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Review article

Problems and prospects of implementing legal protection for medical professionals through professional liability insurance

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Abstract

The increase in cases of improper medical care and the resulting rise in patient claims highlight the growing relevance of issues related to the development of professional liability insurance in Kazakhstan. The relevance of this study is driven not only by legal and financial risks associated with compensation for harm to patients' life and health, but also by the growing expectations of both patients and medical professionals for effective protection of their rights and interests. Within this context, analyzing the challenges and prospects of legal protection for medical professionals through professional liability insurance becomes particularly important.

The aim of this study is to examine the problems in legislation and practice regarding the professional liability insurance of medical professionals in Kazakhstan. By analyzing the current situation and the existing legal framework, and comparing them with advanced international practices, this work attempts to develop recommendations for creating a more effective and balanced insurance system.

Conclusions. The study revealed that a number of issues remain unresolved and require comprehensive measures aimed at improving the legislative framework and insurance practices in the field of professional liability. The analysis of international models shows that the effectiveness of the insurance system depends on the clarity of legal mechanisms, the proportionality of insurance payouts, and the accessibility of compensation for patients. The experience of countries with well-developed professional liability insurance systems may be useful for adapting the most effective approaches to Kazakhstan's conditions.

Keywords: health insurance, professional liability, healthcare professionals, healthcare systems, medical law, patient rights.

1. Introduction

The field of medical practice requires ensuring the safety of both patients and the interests of medical professionals, taking into account the complexity and elevated risks of certain areas such as surgery, dentistry, and others. International experience in insurance shows that the most effective way to balance the interests of doctors, patients, and the state is through professional liability insurance for physicians. It is an essential component of the healthcare system aimed at protecting the interests of both medical professionals and patients. Therefore, the regulation of this issue during the implementation and further development of the institution of professional liability insurance in medical

practice should be carried out with particular care, taking into account international experience.

In recent years, especially against the backdrop of recent legislative changes in the field of healthcare [1], the growing number of patient complaints, and lawsuits for damages caused by improper medical care, the issue of professional liability insurance for medical professionals in Kazakhstan has become increasingly important. In 2024, the Social Health Insurance Fund received more than 13,500 complaints, 98 percent of which related to the quality, organization, and accessibility of medical care [2]. The Ministry of Health of the Republic of Kazakhstan annually receives more than 7,000 complaints from citizens [3].

Under these conditions, the establishment of a reliable mechanism for insuring the professional liability of medical professionals — taking into account the rights and obligations of all parties involved — becomes an effective measure to address these issues. The relevance of implementing and developing professional liability insurance in Kazakhstan is driven not only by the need to guarantee compensation for harm caused to patients' health or life during medical care, along with the related legal and financial risks, but also by the growing expectations of both patients and medical professionals for effective protection of their rights and interests.

Currently, the implementation of professional liability insurance for medical professionals in Kazakhstan is at an early stage. A comprehensive legal framework has been developed, insurance companies have been engaged, and mechanisms for resolving disputes between medical professionals and patients have been established. However, there remain a number of regulatory and practical challenges in the implementation of this insurance. Therefore, a comprehensive approach is required — one that includes both regulatory and organizational aspects — to ultimately improve the quality of medical care and enhance public trust in the healthcare system. The regulation of this issue should be carried out with particular care, considering the best practices of developed countries where professional liability insurance for medical professionals is a key element of the healthcare system.

Objective of the review: a comprehensive study of the specifics of legal regulation of professional liability insurance for medical professionals, leading global practices in insurance, foreign models of medical professional liability insurance, and the development of recommendations for improving the insurance system. The review includes regulatory legal acts of the Republic of Kazakhstan and foreign countries, as well as publications from specialized scientific medical and legal journals, such as Healthcare Policy, Journal of Health Economics, Bulletin of the Russian Military Medical Academy, Bulletin of the L. N. Gumilyov Eurasian National University. Legal Series, Bulletin of the Institute of Legislation and Legal Information, Journal of Russian Law, and others.

2. Methodology

In order to study advanced global practices of professional liability insurance for medical professionals and to develop recommendations for creating a more effective insurance system, we conducted a systematic review of scientific publications, online sources, and legislative acts. The study was based on a descriptive method, legal analysis, and comparative analysis, which allowed us to identify the specific features of various insurance models and international practices in the field of professional liability insurance for medical personnel.

The object of the review included legal provisions, orders of the Ministry of Health of the Republic of Kazakhstan related to insurance, as presented in the official Information and Legal System of Normative Legal Acts of the Republic of Kazakhstan of the Ministry of Justice — " Adilet". Through analysis of the current legislation, we identified a number of problems and outlined barriers that may create significant obstacles to the effective implementation of professional liability insurance.

The review covered scientific articles and publications by both domestic and international researchers on the topic of professional liability insurance in healthcare, written in English, Kazakh, and Russian. The academic sources were retrieved from platforms such as ResearchGate and Elibrary.ru. The studies included in the review evaluated various aspects of professional liability insurance systems for medical professionals and practical experiences in Kazakhstan and other countries. Based on these data, we aimed to systematize knowledge and practical experiences of insurance from an international perspective.

The selection criteria for the study were based on topic relevance, publication type, and field of research. We were particularly interested in the experience of developed countries in implementing mandatory

professional liability insurance for medical professionals. The review included countries with a tort-based liability system (e.g., the USA and Canada), a no-fault system (e.g., Sweden), where medical errors are acknowledged without litigation, and a mixed insurance model combining tort and no-fault elements (e.g., Germany). The knowledge gained through this research can undoubtedly be applied to the improvement of the professional liability insurance framework in Kazakhstan.

3. Legal Framework for Professional Liability Insurance in Kazakhstan

Mandatory professional liability insurance for medical professionals in Kazakhstan was introduced by the Law of the Republic of Kazakhstan dated April 19, 2024, "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Healthcare Issues" [1]. As of November 20, 2024, a total of 712 mandatory insurance contracts had been signed, covering 155,000 medical professionals [4].

According to the amendments made to the Code of the Republic of Kazakhstan dated July 7, 2020, "On Public Health and the Healthcare System" [5], the system of professional liability insurance is mandatory for all healthcare entities. Before beginning medical activities, healthcare organizations are required to enter into a co-insurance agreement to provide compensation for potential harm caused to patients. Insurance is provided on an annual basis and is funded by the medical organization. An insured event is defined as actual harm caused to the life or health of a patient due to the provision of medical care. However, a medical incident is not considered an insured event (Article 270-1).

To determine whether harm has been caused to a patient, an independent expert commission is formed (Article 270-2). This commission must be assembled within three working days after receiving a complaint from the patient or their relatives. The commission includes relevant medical specialists, representatives of professional medical associations, and the insurance organization. Representatives of medical trade unions and mediators may also be involved in the commission's work.

Based on the review of the patient's complaint and the analysis of the situation, the independent expert commission issues a conclusion confirming whether or not an insured event has occurred. If the patient, their spouse, close relative, or legal representative disagrees with the commission's conclusion, they have the right to appeal it to the state authority in charge of medical services or to take the matter to court.

To improve the quality of medical care, analyses of both medical incidents and insured events are conducted (Article 270-3). Special units within healthcare organizations, along with government authorities in the field of healthcare services, are responsible for recording these events, identifying their causes, and developing measures to reduce risks. All cases are documented in a unified registry, which helps improve medical standards, update clinical protocols, and enhance the professional development of medical staff.

The procedures and conditions for professional liability insurance of medical professionals, including minimum contribution amounts, payment deadlines, and rules for insurance payouts, are regulated by the Code "On Public Health and the Healthcare System" and the "Rules on Professional Liability Insurance for Medical Professionals", approved by Order No. 58 of the Minister of Health of the Republic of Kazakhstan dated July 24, 2024 [5, 6].

The amount of insurance compensation depends on the severity of the harm caused to the patient (Article 270-4). For instance, in the case of a patient being assigned Group III disability, the payout is 500 monthly calculation indices (MCI); Group II – 600 MCI; and Group I – 800 MCI. In the event of the patient's death, the insurance payment amounts to 3,000 MCI. If harm was caused to the patient's health but no disability was established, the payout is determined based on actual treatment expenses, not exceeding 300 MCI.

Additionally, the legislation provides for the possibility of reimbursing legal expenses for medical professionals who are subject to pre-trial investigations under Article 317 of the Criminal Code of the Republic of Kazakhstan for causing harm to patients. However, the total amount of such reimbursements for a single medical organization must not exceed 5% of the total amount of insurance premiums, and this does not affect the insurance payment to the patient.

Thus, the legislation of the Republic of Kazakhstan clearly regulates the procedure and conditions for professional liability insurance, the procedural aspects of the independent expert commission's activities, the amounts and deadlines for insurance premium payments, and the rules for making insurance payouts.

5. Issues of Professional Liability Insurance for Medical Professionals in Kazakhstan and their Consequences

Professional liability insurance is an effective economic mechanism that provides financial guarantees for medical institutions or self-employed doctors, and for patients — guarantees of compensation for harm caused to their health or life. It enhances physicians' confidence, reduces stress in their work, and improves the quality of the medical services they provide. Indeed, the awareness that they are insured against potential legal problems allows medical professionals to focus on delivering high-quality care [7].

Insurance also helps reduce the number of errors and promotes a culture of professional responsibility in the healthcare sector. An analysis of studies by various authors, including E. Aitkazin, A. Kaishatayeva, and M. Muratkhanov, confirms that the introduction of such a system in Kazakhstan would strengthen the legal status of physicians within the national healthcare system and facilitate interaction between the patient, the doctor, and the medical institution. Patients will no longer need to file lawsuits to seek compensation for damages under civil liability, and physicians will not face the financial burden of paying compensation themselves [8].

However, it should be taken into account that implementing professional liability insurance may lead to physicians denying care to complex or high-risk patients or leaving the profession altogether due to fear of making mistakes. According to a number of researchers, "many medical professionals have expressed concern that they may also be held liable for well-intentioned actions that resulted in an adverse outcome, partly due to error. This understandable fear may cause medical professionals to leave the profession..." [9].

Some authors acknowledge that the lack of legal knowledge among doctors regarding professional liability insurance presents a significant issue that requires urgent attention. As patients become more aware of their rights, their demands and dissatisfaction with medical professionals and institutions increase, leading to a rise in complaints and claims about the quality of medical care [10]. In this context, legal education for medical professionals becomes highly relevant. A weak understanding among medical professionals of professional liability insurance, its benefits, and the opportunities it offers to protect their rights results in their vulnerability to potential financial difficulties associated with compensating for damages caused.

The analysis of legislation regarding professional liability insurance for medical professionals has revealed certain issues that may create obstacles to the proper functioning of the insurance system. For instance, according to paragraph 17-1 of the "Rules of Operation of the Independent Expert Commission and Minimum Requirements for Establishing the Presence (or Absence) of Harm to the Life and Health of a Patient as a Result of Medical Activities", approved by the Order of the Minister of Health of the Republic of Kazakhstan on June 28, 2024, No. 40, the independent expert commission is provided with a package of 13 documents, including: the patient's appeal, their consent to the collection and processing of personal medical data, a specialist certificate for admission to clinical practice, documents confirming the employee's employment, the patient's medical history, medical documentation, a death certificate or certificate of death (if available), a financial document confirming the payment of actual expenses related to the patient's illness (if available), laboratory and instrumental test results (if available), and others [11]. It is believed that such an extensive list of documents may create difficulties in the process of collecting them.

As mentioned earlier, the amount of insurance payouts established by law depends on the severity of the consequences for the patient, the disability group. However, the established insurance payouts in the event of disability cannot compensate even the minimum expenses for treatment and rehabilitation of disabled persons.

The success of the insurance system depends on addressing issues related to ensuring the proportionality of insurance payouts, improving the efficiency of the insurance system by considering best international practices, and enhancing legal protection for both medical professionals and patients. Therefore, addressing these issues will contribute to the development of the civil liability system for medical professionals and ensure more effective protection of patients' rights. Moreover, existing problems may create significant obstacles and barriers to the effective insurance of professional liability. Identifying and analyzing these barriers is crucial for developing strategies to improve the insurance system and enhance

the quality of medical care. Based on the analysis of the legislation, we have identified the following potential barriers to professional liability insurance for medical professionals (Table 1).

Table 1 – Barriers to Professional Liability Insurance for Medical Professionals

Possible Barriers	Description of the Problem	Consequences
Bureaucracy	The need to gather a package of 13 documents to confirm the insurance case	Increased time and complexity in the process of document collection and receiving insurance payouts
Weak Expert Potential	Important decisions may be made by experts without specialized knowledge	Increased risk of claim denials and a rise in the number of lawsuits filed by patients
Disproportionate Insurance Payouts	The low level of compensation provided in cases of disability	The amounts specified by the law for disability may not cover even the basic costs of treatment and rehabilitation
Lack of Awareness Among Medical Professionals about Professional Liability Insurance	Lack of legal knowledge among medical professionals about liability insurance, its benefits, and how to protect their rights	The vulnerability of medical professionals to potential financial losses

As seen from the table, these barriers not only affect the financial stability of medical professionals but can also impact the overall quality of medical services. They can lead to complications in the process of obtaining insurance payouts and an increase in the number of lawsuits filed by patients against medical organizations. For example, in the United States, the cost of medical liability premiums has been identified as a barrier for doctors considering private practice [12]. The financial burden associated with these premiums can discourage medical professionals from working in certain practice formats.

Thus, addressing these barriers will ensure the accessibility and fairness of compensation for harm caused to patients and the effectiveness of protecting patients' rights. Solving the problems identified in this study requires a comprehensive approach, including reforming policies and establishing clearer rules to ensure fair and timely payouts for justified complaints.

6. International Experience in Medical Liability Insurance

Regulating professional liability insurance in the healthcare sector requires considering the interests of both healthcare professionals and patients and should be implemented in line with international experience. As shown by the analysis of scientific articles and publications, various models of medical professionals' liability insurance have emerged worldwide. These models differ in their structure, mechanisms, and funding sources, but their common goal is to ensure fair compensation for patients for harm caused to their health or life while minimizing the criminalization of medical errors.

Research indicates that most foreign criminal legislations do not contain specific provisions regarding liability for harm caused to patients' health or life due to negligence or carelessness. Despite this fairly widespread approach to the qualification of negligent crimes by medical professionals, there continues to be debate in the literature about the limits of criminalizing medical errors from the standpoint of the important criminal law principle of ultima ratio [13]. The meaning of this principle, which translates from Latin as "last resort", is that criminal liability, as the most severe form of punishment, should only be applied in exceptional cases where the necessary socially beneficial effect cannot be achieved by other legal means [14].

The European Court of Human Rights (ECHR) in several of its decisions adheres to the position that the right to life, as stipulated in Article 2 of the Convention for the Protection of Human Rights and Fundamental

Freedoms [15], does not imply the mandatory criminal prosecution of healthcare professionals who cause harm to patients' health or life through negligence. Voluntary compensation for the harm caused to the patient in the context of civil litigation is sufficient. The ECHR allows for criminal prosecution only in situations involving intentional actions by a medical professional or gross negligence threatening the patient's life.

In many developed countries (the United States, the United Kingdom, Canada), which have common historical roots in the development of legal systems, there is no special law regulating professional liability insurance for healthcare professionals. Therefore, in our research, we have relied on the study of professional liability insurance practices in healthcare, which can be considered when improving this type of insurance in Kazakhstan.

Many research works on professional liability insurance for healthcare professionals focus on studying two groups of insurance systems: tort-based, which requires proving the occurrence of a medical error in court, and "no-fault" systems. An example of a tort-based (non-contractual) insurance system is the practice in the United States, where liability for non-performance of a contract and liability for causing harm are insured simultaneously.

The use of a no-fault professional liability insurance system is characteristic of countries such as Sweden, Finland, Canada, New Zealand, and Australia. In most countries that have adopted no-fault systems, medical negligence is considered separately by regulatory bodies. The no-fault system allows for quick and fair compensation to injured patients while minimizing the time spent on legal proceedings and legal costs [16]. A negative aspect of the no-fault system is that, without the threat of criminal prosecution, healthcare professionals may tend to underestimate their responsibility for patient safety in the pursuit of increasing their income.

According to this system, the basis for payouts is the conclusion of an expert commission. In the case of gross violations leading to death or serious harm to health, payments are made based on a court ruling on negligence [17]. The starting point for providing compensation is generally the existence of the injury itself or the fact that the injury could have been prevented. Compensation for affected patients is financed from private sources through commercial and non-commercial insurance organizations (in Denmark, Finland) or by the government (in Sweden and New Zealand) [18]. It should be noted that in the USA, no-fault systems exist for specific types of injuries, and in Canada, the no-fault system was used to compensate victims of the contaminated blood scandal in the 1980s and 90s [16].

In the USA, medical professional liability insurance, also known as medical malpractice insurance, provides the necessary coverage for healthcare professionals in relation to lawsuits and claims related to their medical services. It can provide peace of mind to both practicing physicians and patients, and it is required by law in many states. According to the Insurance Information Institute, most American doctors face at least one malpractice lawsuit during their career [19]. According to the American Medical Association, over 60% of doctors over the age of 55 have been sued at least once [20].

Insurance company specialists note that common liability claims include: failure to treat, surgical errors, incorrect diagnosis, delayed diagnosis, prescription errors, and birth injuries. If harm is caused to a patient’s health or life due to a medical error, professional liability insurance will help cover the cost of the lawsuit and defense expenses. Liability insurance does not cover intentional actions [21].

In the USA, as a result of the departure of most commercial insurers from the market during the insurance crisis of the 1970s, physician-owned and managed professional liability insurance companies were established for the first time. Currently, there are about 60 such companies that insure the majority of doctors. In some states, non-profit companies sponsored by medical societies provide insurance coverage for physicians. Most doctor-owned companies claim that they can better control risks and claims decisions because doctors are directly involved in the process [22]. The cost of a doctor's insurance policy varies depending on the doctor's specialty. Obstetricians and gynecologists typically pay the highest insurance premiums — for example, $218,000 per year in Florida. Surgeons generally pay at least $30,000–50,000 per year. Primary care physicians (internists, family doctors, and pediatricians) pay the lowest premiums — $4,000–14,000 per year [23].

One of the drawbacks of the professional liability insurance system in the USA is the high likelihood of litigation, leading to a phenomenon known as defensive medicine. Despite the fact that the insurance system provides strong legal protection to patients, it is often criticized for encouraging defensive medicine — when doctors order unnecessary tests and procedures to avoid liability. Doctors tend to prescribe additional,

sometimes unnecessary tests and procedures to avoid lawsuits and liability. This undoubtedly leads to increased healthcare costs. Research conducted in the USA shows that defensive medicine costs account for 2% to 10% of the total national healthcare expenditure. In contrast, no-fault systems reduce the legal pressure on doctors and result in cost savings [16].

The practice of insurance in the USA also has negative outcomes, such as several clinics being forced to suspend their activities due to a significant increase in the cost of such insurance (under US law, professional insurance is mandatory to obtain a license). The reason for this was the "avalanche-like" increase in the number of lawsuits and claim amounts, which led to substantial commercial interest from many law firms. In response, healthcare institutions were forced to significantly increase the cost of their services, which in turn led to even higher claim amounts — creating a vicious circle that resulted in large financial losses. As a result, legislative restrictions on the amounts of compensation claims for patients were introduced [17]. A similar situation is characteristic of some European countries.

An example of the implementation of the no-fault system is Sweden's insurance model. Sweden has implemented a unique insurance model where financial responsibility is not placed on individual doctors but on state funds, which compensate patients for damage caused by medical errors. In this system, patients can receive compensation without having to prove the fault of a specific doctor [24]. This approach significantly reduces the number of lawsuits and reduces stress levels among healthcare professionals. However, it requires substantial government funding and strict quality control measures to ensure a high level of medical service.

Since 1975, Sweden has had a patient insurance system for compensation of health-related injuries. Initially, the system was based on voluntary patient insurance, but in 1997 it was replaced by the Patient Insurance Act. The current law covers both physical and mental injuries. Although approximately 9,000–10,000 cases are considered annually in Sweden, compensation is paid in less than half of them. In the Swedish system for processing patient injury claims, the Patient Claims Commission plays an important role in ensuring the fair and consistent application of the law.

In Canada, professional liability insurance and protection for healthcare professionals are provided by the Canadian Medical Protective Association (CMPA). The CMPA is a non-profit, membership-based organization that provides legal defense, liability protection, and risk management training to doctors in Canada. It also provides compensation to patients and their families affected by medical care [25].

Most doctors in Canada believe that membership with the CMPA provides them with malpractice insurance. However, the CMPA is not an insurance company. The CMPA presents itself as a "mutual protection" organization, meaning they are not required to reimburse doctors for losses, unlike an insurance company. The basic no-fault compensation scheme has existed in Canada for over 100 years in the form of professionals' compensation, and in the province of Quebec, a no-fault compensation system for injuries caused by vaccinations has been in place since 1986 [16].

A particularly interesting case is Germany’s insurance practice, where a system of tort liability with elements of no-fault liability is applied. In Germany, a patient can approach a doctor with a statement justifying their claim for compensation for health damage caused by medical treatment. If the doctor confirms that harm was caused during treatment, the doctor decides whether to accept the patient's claim or deny compensation [17].

In Germany, liability insurance is mandatory for all practicing doctors. Since 1975, expert committees and arbitration councils within the medical associations of the states have played a key role in determining whether the patient's health deterioration is related to medical intervention [26]. These institutions help resolve disputes out of court, reducing both the financial and emotional burden on doctors and patients.

An analysis of international practices shows that an effective system of medical liability insurance must balance the safety and interests of patients, medical professionals, and the state. For Kazakhstan, studying these models can help improve its developing insurance system, ensuring a sustainable and fair solution for both doctors and patients.

Based on the above analysis of international practices in professional liability insurance for medical professionals, it is clear that the most viable model for Kazakhstan is a mixed system combining elements of the no-fault system with pre-litigation conflict resolution mechanisms, primarily mediation.

This approach will help create a stable insurance system that provides reliable protection for both healthcare professionals and patients. However, implementing international experience in Kazakhstan requires caution and thoughtful consideration of its advantages and potential challenges.

7. Conclusions

In conclusion, it should be noted that the results of our study confirm the importance of implementing comprehensive measures aimed at improving the legislative framework and practices of professional liability insurance for medical professionals, taking into account international experience. The findings emphasize the significance of studying international models for developing an effective insurance system with clear legal mechanisms and proportionate insurance compensation amounts to cover harm caused to the health or life of patients as a result of medical care. It is also important to conduct further research to identify issues in the regulatory framework of insurance and to find the most effective ways to improve the existing insurance system. Overall, the further development of research in the area of professional liability insurance, with a comprehensive approach that includes regulatory, organizational, and economic aspects, will contribute to improving the quality of medical care and increasing trust in the healthcare system.

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Медициналық қызметкерлердің құқықтық қорғалуын кәсіптік жауапкершілікті сақтандыру арқылы іске асырудың мәселелері мен перспективалары

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Түйіндеме

Медициналық қызметтерді дұрыс көрсетпеу жағдайларының көбеюі және осыған байланысты пациенттердің шағымдары санының артуы Қазақстанда кәсіби жауапкершілікті сақтандыруды дамыту мәселелерінің өзектілігін арттырады. Бұл зерттеудің өзектілігі науқастардың өмірі мен денсаулығына келтірілген зиянды өтеуге байланысты құқықтық және қаржылық тәуекелдермен ғана емес, сонымен қатар, пациенттер мен медицина қызметкерлерінің олардың құқықтары мен мүдделерін тиімді қорғауды қамтамасыз етуге деген үміттерінің өсуімен де анықталады. Осы қызмет аясында кәсіби жауапкершілікті сақтандыру арқылы медицина қызметкерлерін құқықтық қорғауды жүзеге асырудың проблемалары мен перспективаларын талдау өзекті болып табылады.

Бұл зерттеудің мақсаты Қазақстандағы медицина қызметкерлерінің кәсіби жауапкершілігін сақтандырудың заңнамасы мен тәжірибесінің мәселелерін зерттеу болып табылады. Ағымдағы жағдайды және осы саладағы заңнаманы талдай отырып және оларды озық халықаралық тәжірибемен салыстыра отырып, бұл құжат неғұрлым тиімді және теңгерімді сақтандыру жүйесін құру бойынша ұсыныстар әзірлеуге тырысады.

Қорытынды. Зерттеу барысында қазіргі уақытта кәсіби жауапкершілікті сақтандырудың заңнамалық базасын және тәжірибесін жетілдіруге бағытталған кешенді шараларды қабылдауды талап ететін шешілмеген

мәселелер бар екендігі атап өтілді. Халықаралық үлгілерді талдау сақтандыру жүйесінің тиімділігі құқықтық тетіктердің анықтығына, сақтандыру төлемдері мөлшерінің пропорционалдылығына және пациенттер үшін өтемақы қолжетімділігіне байланысты екенін көрсетеді. Кәсіби жауапкершілікті сақтандырудың дамыған жүйесі бар шетелдердің тәжірибесі қазақстандық жағдайларға неғұрлым тиімді тәсілдерді бейімдеуде пайдалы болуы мүмкін.

Түйін сөздер: медициналық сақтандыру, кәсіби жауапкершілік, медициналық қызметкерлер, денсаулық сақтау жүйесі, медициналық заңнама, пациенттердің құқықтары.

Проблемы и перспективы реализации правовой защиты медицинских работников путем страхования профессиональной ответственности

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Резюме

Рост числа случаев ненадлежащего оказания медицинских услуг и связанное с этим увеличение количества претензий пациентов усиливают актуальность проблем развития страхования профессиональной ответственности в Казахстане. Актуальность настоящего исследования обусловлена не только юридическими и финансовыми рисками, связанными с возмещением вреда жизни и здоровью пациентов, но и растущими ожиданиями со стороны пациентов и медицинских работников в обеспечении эффективной защиты их прав и интересов. В рамках этой деятельности актуальным является анализ проблем и перспектив реализации правовой защиты медицинских работников посредством страхования профессиональной ответственности.

Целью настоящего исследования является изучение проблем законодательства и практики страхования профессиональной ответственности медицинских работников в Казахстане. Анализируя текущую ситуацию и законодательство в этой сфере и, сравнивая их с передовыми международными практиками, в данной работе предпринимается попытка выработать рекомендации по созданию более эффективной и сбалансированной системы страхования.

Выводы. В ходе исследования отмечено, что в настоящее время остаются нерешенными вопросы, требующие принятия комплексных мер, направленных на совершенствование законодательной базы и практики страхования профессиональной ответственности. Анализ международных моделей показывает, что эффективность системы страхования зависит от четкости правовых механизмов, соразмерности размеров страховых выплат и доступности компенсации для пациентов. Опыт зарубежных стран с развитой системой страхования профессиональной ответственности может быть полезен при адаптации наиболее эффективных подходов к казахстанским условиям.

Ключевые слова: медицинское страхование, профессиональная ответственность, медицинский персонал, системы здравоохранения, медицинское законодательство, права пациентов.