors of the institution concerned.
2. Procedures for the imposition of the fine and appeal nr.7697 regulated by law, dated 7.4.1993 "For administrative offenses.

Article 52

1. The Council of Ministers within 6 months from the date of entry into force of this law, the bylaws issued pursuant to articles 3, 6, 18, 37, 39 and 41.
2. The Minister of Health, within 3 months from the date of entry into force of this law, the bylaws issued pursuant to articles 7, 23, 31, 45 and 47.

Article 53

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

Nr.3920 Posted by decree dated 30.7.2003 of the President of the Republic of Albania,
Alfred Moisiu