

THE RIGHTS OF FOREIGN CITIZENS TO RECEIVE MEDICAL CARE IN THE RUSSIAN FEDERATION

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 that 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.

Article 2 of Federal Law No. 115-FZ of July 25, 2002 "On the Legal Status of Foreign Citizens in the Russian Federation" defines that a foreign citizen in the Russian Federation is an individual who is not a citizen of the Russian Federation and has proof of citizenship (citizenship) of a foreign state, and a stateless person is an individual who is not who is a citizen of the Russian Federation and does not have proof of citizenship (citizenship) of a foreign state.

Paragraph 1 of Article 2 of Federal Law No. 115-FZ of July 25, 2002 "On the Legal Status of Foreign Citizens in the Russian Federation" provides for the statuses and conditions of legality of the stay (stay or residence) of a foreign citizen on the territory of the Russian Federation if he has the appropriate valid documents), namely:

- A foreign citizen temporarily staying in the Russian Federation - a person who is in the Russian Federation on the basis of a visa or who arrived in the Russian Federation in a manner that does not require a visa and has received a migration card, except in cases provided for by an international treaty of the Russian Federation, or a temporary identity card of a stateless person in the Russian Federation, or a certificate of consideration of an application for recognition as a refugee in the territory of the Russian Federation in essence, either a refugee certificate or a certificate of temporary asylum in the territory of the Russian Federation, but who does not have a residence permit, a temporary residence permit or a temporary residence permit for the purpose of obtaining education;
- A foreign citizen temporarily residing in the Russian Federation is a person who has received a temporary residence permit or a temporary residence permit for the purpose of obtaining education;
- A foreign citizen permanently residing in the Russian Federation is a person who has received a residence permit.

The Treaty on the Eurasian Economic Union of May 29, 2014 provides for issues of social security (social insurance) for citizens of the participating states

engaged in labor activity on the territory of the Russian Federation, while affecting the sphere of compulsory medical insurance.

In accordance with Article 19 of Federal Law No. 323-FZ dated November 21, 2011 "On the Basics of Protecting the Health of Citizens in the Russian Federation", everyone has the right to guaranteed medical care provided without charge in accordance with the program of state guarantees of free medical care to citizens, as well as to receive paid medical services and other services, including in accordance with the voluntary medical insurance contract.

Based on the norms of Part 3 of Article 19 of Federal Law No. 323-FZ dated November 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 for by international treaties of the Russian Federation.

Decree of the Government of the Russian Federation No. 186 dated March 06, 2013 approved the "Rules for providing medical care to foreign citizens in the territory of the Russian Federation" (hereinafter – the Rules). These Rules determine the procedure for providing medical care to foreign citizens on the territory of the Russian Federation.

Paragraph 2 of these Rules defines that medical care for foreign citizens permanently or temporarily residing in the Russian Federation, as well as temporarily staying on the territory of the Russian Federation, is provided by medical and other organizations engaged in medical activities, regardless of their organizational and legal form, as well as individual entrepreneurs engaged in medical activities (hereinafter referred to as medical organizations).

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.

Paragraph 5 of the Rules stipulates that 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 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 necessary medical documentation (extracts from medical history, data from clinical, radiological, 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.

In accordance with paragraph 4 of the Rules, foreign citizens who are insured persons in accordance with Federal Law No. 326-FZ of November 29, 2010 "On Compulsory Medical Insurance in the Russian Federation" are entitled to free medical care within the framework of compulsory medical insurance. The provisions of this Federal Law regulate relations arising in connection with the implementation of compulsory medical insurance, including the legal status of subjects and participants of this type of insurance, the grounds for their rights and obligations, and guarantees of their implementation.

In accordance with Part 1 of Article 10 of Federal Law No. 326-FZ of November 29, 2010 "On Compulsory Medical Insurance in the Russian Federation", insured persons for compulsory medical insurance are citizens of the Russian Federation permanently or temporarily residing in the Russian Federation, foreign citizens, stateless persons (with the exception of highly qualified specialists and their members families, as well as foreign citizens, working in the Russian Federation in accordance with Article 13.5 of Federal Law No. 115-FZ of July 25, 2002 "On the Legal Status of Foreign Citizens in the Russian Federation"), as well as persons entitled to medical care in accordance with Federal Law No. 4528-1 of February 19, 1993 "On Refugees".

In accordance with Part 1 of Article 16 of Federal Law No. 326-FZ of November 29, 2010 "On Compulsory Medical Insurance in the Russian Federation", insured persons have the right to free medical care provided to them by medical organizations upon the occurrence of an insured event throughout 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 No. 108n of the Ministry of Health of the Russian Federation dated February 28, 2019 (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 February 19, 1993:

- are subject to compulsory medical insurance, compulsory medical insurance policies for them they are issued in accordance with the Rules of compulsory medical insurance;
- medical care at the expense of compulsory medical insurance is provided to them on an equal basis with citizens of the Russian Federation.

In addition, in accordance with the Treaty on the Eurasian Economic Union of May 29, 2014 and the Rules of Compulsory Medical Insurance, foreign workers temporarily staying in the territory of the Russian Federation from the member States of the Eurasian Economic Union (hereinafter referred to as the worker of the EAEU member State), 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 States - members of the EAEU 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 on the territory of the Russian Federation (citizens of the EAEU member States who are not officials, on the basis of employment contracts (contracts) concluded with them), have the right to choose or replace medical insurance organizations by submitting an application and obtaining a compulsory health 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.

Administration.