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# PREVENTION OF CORRUPTION IN THE FIELD OF HUMAN HEALTH PROTECTION: ORGANIZATIONAL AND REGULATORY SUPPORT

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## INTRODUCTION

The proclamation and gradual implementation of the Strategy for Sustainable Development in Ukraine until 2030 establishes the vectors for the development of the healthcare system, which consist in: creating a structural system of medical institutions focused on the interests of patients, which contributes to the provision of medical care in accordance with European standards[1]; formation of a responsible attitude of citizens to their own health; guaranteeing the free choice of providers of medical services and medicines of appropriate quality; protecting the interests of the most socially vulnerable segments of the population; establishing a social dialogue between economic entities, consumers of medical services and the state in the functioning of the medical services market.

The introduction of such conceptual ideas for reforming the medical service system is directly correlated with the quality of the formation of staffing for the functioning of healthcare institutions. The problem of the formation of personnel potential and staffing of public authorities was raised in the scientific developments by V.B. Averyanov, Yu.P. Bityak, L.R. Belaya-Tiunova, M.Yu. Vikhlyaev, V.M. Garashchuk, Ye.A. Getman, I. P. Golosnichenko, R.A. Kalyuzhny, I.B. Koliushko, T.O. Kolomoets, V. K. Kolpakov, O.V. Kuzmenko, E.V. Kurinny, M.V. Loshitsky, R.S. Melnik, O. I. Mikolenko, N.G. Nizhnik and etc. The issues of ensuring the effectiveness of staffing in medical institutions were fragmentarily considered in the publications of N.B. Bolotina, O.S. Bulgakov, Yu.M. Bulanova, R.Yu. Grevtsova, M.I. Inshin, M.M. Klemparsky, N.V. Kovalenko, S. G. Stetsenko and others.

[1] Про Цілі сталого розвитку України на період до 2030 року : Указ Президента України від 30 вересня 2019 року № 722/2019. URL: https://zakon.rada.gov.ua/laws/show/722/2019#Text; Про Стратегію сталого розвитку «Україна – 2020» : Указ Президента України від 12.01.2015 р. № 5/2015. URL: http://zakon2.rada.gov.ua/laws/show/5/2015.

In the previous sections, it was established that the implementation of public administration functions in the health sector should take place at the local and national levels.

At the same time, according to the provisions of the current legislation of Ukraine ("On the Prevention of Corruption", "On Public Service", "On Service in Local Self-Government Bodies", etc.), it is not directly fixed that officials of healthcare institutions, medical workers are persons in positions public service In particular, according to the provisions of the Law of Ukraine "On the Prevention of Corruption" (Article 3), among the list of persons subject to its requirements, medical workers can be indirectly reflected by such a subgroup of subjects as "persons who are not civil servants, officials local self-government, but provide public services (auditors, notaries, private executors, appraisers, as well as experts, arbitration managers, independent intermediaries, members of labor arbitration, arbitrators when they perform these functions, other persons specified by law) (p. p. b) point two). However, a direct indication that medical workers, by their administrative and legal status, are public or state employees, which does not exclude the expediency of such an approach, provided that its justification belongs.

## 1. Functional direction of regulatory and legal support of corruption prevention activities in the field of human health protection

In contrast to the provisions of the current legislation of Ukraine, where medical workers are not defined as subjects of public service, while in accordance with the content of the National Classifier of Professions, in the same section with legislators, senior civil servants, leaders, managers (stewards), there are also leaders in the field of health protection[2].

The national health care system is a certain unique administrative product, it should reflect the socio-political features of the development of a particular society, state. The health care system in Ukraine is built according to the "single payer" principle, the financing of which should be carried out both from public resources and from private resources. The health care system built on the principle of taxation requires the country's government to accumulate budgetary resources in order to develop financial plans and strategies to meet the needs of state and communal medical institutions. While the health care system, which functions at the expense of private insurance funds, minimizes state intervention in the processes of its

[2] Національний класифікатор України. Класифікатор професій ДК 003:2010 (Додаток А) : Наказ Держспоживстандарту України від 28.07.2010 р. № 327. URL: http://zakon2.rada.gov.ua/rada/show/va32760910/paran4#n4.

financing. In some places, medical workers are recognized as civil servants[3]. In particular, in the UK there is a civil service institution, the system of which includes not only officials of local governments, legal entities of public law, judges, but also officials of institutions of higher education and officials of healthcare institutions of state or communal ownership)[4]. In accordance with Spanish legislation, it is established that medical workers are public servants if they are paid for their activities at the expense of state and local budgets. If the activity of a medical worker is paid in the form of a fee, then such persons do not fall under the characteristics of a public (state) employee[5]. Portugal has a similar approach to understanding the structure of the public service[6].

That is why, as noted by M. Tsurkan, it is impractical to use an institutional approach to establishing the structure of the public service, which causes a significant narrowing of its content, limiting itself only to the functioning of executive power bodies and local self-government bodies[7]. Instead, scientists justify the feasibility of application to the establishment of the structure of public service through the criteria of the nature of the activity of a powerful entity. And according to this criterion, i.e., the criterion of the implementation of administrative (managerial) functions and powers, medical workers are definitely included in the public service[8].

A similar approach was also supported in the framework of the scientific developments of I.L. Borodin, which was implemented in accordance with the content of the Concept of the reform of administrative law. The scientists substantiated that the civil service should be classified into: professional civil service, which includes: administrative service as a service in state executive authorities and local self-government; a specialized service, the structure of which includes the judiciary, prosecutors, units of the National Police, the Security Service of Ukraine, diplomatic workers, consulates and embassies, etc.); civil service, consisting of medical, research institutions, institutions of higher education and other institutions of public law. Another

[3] Теннер М. Погляд на системи охорони здоров'я у світі. *Громадянин України*. № 22 (229). URL: http://gukr.com/article2669.html.

[4] Янюк Н. Актуальні проблеми формування публічної служби в Україні. URL: http://radnuk.info/home/243322013 0531153340.html.

[5] Теннер Майкл. Погляд на системи охорони здоров'я у світі – 5. *Громадянин України.* № 23 (230). URL: http://gukr.com/article2678.html.

[6] Теннер Майкл. Погляд на системи охорони здоров'я у світі – 7. *Громадянин України.* № 26 (233). URL: http://gukr.com/article2709.html.

[7] Цуркан М.І. Правове регулювання публічної служби в Україні. Особливості судового розгляду спорів : монографія. Харків : Право, 2010. 216 с.

[8] Публічна служба. Зарубіжний досвід та пропозиції для України / за заг. ред. В.П. Тимощука, А.М. Школика. Київ : Конус Ю, 2007. 735 с.

component of the public service by scientists included non-professional service, which structurally consisted of: elected positions (President of Ukraine, members of the Cabinet of Ministers of Ukraine, people's deputies of Ukraine, etc.); positions of the patronage service (which includes employees of the press service, advisers, assistants, consultants); auxiliary positions of public authorities performing the functions of service and service (referents, secretaries of the court session, etc.)[9].

Therefore, the public service is called to perform extremely important, strategic tasks of the development of the state and civil society, which is able to ensure the performance of socio-economic, political-legal and cultural functions of regulatory regulation. The establishment of a public service institution in Ukraine requires standardization and harmonization of current legislation in accordance with the requirements of the Association Agreement between Ukraine and the European Union and the Action Plan for the Implementation of the Association Agreement between Ukraine and the EU, approved by Resolution No. 1106 of the Cabinet of Ministers of Ukraine dated October 25, 2017[10], as well as the Plan for Legislative Support of Reforms in Ukraine, approved by Resolution of the Verkhovna Rada of Ukraine dated June 4, 2015 No. 509-VIII[11].

Thus, the basis for establishing the status of a healthcare institution is based on both the content of the activities carried out by its officials (public management functions) and the source of funding for its activities, which establishes a direct connection between the funds of the state and local budgets and the need to recognize such legal entities. persons and their employees by public servants. As part of the ongoing reform of financial decentralization in Ukraine, one of the strategic tasks of its formation is the delimitation of local budget funds from the funds of communal and state healthcare institutions[12]. In accordance with the 2016 Healthcare Financing Reform Concept, only the adoption of control measures to ensure the quality of the provision of medical services and their compliance with established

[9] Бородін І.Л. Дисциплінарна відповідальність та дисциплінарне провадження. *Право України.* 2006. № 12. С. 93–97.

[10] Про виконання Угоди про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони : Постанова Кабінету Міністрів України від 25 жовтня 2017 р. № 1106. URL: https://zakon.rada.gov.ua/laws/show/1106-2017-п#Text.

[11] Про План законодавчого забезпечення реформ в Україні : Постанова Верховної Ради України від 4 червня 2015 року № 509-VIII. URL: https://zakon.rada.gov.ua/laws/show/509-19#Text.

[12] Про схвалення Концепції реформи фінансування системи охорони здоров'я : Розпорядження Кабінету Міністрів України від 30.11.2016 № 1013р. URL: http://zakon0.rada.gov.ua/laws/show/10132016 р.

European and world standards, which should be carried out through the NHSU, should be within the competence of local governments. In general, supporting the conceptual framework for reforming the system of financing healthcare institutions, it should be emphasized that the mechanism of interaction between local governments, territorial communities and medical institutions in the implementation of functions to combat epidemics, vaccinations, and palliative care for terminally ill patients is ineffective[13].

In addition, based on the understanding of the content of the services provided in the field of health care as public services, it is necessary to review the regulatory approaches to the establishment of the selection procedure and staffing of medical institutions of state and communal ownership, which requires the introduction of competitive procedures to conclusion of contracts with medical workers, which corresponds to the content of public service.

Therefore, within the framework of a broad understanding of the category of public service, its structure should include both officials of state and local self-government bodies, judicial and law enforcement agencies, and legal entities under private and public law that perform service, management, permitting, registration, law enforcement and law enforcement functions in the field of health care, education, advocacy of human rights and freedoms, provided that their activities are financed from the funds of the State and local budgets[14]. The assignment to the structure of the public service of such specific entities as institutions in the field of healthcare, education and science, the provision of legal assistance is based on the principle of ensuring their activities at the expense of the state or a territorial society[15].

The idea of a broad approach to establishing an understanding of the structure of the public service system is supported in scientific research by domestic and foreign scientists. For example, in the thesis of O.S. Bulgakov

[13] Досвід країн Європи у фінансуванні галузі охоро ни здоров'я. Уроки для України. URL: http://eeas.europa.eu/archives/delegations/ukraine/documents/virtual_library/14_reviewbook_uk.pdf.

[14] Кохан В.П. Правове регулювання атестації працівників за законодавством України : дис. … к.ю.н. : 12.00.05 «Трудове право; право соціального забезпечення». Харків : ХНУВС, 2011. 218 с.; Реформа государственного управления и государственной службы в Соединенном королевстве : Тематическая подборка материалов. № 25. Центр досліджень адміністративної реформи УАДУ. Киев, 2002. С. 162–163.

[15] Губська О. Зарубіжний досвід правового регулювання працевлаштування та проходження публічної служби: рекомендації для України. *Публічна служба і адміністративне судочинство: здобутки та виклики :* збірник матеріалів І Міжнародної науково-практичної конференції, м. Київ, 5–6 липня 2018 року. Київ : ВД «Дакор», 2018. С. 104–109.

on the topic "The jurisdiction of the administrative court to resolve cases in the field of public service" (2018), it is noted that the basis for the grouping of officials is the priority of directing their activities to satisfy the public interest, defended in the framework of their implementation of the labor function assigned to them[16].

It should be noted that, in general, the basis for building a national legal system, its division into branches and sub-branches of law is based on the ratio of public and private interests. Thus, public law, as a component of the system of law, regulates social legal relations, characterized by the presence of powerful subjects whose activities are aimed at satisfying social interests and values.

From the point of view of management theory, public (social) interest is considered as the basis for the implementation of the concept of public administration. At the same time, public interest means as a certain criterion for limiting bureaucratic arbitrariness[17].

At the level of application of legislation, attention is also paid to the study of the category of public interest. In this sense, the scientific work by R. I. Raimov "The practice of the European Court of Human Rights in determining the boundaries of the concept of "public interest"" is worthy of attention, where, based on the decisions of the ECtHR, a conclusion is made about the establishment of a system of social needs of strategic importance. Scientists reach the conclusion that the prerogative of the activities of government institutions are aimed at determining the content of justice and legality. Establishing the content of public interest correlates with the institution of social justice and its task is capable of providing manifestations of violations of public order. Consequently, the issue of establishing the content of public enthusiasm, in their opinion, R.I. Raimov refers to the prerogative of state-authoritative public institutions that, on the basis of monitoring, formulate and normatively fix the conceptual foundations for its achievement[18]. Such conclusions of the author allow us to interpret the emergence of public interest, its normative consolidation only in conjunction with civil society.

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[16] Булгаков О.С. Юрисдикція адміністративного суду щодо вирішення справ у сфері публічної служби : дис. … к.ю.н. : 12.00.07. Запоріжжя : ЗНУ, 2018. 204 с.

[17] Тернущак М.М. Зміст категорії «публічний інтерес» в адміністративно-судочинському провадженні. *Порівняльно-аналітичне право.* 2015. № 4. С. 282–283. URL: http://www.pap.in.ua/4_2015/86.pdf.

[18] Раімов Р.І. Практика Європейського суду з прав людини щодо визначення меж поняття «Публічний інтерес». *Науковий вісник Ужгородського національного університету. Серія «Право»*. 2017. Вип. 47. Т. 2. С. 157–162. URL: http://www.visnyk-juris.uzhnu.uz.ua/file/No.47/part_2/38.pdf.

Thus, the issue of establishing the content of the category of "public interest", its study is an integral part of civil society in its interaction with the state. Public interests are a sign of civil society and the rule of law. While the implementation of state interests is inherent in states with a command-administrative system, which is not aimed at developing statehood in accordance with the principles of the rule of law, legality, social protection and security. Civil society and the rule of law should interact through the creation of mechanisms for the provision of service administrative services, the exercise of competence by subjects of power on the basis of administrative service in general and, in particular, in the field of public health. Therefore, the functioning of civil society, the rule of law and man should be based on maintaining a balance of private and public interests, which is declaratively justified in the scientific conclusions reached in the theoretical studies of such scientists as N.M. Onyshchenko[19], A.M. Kolodiy[20], S.M. Tymchenko[21], S.G. Stestenko[22].

In one categorical row, along with the category of "public interest", there are the concepts of "national interest" and "public interest". A. A. Shatilo defines national interests as a certain guideline for the development of the state, as a certain set of values, aspirations and dynamically developing needs inherent in a certain society, depends on the historical and cultural formation of individual groups of people[23]. In fact, national interests are a historically determined basis for the formation of a system of public interests, are their “prototype”.

Obviously, the public interest of the Ukrainian state is to ensure the dominance of the idea of observing the postulate that a person, his life and health are the highest social value. In establishing the content of public interest in matters of ensuring public health, it is important to observe the idea of social partnership and social responsibility, which should be based on the observance of the parity of personal needs, the interests of the goal of obtaining profit and the urgent need for the formation and education of a healthy generation, whose members consciously understand the priority

[19] Оніщенко Н. До питання про пошук балансу у співвідношенні громадянського суспільства та держави. *Право України.* 2014. № 4. С. 55–62.

[20] Колодій А. Громадянське суспільство: ознаки, структурні елементи, співвідношення із державою. *Право України.* 2014. № 4. С. 9–16.

[21] Тимченко С.М. Теоретико-правові проблеми взаємодії громадянського суспільства і правової держави в Україні : дис. … канд. юрид. наук : 12.00.01. Запоріжжя, 2001. 232 с.

[22] Стеценко С. Громадянське суспільство та соціальна держава: проблеми взаємодії. *Право України.* 2014. № 4. С. 71–80.

[23] Шатило О.А. Історичний генезис категорії «національний інтерес». *Статистика України.* 2013. № 4. С. 53–57.

of healthy thinking and lifestyle, do not allow manifestations of dominance of their own interests in the implementation of managerial functions and tasks in general, and in particular, in the field of corruption prevention.

The rationale for this conclusion is based on the scientific developments of such scientists as V.A. Krivolapchuk[24], M.M. Ibragimov, I.I. Podik[25], V.V. Yurovska[26] etc. In particular, in the scientific works of V.V. Yurovska, it is established that the development of modern society and the state should be based on maintaining the balance of private and public interests, service regulation of management-authority relations, the introduction and guarantee of the dominance of the idea of social partnership and dialogue[27].

Therefore, the given considerations allow us to conclude that the public interest of the Ukrainian state is to ensure the realization of the idea of recognizing a person, his life and health as the highest social value, which, in particular, requires the creation of an effective system of providing medical services and medical assistance, free from corruption risks and the negative consequences of committing corrupt acts. An attempt at the regulatory and legal level to consolidate such a conclusion was the Law of Ukraine "On the Public Health System", the functional direction of which is "strengthening the health of the population, preventing diseases, improving the quality and increasing the length of life, regulating social relations in the field of public health and sanitary-epidemic well-being of the population", which requires the introduction of an appropriate administrative-legal mechanism of state supervision (control) in areas of economic activity that may pose a risk to sanitary-epidemic emic well-being of the population[28]. It should be emphasized that the negative results of the functioning of the public health system should be associated not only with the dishonesty of the activities of economic entities, but also with the creation of grounds for making managerial decisions in the field of using public financial resources for the purchase of medical devices and medicines for the needs of socially unprotected segments

[24] Криволапчук В.О. Сучасний погляд на методи адміністративного права. *Науковий вісник Львівського державного університету внутрішніх справ.* 2014. С. 184.

[25] Ібрагімов М.М., Подік І.І. Комунікативно-дискурсивна методологія в сучасному юридичному нормотворенні. *Філософські та методологічні проблеми права.* 2017. № 1 (13). С. 50–62.

[26] Юровська В.В. Метод адміністративного права: теоретико-правовий аналіз. *Підприємництво. господарство і право.* 2017. № 12. С. 188–192.

[27] Юровська В.В. Диспозитивний метод адміністративного права як орієнтир подальших реформаційних процесів у сфері публічної адміністрації. *Прикарпатський юридичний вісник.* 2017. Вип. 6 (1). С. 170–176. URL: http://nbuv.gov.ua/UJRN/Pjuv_2017_6%281%29__40.

[28] Про систему громадського здоров'я : Закон України від 6 вересня 2022 року № 2573-IX. URL: https://zakon.rada.gov.ua/laws/show/2573-20#Text.

of the population or for the needs of the Armed Forces. The healthcare sector requires not only the adoption of measures to implement state control and supervision over the activities of business entities providing medical services, engaged in the production of pharmaceutical products, but also the optimization of activities to prevent manifestations of corruption in this area, to overcome the latency of such acts.

The conceptual postulate of today is the proclamation at the constitutional level of the provision that human health is determined by the highest social value, and therefore the scope of ensuring its protection should be attributed to the totality of public interests of society, the satisfaction of which requires the state to take appropriate administrative and legal regulatory measures, including the creation of effective prevention mechanisms.

The construction of the structure of the public service should be carried out not according to the institutional principle, but according to the functional content of the activities of persons of public law, which allows us to conclude that it is advisable to include the medical service in the scope of the legislation on the prevention of corruption.

These considerations substantiate the expediency of introducing reform approaches to understanding the medical service as a kind of public service, which is associated with the achievement of meeting the public (social) interests of a person in taking measures to protect his life and health, which is recognized according to the legislation of Ukraine as the highest social value.

According to the legal regulation of the provision of primary health care and emergency medical care, it is necessary to focus on the extremely important importance that is assigned to the persons providing it. Activities for the provision of medical care and services require medical workers to comply with the requirements of official professional ethics and bioethics, which affect the quality of ensuring constitutional human rights and freedoms. The conditions of martial law exacerbate the problem of ensuring the personnel and organizational adequacy of the functioning of medical institutions to provide a person with high-quality and affordable medical services.

However, even wartime conditions are not an obstacle to the spread and presence of corruption risks in the health care sector. For example, the issue of the corruption of the system of medical and social expert commissions regarding the passing of medical examinations, including the issue of determining the disability of a person, in particular, injured as a result of participation in military events, is widely discussed[29]. The lawlessness of the medical and social commissions is limited by measures of judicial and administrative control, which is often not able to show the proper level of

[29] Питання медико-соціальної експертизи : Постанова Кабінету Міністрів України від 3 грудня 2009 р. № 1317. URL: https://zakon.rada.gov.ua/laws/show/1317-2009-п#Text.

legal effectiveness. At the regulatory level, it is common practice to create a special "hot" line of the Ministry of Health of Ukraine as a means of administrative control, where complaints are received about the results of the activities of medical and social expert commissions[30].

In addition, in order to protect subjective public and private human rights under martial law on the territory of Ukraine, a simplified procedure has been introduced, which is carried out, among other things, on the basis of a documentary analysis of the content of medical documents on the state of health of a person, implemented on the basis of extraterritoriality[31]. The term of validity of a conclusion on disability for a person whose disability was established before the declaration of martial law, such a decision of the medical and social expert commission is extended for the duration of such administrative-legal regime, as well as for the next six months from the moment of its end, with the preservation of the corresponding social benefits. The decision of medical and social expert commissions can be appealed within one month. In the administrative procedure, the appeal of the decision of the medical and social expert commissions can be appealed directly to the subject of authority, or to the commission higher in terms of administrative and legal status – the regional level. According to the administrative procedure, the re-examination is carried out by the medical and social expert commission that accepted the preliminary opinion. In the event that it is not supported by the applicant again, the administrative procedure of appeal takes place to the Central MSEC of the Ministry of Health of Ukraine. In case of difficulty in carrying out a medical and social expert assessment of a person's state of health, the Central Medical and Social Expert Commission of the Ministry of Health or the regional MSEK can initiate a collegial review of medical documents and carry out an independent expert examination with the participation of specialists from the Ukrainian State Research Institute for Medical and Social Problems of Disability (Dnipro) and the Research Institute for the Rehabilitation of the Disabled (Vinnytsia)[32]. However, at the same time, the conclusions

[30] МОЗ: Рішення МСЕК можна оскаржити. URL: https://www.kmu.gov.ua/news/moz-rishennia-msek-mozhna-oskarzhyty.

[31] Деякі питання порядку проведення медико-соціальної експертизи на період дії воєнного стану на території України : Постанова Кабінету Міністрів України від 8 березня 2022 р. № 225. URL: https://zakon.rada.gov.ua/laws/show/225-2022-п#Text.

[32] Про внесення до деяких постанов Кабінету Міністрів України змін щодо строку повторного огляду осіб з інвалідністю та продовження строку дії деяких медичних документів в умовах воєнного стану : Постанова Кабінету Міністрів України від 30 березня 2022 р. № 390. URL: https://zakon.rada.gov.ua/laws/show/390-2022-п#Text.

of the mentioned research institutions are of a recommendatory nature and are essentially a consultative act. It is permissible to challenge decisions, actions or inaction of medical and social expert commissions in court, in accordance with the procedure provided for by the current The Code of administrative proceedings of Ukraine[33].

In particular, in case No. 1640/2396/18, the resolution of the Administrative Court of Cassation as part of the Supreme Court dated January 20, 2021 was adopted, justifying the position regarding the need for an administrative procedure to appeal decisions, actions or inactions committed as a result of official negligence and negligence of the central apparatus of the Ministry of Health of Ukraine[34].

The presence of a well-established public tradition regarding the "closedness", "family nature" of the medical profession, despite the existence of a procedure for judicial and administrative appeal, actually leads to a low level of efficiency in exercising the function of public control over activities in the healthcare sector.

The above problematic issues of the functioning of medical institutions in pre-war, military and post-war conditions require the introduction of a number of organizational and regulatory areas for reforming the administrative mechanism to prevent corruption in the healthcare sector.

To the organizational directions of improvement of the administrative and legal mechanism for preventing corruption in the healthcare sector, it is necessary to take a number of appropriate actions and management decisions. In particular, in the current conditions of martial law and in the conditions of the post-war reconstruction of Ukraine, it is necessary to introduce the practice of ensuring the implementation of public control tools, which in modern conditions include the creation of opportunities to file a complaint not only through the use of the so-called "hot" lines of the Ministry of Health of Ukraine and its territorial departments, but also through the forms of filing an electronic complaint through the online port.

In addition, the tools for exercising public control, which should be extended in modern national practices, include periodic reporting by the management of the management bodies of medical institutions on the effectiveness of implementing the strategy for their development and formation, which is now being carried out fragmentarily. It is obvious that the effectiveness of reporting to the public requires medical institutions,

[33] Кодекс адміністративного судочинства України : Закон України від 6 липня 2005 року № 2747-IV.

[34] Постанова Касаційного адміністративного суду у складі Верховного Суду від 20 січня 2021 року у справі № 1640/2396/18. URL: https://reyestr.court.gov.ua/Review/94296633.

within the content of their development strategy, to provide for the problem of preventing corruption in the healthcare sector as a separate section.

The organizational directions for improving the administrative and legal mechanism for preventing corruption in the healthcare sector include the creation of appropriate conditions for the implementation of the policy of financial decentralization of the use of public funds received as part of the procedure for creating guarantees for the provision of quality medical services, and the system of voluntary medical insurance premiums.

Organizational directions for improving the efficiency of staffing of medical institutions, which will positively affect the implementation and processes of preventing corruption, is the further integration of educational and research activities in accordance with European and international standards for the provision of healthcare services in accordance with the public interests and needs of the population, as well as in accordance with the needs of the post-war reconstruction of Ukraine, requiring activation and improvement of the quality of the functioning of the public health system, disease prevention and timely response to them by the state and other public authorities.

## 2. Measures in the field of prevention of corruption in the field of human health protection

The effectiveness of organizational directions aimed at ensuring the effectiveness of activities to prevent corruption in the healthcare sector depends on further digitalization and digitalization processes. In the field of healthcare, it is necessary to ensure the security of public information resources through the construction and operation of a single medical information space. In addition, raising the standards for the provision of medical services is associated with the use of the latest infrastructural and technical means that create conditions for the implementation of the principles of convenience and transparency in the circulation of information about the state of health of a person, the features of his treatment, the content of his diagnoses, etc.

Ensuring the prevention of corruption in the field of healthcare related to the implementation of pharmaceutical activities, the financing of public procurement of medicines and medical devices is associated with the formation of a single unified body that is obliged to carry out an expert assessment of the objects proposed for tenders to be financed from the state and local budgets. The functioning of such an independent institution will create conditions both for overcoming corruption risks associated with the use of public finances that are allocated for the purchase of medicines and medicines, and will contribute to the formation of an atmosphere of fair competition in the pharmaceutical and medical services market, and the intensification of clinical and expert research.

Prevention of corruption in the healthcare sector requires ensuring the effectiveness of preventing corruption risks at the local level, in particular, within the framework of the functioning of medical institutions. At the local level, the decision to form a specially authorized entity for the prevention of corruption in accordance with the order of the NAPC dated May 27, 2021 No. 277/21 is made by the head of an institution – private or public property. Therefore, this provision indicates a dispositive approach to understanding the expediency and obligation of functioning within the institution[35].

The creation of authorized divisions (authorized persons) in the field of corruption prevention is imperative for the functioning of: the Office of the President of Ukraine, the Apparatus of the Verkhovna Rada of Ukraine, the Secretariat of the Cabinet of Ministers of Ukraine, the Secretariat of the Human Rights Commissioner of the Verkhovna Rada of Ukraine; apparatuses of the National Security and Defense Council of Ukraine, the activities of the Accounting Chamber, the Supreme Court, the High Anti-Corruption Court, the Constitutional Court of Ukraine, the National Bank of Ukraine, the Individual Deposit Guarantee Fund; the secretariat of the High Council of Justice, the High Qualification Commission of Judges of Ukraine; apparatuses and territorial bodies of public administration; apparatus of the Council of Ministers of the Autonomous Republic of Crimea, apparatuses of executive bodies of the Autonomous Republic of Crimea; regional state administrations; apparatuses of local councils of deputies; enterprises, institutions and organizations that organize the administration of the state body; state trust funds (Article 13-1 of the Law of Ukraine "On Prevention of Corruption")[36]. Consequently, institutions in the field of healthcare do not belong to subjects where the activities of the commissioner in the field of preventing corruption are optional, and are created dispositively.

The decision of the head of the institution to create a commissioner in the field of prevention is dispositive. At the same time, this approach actually creates a situation where there are no means of local control over possible manifestations of corruption offenses within the legal entity. The decision of the head of a legal entity in general and, in particular, the head of a healthcare institution limits the possibility of exercising the functions of public control. In order to realize the opportunities for the implementation of the functions of public control, it is necessary to provide in Article 13-1

[35] Про затвердження Типового положення про уповноважений підрозділ (уповноважену особу) з питань запобігання та виявлення корупції : Наказ НАЗК від 27.05.2021 р. № 277/21. URL: https://zakon.rada.gov.ua/laws/show/z0914-21#n7.

[36] Про запобігання корупції : Закон України від 14.10.2014 р. № 1700-VII. URL: https://zakon.rada.gov.ua/laws/show/1700-18#n1295.

of the Law of Ukraine "On the Prevention of Corruption" a provision that a specially authorized body should function in health care institutions of regional significance, which is obliged to take measures to prevent corruption manifestations. To do this, it is proposed to supplement the first part of Article 13-1 of the Law of Ukraine "On the Prevention of Corruption" with the phrase "in state healthcare institutions".

Ensuring the effectiveness of the activities of the commissioner in the field of corruption prevention requires the introduction of: interact with the media on the placement of reporting documentation on the functioning of a medical institution; carry out communication measures to implement the strategic objectives of the state anti-corruption policy; organize trainings, seminars, round tables, conferences, etc.[37] The subject of scientific and practical measures to prevent corruption can be: interpretation and clarification of the provisions of the current legislation of Ukraine; formation at the proper level of professional ethics of medical workers; optimization of directions for resolving real and potential conflicts of interest, etc.

At the stands for the placement of official information about the activities of a medical institution, as well as on its official Internet resources, contact information should be displayed on the possibility of filing a complaint (statement) about a potential and real conflict of interest, about a corruption offense or an offense related to corruption, in particular, in the form of an anonymous message, or". Requires the publication on the official information resources of the medical institution of internal documents on its activities, including the implementation of personnel selection for vacant positions.

Consequently, the organizational and legal directions for ensuring the effectiveness of the administrative foundations for preventing corruption in the field of human health care should be directed to revising the normative approaches to understanding the content of the medical service as a kind of public service, which will have functional consequences for the transformation of the procedure for selecting and staffing medical institutions of the state and municipal form of control, optimization and ensuring the security of public information resources and transparency in the implementation of public procurement of medicines and medical devices.

**CONCLUSIONS**

The provision of health care is the result of a complex interaction between numerous actors in the health sector. Corruption undermines effective health care delivery, and countering corruption in the health

[37] Про затвердження Методичних рекомендацій щодо діяльності уповноважених підрозділів (уповноважених осіб) з питань запобігання та виявлення корупції : Рішення НАЗК від 13.07.2017 р. № 317. URL: https://zakon.rada.gov.ua/rada/show/v0317884-17#Text.

sector has the potential to strengthen health systems where they have historically been weak. However, due to the complexity and heterogeneity of healthcare systems around the world, a comprehensive understanding of the systemic structures that underlie particular cases and patterns of corrupt behavior is essential to developing an effective anti-corruption strategy for Ukraine. Anti-corruption strategies developed without this understanding are unlikely to lead to significant improvements and may weaken the national health system. Therefore, corruption in the healthcare sector is a problem that requires a systematic approach to develop and successfully implement anti-corruption strategies and obtain results that will lead to a sustainable improvement in the national healthcare system and, as a result, the health of the population.

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