

Letter of the Ministry of Health of the Russian Federation dated 30.09.2021 No. 17-6/I/2-15861 "On the observance of the rights of foreign citizens and stateless persons to health protection and medical care"

**MINISTRY OF HEALTH OF THE RUSSIAN FEDERATION
LETTER**

dated September 30, 2021 N 17-6/I/2-15861

The Ministry of Health of the Russian Federation informs in order to respect the rights of foreign citizens and stateless persons to health protection and medical care.

In accordance with article 41 of the Constitution of the Russian Federation, everyone has the right to health protection and medical care, which is provided to citizens free of charge in state and municipal health institutions at the expense of the relevant budget, insurance premiums, and other income.

Article 62 of the Constitution of the Russian Federation defines those foreign citizens and stateless persons enjoy rights and duties in the Russian Federation on an equal basis with citizens of the Russian Federation, except in cases established by federal law or an international treaty of the Russian Federation.

According to Part 3 of Article 19 of Federal Law No. 323-FZ dated 11/21/2011 "On the Basics of Public Health Protection in the Russian Federation", the right to medical care for foreign citizens residing and staying in the territory of the Russian Federation is established by the legislation of the Russian Federation and relevant international treaties of the Russian Federation. Stateless persons permanently residing in the Russian Federation enjoy the right to medical care on an equal basis with citizens of the Russian Federation, unless otherwise provided by international treaties of the Russian Federation.

The rules for providing medical care to foreign citizens in the territory of the Russian Federation were approved by Decree of the Government of the Russian Federation No. 186 dated 06.03.2013 (hereinafter referred to as the Rules). Paragraph 3 of the Rules establishes that medical care in an emergency form in case of sudden acute diseases, conditions, exacerbation of chronic diseases that pose a threat to the patient's life is provided to foreign citizens by medical organizations free of charge.

In accordance with paragraph 5 of the Rules, ambulance, including specialized ambulance, medical care is provided to foreign citizens in cases of diseases, accidents, injuries, poisoning and other conditions requiring urgent medical intervention.

Medical organizations of the state and municipal health care systems provide this medical care to foreign citizens free of charge.

According to paragraph 6 of the Rules, medical care in an emergency form (with the exception of emergency, including emergency specialized medical care) and planned form is provided to foreign citizens in accordance with contracts for the provision of paid medical services or voluntary medical insurance contracts and

(or) contracts concluded in favor of foreign citizens in the field of compulsory medical insurance.

Based on paragraph 7 of the Rules, medical care in a planned form is provided on condition that a foreign citizen submits written guarantees of fulfillment of the obligation to pay the actual cost of medical services or prepayment of medical services based on the expected volume of provision of these services, as well as the necessary medical documentation (extract from the medical history, data from clinical, X-ray, laboratory and other studies) if available.

At the same time, according to paragraph 11 of the Rules, if an international treaty of the Russian Federation establishes a different procedure for providing medical care to foreign citizens, the rules of the international treaty apply.

It should also be noted that in accordance with paragraph 4 of the Rules, foreign citizens who are insured persons in accordance with Federal Law No. 326-FZ dated 29.11.2010 "On Compulsory Medical Insurance in the Russian Federation" (hereinafter - Federal Law No. 326-FZ) are entitled to free medical care within the framework of compulsory medical insurance.

The relations arising in connection with the implementation of compulsory medical insurance, including the legal status of subjects and participants of the specified type of insurance, the grounds for the emergence of their rights and obligations, guarantees of their implementation, are regulated by the provisions of Federal Law No. 326-FZ.

In accordance with part 1 of Article 10 of Federal Law No. 326-FZ, insured persons under compulsory medical insurance are citizens of the Russian Federation, foreign citizens permanently or temporarily residing in the Russian Federation, stateless persons (with the exception of highly qualified specialists and their family members, as well as foreign citizens engaged in labor activity in the Russian Federation in accordance with in accordance with Article 13.5 of Federal Law No. 115-FZ dated 25.07.2002 "On the Legal Status of Foreign Citizens in the Russian Federation"), as well as persons, those who have the right to medical care in accordance with Federal Law No. 4528-1 "On Refugees" dated 19.02.1993.

In accordance with part 1 of Article 16 of Federal Law No. 326-FZ, insured persons have the right to free medical care provided to them by medical organizations upon the occurrence of an insured event throughout the territory of the Russian Federation in the amount established by the basic program of compulsory medical insurance; in the territory of the subject of the Russian Federation in which the compulsory medical insurance policy was issued - in the amount established by the territorial compulsory medical insurance program, as well as at the choice of an insurance medical organization by submitting an application in accordance with the procedure established by the Rules of Compulsory Medical Insurance approved by Order of the Ministry of Health of the Russian Federation dated 28.02.2019 N 108n (hereinafter - Rules of compulsory medical insurance), and the choice of a medical organization from medical organizations participating in the implementation of the territorial program of

compulsory medical insurance in accordance with the legislation of the Russian Federation.

The procedure for submitting an application for selection (replacement) The list of documents required to obtain a compulsory medical insurance policy by foreign citizens and stateless persons permanently or temporarily residing in the Russian Federation is determined by the Rules of Compulsory Medical Insurance.

Thus, foreign citizens and stateless persons who have a residence permit in the Russian Federation or a temporary residence permit, as well as persons entitled to medical care in accordance with Federal Law No. 4528-1 "On Refugees" dated 19.02.1993, are subject to compulsory medical insurance, compulsory medical They receive medical care at the expense of compulsory medical insurance funds on an equal basis with citizens of the Russian Federation.

We also inform you that in accordance with the Treaty on the Eurasian Economic Union dated 29.05.2014 and the Rules of Compulsory Medical Insurance, foreign workers temporarily staying in the territory of the Russian Federation are foreign citizens of the member States of the Eurasian Economic Union (hereinafter referred to as the worker of the state - member of the EAEU), as well as members of the Board of the Eurasian Economic Commission working in the territory of the Russian Federation (hereinafter referred to as members of the Board of the Commission), officials (citizens of the EAEU member States appointed to the positions of directors of departments of the Eurasian Economic Commission and deputy directors of departments of the said Commission), employees of the EAEU bodies located in the territory of the Russian Federation (citizens of States - members of the EAEU who are not officials, on the basis of employment contracts (contracts) concluded with them, have the right to choose or replace an insurance medical organization by submitting an application and obtaining a compulsory medical insurance policy. Medical care for this category of citizens of the EAEU member States is provided in accordance with the compulsory medical insurance policy.

Medical care is provided to citizens of the Republic of Belarus in accordance with the Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on the procedure for providing medical care to citizens of the Russian Federation in healthcare institutions of the Republic of Belarus to citizens of the Republic of Belarus in healthcare institutions of the Russian Federation dated January 24, 2006.

The Ministry of Health of the Russian Federation proposes to bring this information to the attention of all heads of medical and other organizations engaged in medical activities, as well as specialist doctors.

E.G.KAMKIN