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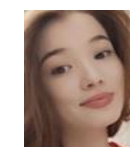
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IDENTIFICATION OF MEDICAL WORKER IN THE MEDICAL SERVICES AREA

Abstract: In accordance with the above regulatory elements that have legal force and function effectively within the territory of the Republic of Kazakhstan, it can be indicated that medical workers, as the basis of their activities, carry out their professional obligations in the field of healthcare by protecting health. The legislation of the Republic of Kazakhstan "On the health of the people and the healthcare system", due to the fact that it is a source of regulation of the professional activities of medical workers, classifies healthcare as a set of measures of a political, economic, legal, social, cultural and medical nature, the vector of which is focused on the suppression and cure of diseases, maintenance of hygiene and sanitation, conservation and improvement physical and mental health of every citizen and providing him with medical assistance in cases of loss of health. Consequently, it can be noted that the legislator provided for an interdisciplinary approach through scientific research by introducing into the normative element the possibility of considering medical and legal relations of medical workers when they perform their professional duties in a political, economic, legal, social, cultural and medical way. Consequently, not only doctors can be directly

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identified as medical professionals. The final provision of the Code of the Republic of Kazakhstan "On the Health of the people and the healthcare system", from the context of which the definition of a medical worker is clear, classifies specific categories of persons who can be recognized as medical workers.

Key words: persecution, victim, personal space, psychological barrier, personal boundaries, moral suffering, non-property asset.

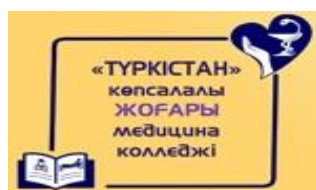
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Introduction



По результатам технического задания грантового проекта КН МОН РК утвержденного приказом Председателя КН МОН РК от «2» марта 2022 года № 27-нж

Citizens engaged in private medical practice can engage in this practice on the basis of a specialized specialist certificate, work experience in this field of surgery and a proper permit – license. It also allows citizens who do not have a medical education to obtain an appropriate certificate after completing a course of primary medical education and engage in medical activities related to diagnosis, treatment and rehabilitation. This significantly expands the range of classification of medical workers' faces. Summarizing the normative analysis of legislative elements that are of direct importance in defining the concept of a medical worker in accordance with the norms adopted, legally valid and effectively functioning within the Republic of Kazakhstan, the following aspects can be distinguished. A medical worker is a person engaged in medical practice on the basis of higher or secondary medical education, and performing labor obligations in a healthcare organization. Thus, after receiving higher medical education, citizens can engage in medical practice in healthcare organizations that, in accordance with regulatory acts, when carrying out their activities, have a political, economic, legal, social, cultural and

medical character for the effective prevention and treatment of diseases. Taking into account the workload of the doctor, the implementation of political, economic, legal, social and cultural measures, the maintenance of public health is also carried out by the technical, economic and administrative staff of the health organization, as well as pharmacological and pharmaceutical workers who provide medical care to patients in accordance with the current legislation of the Republic of Kazakhstan "On the health of the people and the health system". Therefore, on the basis of the current legislation in this area, not only doctors can be among the medical workers. The above indicates the need to define the concept of a medical professional based on its specifics and types. By definition, a medical professional is a person who carries out medical, diagnostic and rehabilitation activities. The characteristics of a medical worker are determined in accordance with the education received, and in its absence - the type of activity. The specifics of the activity of medical workers is the provision of medical services in the field of prevention, diagnosis, treatment, rehabilitation and palliative care.

№	ИРН	Наименование	Заявитель	Научный руководитель	Период реализации	Группа объектов ГНТЭ	Статус	Готовность	Создать
1	AP14972885	Медицинское право: актуальные проблемы модернизации качества человеческих ресурсов посредством совершенствования системы правоотношений между медицинским работником и пациентом	Шалхаров Ернар Сайлаубекович	Шалхаров Ернар Сайлаубекович	2022 - 2024	Конкурс на грантовое финансирование исследований молодых ученых по проекту «Жас галым» на 2022-2024 годы	Подано	100%	Действие

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II. RESEARCH METHODOLOGY AND ETHICAL QUESTIONS.

Description of scientific methods used in the project as a justification of how to achieve the goals

Methodologically, this study assumes the use of three types of methodological tools: externally descriptive, internal-detailed and statistically correlative.

Externally, the descriptive tool involves the use of four types of registration of research results. Cluster systematization of the information array. The present methodological tool assumes grouping of semantic blocks in the text by an order of transition from a greater variable to smaller. It is necessary in the study, since it helps to fix the transition from the general sense to the result being studied. Also, deduction, induction, abstraction and detailing can be included in this group, which find useful use in the analysis of the literature data systematized according to the 2-2-1 system, which assumes two sources of foreign countries, two sources of near abroad and one source of Kazakh writings. Working with the writings in this study is important because it allows us to navigate in the direction of statistical research. Two-dimensional projection of task reflection. This methodological tool assumes a visual analysis of the tasks results. So each section answers one specific task. In accordance with this analysis, we can observe the summation of the results of tasks to achieve a common goal, and we can see a phased achievement of the goal from one task to another.

The catalyzing of literary data by a legal element. This methodological tool makes it possible to note the adaptation of the writings used to the studied territorial space or population.

F.I.N.E.R criterion. In accordance with the F.I.N.E.R criterion, the research question is analyzed from five positions: F-feasible, I-interesting, N-novel, E-ethical, R-relevant

The internal-detailed methodological tool assumes a number of specific scientific and legal methods, the purpose of which is a detailed analysis of elements with vector accentuation of key nuances. There are the following methods:

Multivariate subjective analysis. This scientific and legal tool allows you to conduct a subjective analysis of each of the species, enterprise and activity for the sake of strengths, consisting of mobility, elasticity, flexibility and maneuverability, weaknesses expressed in dependence, rigidity, bureaucracy and fluidity, opportunities expressed in innovation, PR Abilities, spreadability, projectivity and risks, reflected in the loss of time, slow growth, dependence on reputation and disloyalty.

Pyramid of "Lawrence and Wilson" for identification of obligations. This scientific and legal methodological tool involves an analysis of the recognition of the parties' legal personality through a simple formula where the will is summed up with

consciousness, divided into focus and multiplied by motivation. Similarly, the system involves analyzing the legal capacity of the parties, expressed in a simple formula, according to which the patient's awareness is divided into risk, which in turn is greater or equal to the status of the doctor. The third stage of the present pyramid is the consideration of the interests of the parties, expressed in the formula where, the physical state is summed up with the moral state and is divided by the risk multiplied by the intention.

The scale "Mason Awns" on the analysis of rights and obligations. The scientific and legal tools that identify the relationship between the primary and secondary obligations; and public interest in the primary rights, secondary rights and in the personal interest.

System of comparative claims distribution. It presupposes an analysis of court cases for resistance to maneuvers of civil-consumer legal relations between a doctor and a patient in medical law.

A statistically correlated study involves an assessment of the interrelationships between several factors, called variables, not controlled by the researcher, and which in turn is aimed at establishing changes in one variable when the other changes or influences it. Data processing is expected using the SPSS program, which will give greater validity to the results of the study. Since this research is related to such matters as honor, dignity, business reputation and other non-property characteristics of individuals, the application and circulation of a specially developed questionnaire is highly relevant, since it will only be possible to fix a constant based on quantitative data.

Critical points, alternative ways to implement the project. The present study will be conducted on the basis of the Turkestan Multidisciplinary Medical College, AkhmetYassawi International Kazakh-Turkish University, the Academy of Public Administration under the first president of the Republic of Kazakhstan. This allows expanding the scope of research to similar territorial units of other countries in accordance with the memorandums of educational institutions. These countries include Turkey, the Czech Republic, Poland, France, the United States and Turkmenistan. If it is not possible to determine which indicators, it is possible to cooperate with marketing and other firms that can provide personal data for residents of other countries.

The methods used in the project to ensure compliance with the principles and norms of scientific ethics. Project participants will strictly adhere to the principles of scientific ethics, will not allow the scientific data fabrication, falsification, plagiarism, false co-authorship, the use of collective research by individual participants, data and findings obtained in studies without agreement with other participants. All participants in the project have equal rights to the results of the conducted studies.

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Intellectual property rights of participants will be protected accordingly by the law of the Republic of Kazakhstan on intellectual property rights.

Detailed Procedure and Mechanism for Conducting the Research:

This project will be carried out in 3 stages: At the first stage, protocols and manuals, equipment and supplies will be prepared. A primary analysis of the literature data will be carried out, a questionnaire is constructed and the circulation is calculated. At the second stage, there will be work with government agencies, including courts and prosecutorial authorities. Also, the second stage involves working with the subjects of medical activity and collecting information on survey results. The third stage will summarize the results of the studies, which will be reflected in the relevant publications, author certificates, implementation certificates and training materials on medical law: "Basics of Medical Law in the RK", "Advanced Course of Medical Law in the RK", "Progressive Course of Medical Law in RK. All three textbooks will be translated into the state, English and Turkish languages.

Conditions for registration and separation of intellectual property rights for research results:

For the protection of the results of intellectual property of scientific research, it is planned to publish scientific papers in foreign editions in SCOPUS database; Author certificates, training materials, conferences thesis. The results of the research will be implemented in the form of practical recommendations for preventive measures and prevention of medical legal conflicts, as well as methods for their forecasting through alternative algorithms for the functioning of civil law elements in medical legal conflicts in cases involving legal relations and the activities of medical workers.

III. RESULTS.

The types of medical workers include, in addition to doctors and paramedical personnel, pharmacologists, pharmacists, and representatives of traditional folk medicine, as well as economic, technical and administrative personnel of a medical organization (1). Having analyzed the normative principles of identifying the definition of the essence of a medical worker on the basis of the norms of current legislation, as planned, it is necessary to compare it with the results of research of domestic scientific (2), legal and medical literature of a similar direction (3). When analyzing the identification of the concept of a medical worker on the basis of Kazakh studies, it is worth noting the specificity of this concept, which is regulated not so much by medical designations as by legal norms (4). Most of the Kazakh studies on the issues of the activities of medical workers with the designation of their legal status were devoted to a greater extent to the problems expressed in conflict situations with patients (5).

Because of this, most studies have covered such provisions as causing light, medium and serious harm to health by medical workers, insurance of professional liability of medical workers and medical error. Auezova A.M., in her dissertation research conducted at the Kazakh National University named after S.D.Asfendiyarov, notes that the characteristics of the legal status and identification of a medical worker largely depend on the level of legal culture (6). This statement was justified by the heterogeneity of the intellectual and cultural level of the medical staff of the healthcare organization engaged in providing medical services in terms of diagnosis, treatment and rehabilitation. The basis of such a conclusion is the behavioral stereotypes of medical workers in contact with patients, in which practicing clinicians can sometimes make mistakes, which is a fairly good reason for a medical and legal conflict (7). Also in these studies it was noted that in fact, such conflicts have a certain dynamics and tendency, which is characteristic not only for the Republic of Kazakhstan, but also for some other countries of the post-Soviet space, which is caused by a single basis for the formation of the legal system at the time of statehood (8). To resolve such conflicts, another researcher from the Al-Farabi Kazakh National University, K.M. Kozhabek, focused on state regulation of the activities of medical workers in order to improve the quality of public relations arising in the course of professional activity of doctors within a medical organization (9). In his dissertation research, K.M. Kozhabek came to his results through the consideration of the public sector for the supervision of the activities of healthcare organizations. There, he achieved the tasks of determining the social nature of the public sector in the field of public health and analyzing the constitutionally enshrined provisions on the protection of citizens' health with consideration of the historical dynamics of the formation of an integral healthcare system in the Republic of Kazakhstan (10). He also carried out work to identify shortcomings in the regulatory framework in the field of public health and to differentiate the licensing and control and supervisory activities of state bodies in medical and legal organizations (11). These dissertation studies conducted in the city of Almaty have a high theoretical significance in solving the issues of identification of the concept of a medical worker from the standpoint of legal culture (12), since the present characterizes the components of a medical worker. In connection with this interpretation of the results of related studies, the concept of a medical worker is dependent on the level of state supervision (13).

IV. DISCUSSION.

In the Kazakh scientific medical and legal literature, it is quite problematic to identify the general concept of a medical worker. Thus, the dissertation research conducted by Iskakova A.M. in Semey on the

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basis of the State Medical University of Semey and which was devoted to innovative medical and social technologies in nursing at the primary health care level did not give an accurate definition of the term "medical worker" (14). However, due to the narrow focus of the dissertation research topic, the term "socially oriented nurse" showed that socially oriented nurses are recognized as a group of specialists working under the supervision of a doctor or independently, in coordination with a group of specialists of a heterogeneous profile in order to provide medical and social assistance to patients (15). The present presupposes the exercise by this group of specialists of their professional duties in the field of diagnostics and rehabilitation, which is the main characteristic of this category of medical workers. Since nurses are not medical specialists with higher medical education, they cannot independently determine the stages, strategy and methods of treatment, which characterizes their legal status in a medical organization as support staff. The above is the prerogative of doctors (16). The specifics of the nurses' activity is to provide rehabilitation assistance to patients, expressed in care, less often diagnostic services. However, as M. A. Dauletyarova shows in her dissertation research carried out on the basis of the Semey State Medical University, when providing perinatal care, the role of auxiliary personnel can be much higher than the role of doctors themselves directly, which determines the status of a medical worker of auxiliary personnel at a very high level (17). The above is in principle natural, since the main process of the life of a healthcare organization lies with the support staff, which, in addition to nurses, also includes administrative, economic and technical personnel of a medical organization. After all, as mentioned in the above-mentioned norms of the modern legislation of the Republic of Kazakhstan "On the health of the people and the healthcare system" (18), in order to protect the health of citizens, medical organizations in the modern legal space have to interact in the political, economic, cultural and other spheres of state functioning of entities operating in the sector of providing medical services to the population. This characterizes the place and role of support staff in any medical organization (19).

In Astana, Dautbayeva-Mukhtarova A. E. devoted her dissertation to the definition of life and health as an object of civil law in the Republic of Kazakhstan, where she defined the protection of the health of citizens by medical and workers. She noted that the protection of citizens' health is a combination of different mechanisms of a legal, economic, social and medical nature carried out by persons whose activities are carried out within a medical organization in specific specialties. The dissertation work of N. R. Aikumbekov was devoted to the problems of the specifics of the activities of medical workers. He considered aspects of criminal law protection of

citizens' health in the field of human reproduction in the Republic of Kazakhstan. In his dissertation work, he characterized the specifics of the activities of medical workers, which consists in the peculiarities of possession of specific narrowly focused information, the ability to operate under certain conditions and the possibility of using special equipment for the diagnosis, treatment and rehabilitation of patients (20). A different view of such a characteristic was given in the third chapter of the dissertation work by G. R. Rustemova . regarding the problems of responsibility of medical workers for complicity in the commission of a crime, where she noted the problems of the specifics of the work of medical workers with specialized equipment. In the text of this scientific work, it was mentioned that the degree of use of such equipment by medical workers depends on the availability of certain certificates of specialized training and retraining of qualifications. In the field of public health, the certification provision was classified by Dauletkalieva Zh. A. (21) in her work on the development of the concept of mechanisms of joint responsibility of citizens for their health, where she also noted the legal status of the recommendation of a medical worker, depending on his type. In the dissertation work of Turysbekova G. G., devoted to the theoretical problems of regulating the institute of motherhood, it is also noted that the activities of medical workers of different profiles are also contradictory in accordance with its types. A. E. Rakhimbekova (22) came to the same conclusion . in his dissertation work on the issues of competitiveness of medical institutions. There she suggested that the level of medical personnel is also very important for the competitiveness of the institution in which they work, since the level of professionalism of each type of medical workers in the organization is one of the components of the competitiveness of the organization as a whole. For a more complete consideration of the concept of a medical worker, attention should be paid to the level of study of the issue of identifying the characteristics of a medical worker in neighboring countries on the example of the Russian Federation and Ukraine (23).

Based on the provisions given by Professor Sergeev Yu. D. in his book "Fundamentals of Medical Law of Russia", the third section of which was devoted to the legal status of a medical worker, one can notice a composite of heterogeneous elements denoting medical workers. In this textbook on medical law, it was indicated that a circle of individuals who have received education or who carry out their activities in a medical organization can be recognized as medical workers, despite the fact that the professional activity of each type of medical workers is strictly regulated by the relevant legislative norm or an act of the state executive body. Another Russian researcher, L.N. Plekhanova, who wrote the textbook "Medical Law (24): a course of lectures", mentioned

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some other definition in the second section devoted to participants in healthcare relations. In her opinion, citizens providing medical and pharmaceutical services can be recognized as medical workers on the basis of the relevant legal documentation. A fairly clear definition of the term "medical worker" was also given by Riffel A.V. in his work on selected issues of medical law, whose monograph has acquired the character of an educational and methodological manual on medical law in universities with legal and medical specialties of the Russian Federation. In this monograph, the concept of a medical worker was stated on the basis of the current norms of the Russian Federation regarding the regulatory regulation of the healthcare sector, according to which the category of medical workers can indirectly include the personnel of a healthcare organization whose functional responsibilities include certain interaction with patients. Similar results were presented by A.A. Mokhov and V.I. Akopov (25), in the works devoted to medical law with an emphasis on the legal nature of the essence of a medical worker, where they were more inclined to classify the term "medical worker" as a group of persons engaged in their professional activities in the field of healthcare.

V. ACKNOWLEDGEMENTS.

This study was carried out on the basis of a private institution "Higher Multidisciplinary Medical College "Turkestan"", which has a certain room and equipment for conducting research. It is also necessary to note the high level of involvement of the staff of the college, who have made a significant contribution to the development of this topic. As for the student potential, there were many activists who agreed to take part in the research in various positions listed below. These positions include data and positions from the table below. Thus, as a legal experiment, the research group planned a study with

the participation of 16 full-time students in the specialty of nursing. So 8 students participated in an experiment where each of them was given the role of an active stalker and a passive stalker, as well as an active victim and a passive victim. Four students monitored and four students supervised each group of tests.

VI. CONCLUSION.

Summarizing the position of considering employees of non-medical specialties working in healthcare organizations as healthcare workers, it is important to note their place in a medical institution, according to which the staff of any medical organization can be divided into two types: main staff and auxiliary staff. The main staff is directly involved in diagnosis, treatment and rehabilitation. The support staff is engaged in ensuring the effective implementation of their professional duties by the main staff. Although non-medical staff are not directly connected with patients, nevertheless their place in the activities of a medical institution is very significant both legally and in practical production. Legislatively, it can be noted that a medical organization performs health, economic, political, social and legal functions in the field of healthcare. In practice, it can also be noted that the role of non-medical specialists in the organization of healthcare, although it does not involve direct contact with patients, is very significant for the life of any medical institution. Consequently, they can also be attributed to health care workers of the auxiliary staff.

VII. RECOMMENDATION.

In Kazakhstan Republic medical law system it is actual to identify general concept of medical worker in the system of healthcare services not only from the governmental side but, from the position of private healthcare services.

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