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## CONCEPTUAL APPROACHES TO THE SYSTEM OF PRINCIPLES FOR FORMATION AND IMPLEMENTATION OF PUBLIC HEALTH POLICY

**Abstract. Purpose.** The purpose of the article is to reveal the conceptual approaches to the system of principles for the formation and implementation of public health policy based on a systematic analysis of the integration of administrative and medical law. **Results.** The principles of formation and implementation of public health policy are the basic ideas and principles that determine the main areas, methods and means of designing and implementing state measures to protect the health of the population, and which are characterised by systematicity, consistency, universality, stability, substantive certainty and mandatory nature, and reflect social needs, political, economic and moral principles aimed at ensuring the right to health, access to medical services, protection of the rights of patients and medical personnel, and contribute to improving the overall health of society. **Conclusions.** The following classification of the principles of formation and implementation of public health policy is proposed: 1) general principles of public policy: – legality (compliance of all decisions and actions with the Constitution, laws of Ukraine and international treaties); – fairness (ensuring equal access to medical services and appropriate conditions for the realisation of the right to health); – transparency and openness (open access to information on healthcare policy, processes and results); 2) principles of patient-centredness: – accessibility (equal access to medical and rehabilitation services for all citizens regardless of their social status or place of residence); – patient-centredness (priority of patients' health and safety); – inclusiveness and barrier-free (ensuring conditions for all groups of the population, including people with disabilities, to receive medical care); 3) principles of effectiveness and efficiency: – scientific validity (implementation of solutions based on scientific research and evidence-based medicine); – efficiency (maximisation of results with optimal use of resources); – effectiveness (focus on achieving specific, measurable results in improving public health); 4) principles of financial and logistical support: – multichannel financing (use of different sources of financing to ensure the sustainability of the healthcare system); – logistical support (provision of necessary equipment, technologies and medicines); – economic feasibility (decision-making based on the analysis of economic consequences and efficient use of resources); 5) principles of good governance and organisation: – decentralisation (redistribution of powers between central and local authorities); – self-governance (granting healthcare institutions and their employees autonomy in decision-making); – inter-sectoral cooperation (coordination of actions between different sectors and agencies to achieve common healthcare goals); 6) principles of innovation and development: – innovation (constant updating of methods and approaches to medical care; introduction of the latest medical technologies, telemedicine and digital solutions); – interoperability (formation of a single medical information space to ensure data exchange between different systems and institutions); 7) principles of public health, social responsibility and public participation: – the principle of humanistic orientation (priority of universal values and interests of citizens over other interests); – the principle of social responsibility (recognition of the joint responsibility of the state, society and individuals for the health of the population); – public participation (involvement of the public in the formation and implementation of health policy); – solidarity (support and assistance to vulnerable groups of the population through solidarity mechanisms).

**Key words:** administrative law, public policy, accessibility, health, medical care, medical services, healthcare, patient, principles, actors.

### 1. Introduction

Health policy is a complex political phenomenon, determined by diverse and complex factors. In today's context, it is

based on a comprehensive, non-departmental approach, as health has become a social issue worldwide and is in the focus of government planners, economists, public health

professionals, policy researchers, representatives of NGOs and supranational organisations, and remains the domain of the state, which is politically and legally responsible for measures and interventions to ensure the health of the population, moreover, serves as an indicator of the humanisation of social relations, social health of society and responsibility of the authorities [5, p. 288–299].

Modern studies emphasise the need to develop and implement public policy that would meet the needs of society and address current challenges. Issues that focus on an integrated approach to reforming the healthcare system in the context of administrative law are covered in the works by scholars such as: V. Averianov, I. Buriak, Z. Hladun, D. Homon, H. Muliar, A. Kuchur, A. Manzhula, A. Markina, S. Sabluk, O. Sidelkovskiy, E. Sobol, S. Stetsenko, O. Yunin, and others.

Moreover, given the difficult political, social and environmental conditions of the Ukrainian population, it is essential to develop new administrative and legal approaches and mechanisms that will ensure quality healthcare and the readiness of the healthcare system to respond to global threats.

The purpose of the article is to reveal the conceptual approaches to the system of principles for the formation and implementation of public health policy based on a systematic analysis of the integration of administrative and medical law.

## 2. Implementation of public health policy

Aware of the importance of the issues of administrative and legal support of regional health care, N.V. Shevchuk suggests that the principles of the administrative and legal framework for health care at the regional level should be understood as the defining ideas underlying the development of public policy for the organisation and direct provision of medical care, ensuring and protecting the rights of recipients and providers of medical services, and promoting the improvement of the health status of the region (Shevchuk, 2013, pp. 80–86).

Therefore, the principles of formation and implementation of public health policy are the basic ideas and principles that determine the main areas, methods and means of designing and implementing state measures to protect the health of the population, and which are characterised by systematicity, consistency, universality, stability, substantive certainty and mandatory nature, and reflect social needs, political, economic and moral principles aimed at ensuring the right to health, access to medical services, protection of the rights of patients and medical personnel, and contribute to improving the overall health of society.

According to the Fundamentals of Ukrainian legislation on health care, the main principles of healthcare in Ukraine are: recognition of healthcare as a priority area of activity of society and the state, one of the main factors of survival and development of the people of Ukraine; observance of human and civil rights and freedoms in the field of healthcare and provision of related state guarantees; humanistic orientation, ensuring the priority of universal human values over class, national, group or individual interests, enhanced medical and social protection of the most vulnerable segments of the population; equality of citizens, democracy and universal access to medical and rehabilitation care and other healthcare services; compliance with the tasks and level of socio-economic and cultural development of society, scientific validity, logistical and financial support; focus on modern standards of health, medical and rehabilitation care, use of modern digital technologies, telemedicine and tele-rehabilitation, combination of national traditions and achievements and the best international experience in healthcare; preventive and prophylactic nature, integrated social, environmental, medical and rehabilitation approach to healthcare; a multi-faceted healthcare economy and multi-channel financing, a combination of state guarantees with demonopolisation and encouragement of entrepreneurship and competition; decentralisation of public administration, development of self-governance of institutions and independence of healthcare workers on a legal and contractual basis; formation of a unified medical information space as a set of databases, technologies for their maintenance and use, information and communication systems operating on the basis of common principles and general rules, as well as on the basis of interoperability, integration and implementation of e-health tools; compliance with the principles of barrier-free and inclusive provision of medical and/or rehabilitation care, including the use of telemedicine methods and tools (Law of Ukraine Fundamentals of Ukrainian legislation on health care, 1992).

## 3. Systems of principles for the formation of public health policy

Furthermore, the Law of Ukraine 'On the public health system' provides for that the public health system in Ukraine operates in compliance with the following basic principles: 1) legitimacy – compliance with the Constitution and laws of Ukraine and international treaties of Ukraine; 2) fairness – creation of appropriate conditions for everyone to exercise the right to health and ensure equal access to healthcare services in accordance with the needs throughout life; 3) integrity –

a holistic approach to health and recognition of the unity of its physical, mental, psychological, spiritual and social aspects; 4) population-oriented – priority of the interests of health and safety of the population in the organisation and provision of services in the public health system; 5) harm minimisation – systematic elimination or reduction of negative consequences for human health from various types of human behaviour and activities; 6) participation and responsibility – involvement of society in the implementation of operational functions of public health, implementation of measures and mutual responsibility of the individual and the state for actions or inaction in the field of public health; 7) timeliness – prompt implementation of measures necessary to ensure the protection of public health, applied in the presence of potential risks to the health and epidemic well-being of the population; 8) inter-sectoral cooperation – coordination of activities of state authorities and local self-government bodies in the field of public health; 9) implementation of best international practices – international cooperation and focus on timely and proper implementation of best international practices in the field of public health based on evidence; 10) decision-making validity – decision-making in the field of public health based on a preliminary analysis of the consequences, including economic, security and strategic, as well as economic feasibility; 11) combating discrimination against health – prevention of discrimination on the basis of disability and health status, overcoming stigma against people with diseases (Law of Ukraine On the Public Health System, 2022).

The principles of reforming the sector and forming a new public health policy in the country should be: fairness; solidarity; focus on improving public health; focus on meeting the fair needs of the population; focus on improving the quality of health care; effectiveness; efficiency; public participation in policy making (Semyhina, 2014), according to modern researchers (Spivak, 2015, pp. 288–299).

N.V. Shevchuk proposes the following variant of classification of the principles of the administrative and legal framework for health care at the regional level, according to which it is necessary to distinguish between two groups of principles: 1) of the national focus: – a combination of national traditions and foreign experience in organising and providing medical care; – preventive orientation of medical care; – a combination of centralisation and decentralisation of health care; 2) of a mainly regional focus: – accessibility of medical care; – priority

of development of the administrative and legal framework for primary healthcare; – planning of the use of medical service forces and means at the regional level (Shevchuk, 2013, pp. 80–86).

According to V.M. Kliuzko, Ukraine should be guided by the experience of Western countries and the European Union in its development and building of statehood, development of social sectors, namely the healthcare sector. Activities in this area should be based on the following principles and in compliance with the following requirements and principles: – openness, which implies active communication with the public regarding the tasks and responsibilities of various authorities and state institutions, as well as decisions made by them; – participation, which implies that citizens and their organisations are not perceived as passive objects (or actors) of policy and administrative decisions, but as direct, active and interested parties with the right to participate in the administrative decision-making process at all stages of policy – from the initial stages and throughout the entire policy and management cycle; – accountability, which is based on the principles of the European right to ‘good administration’ (‘right to good administration’ / European Charter of Fundamental Rights, Article 41), in addition to traditional types of responsibility (political and administrative), also provides for the obligation of the authorities to respond to the needs of citizens; – effectiveness: public policy, legislative and regulatory systems should respond to real social needs, have clear objectives and be adopted based on an assessment of their expected impact and previous experience; – coherence requires not only political leadership, but also greater consistency between different instruments, policy mechanisms and different strategies to address the same reality (Kliuzko, 2013).

#### 4. Conclusions

In our opinion, the following classification of the principles of formation and implementation of public health policy can be proposed:

##### 1) General principles of public policy:

- Legality (compliance of all decisions and actions with the Constitution, laws of Ukraine and international treaties);
- Fairness (ensuring equal access to medical services and appropriate conditions for the realisation of the right to health);
- Transparency and openness (open access to information on healthcare policy, processes and results);

##### 2) Principles of patient-centredness:

- Accessibility (equal access to medical and rehabilitation services for all citizens regardless of their social status or place of residence);

– Patient-centredness (priority of patients' health and safety);

– Inclusiveness and barrier-free (ensuring conditions for all groups of the population, including people with disabilities, to receive medical care);

3) Principles of effectiveness and efficiency:

– Scientific validity (implementation of solutions based on scientific research and evidence-based medicine);

– Efficiency (maximisation of results with optimal use of resources);

– Effectiveness (focus on achieving specific, measurable results in improving public health);

4) principles of financial and logistical support:

– Multichannel financing (use of different sources of financing to ensure the sustainability of the healthcare system);

– Logistical support (provision of necessary equipment, technologies and medicines);

– Economic feasibility (decision-making based on the analysis of economic consequences and efficient use of resources);

5) Principles of good governance and organisation:

– Decentralisation (redistribution of powers between central and local authorities);

– Self-governance (granting healthcare institutions and their employees autonomy in decision-making);

– Inter-sectoral cooperation (coordination of actions between different sectors and agencies to achieve common healthcare goals);

6) Principles of innovation and development:

– Innovation (constant updating of methods and approaches to medical care; introduction of the latest medical technologies, telemedicine and digital solutions);

– Interoperability (formation of a single medical information space to ensure data exchange between different systems and institutions);

7) Principles of public health, social responsibility and public participation:

– Humanistic orientation principle (priority of universal values and interests of citizens over other interests);

– Social responsibility principle (recognition of the joint responsibility of the state, society and individuals for the health of the population);

– Public participation (involvement of the public in the formation and implementation of health policy);

– Solidarity (support and assistance to vulnerable groups of the population through solidarity mechanisms).

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## КОНЦЕПТУАЛЬНІ ПІДХОДИ ДО СИСТЕМИ ПРИНЦИПІВ ФОРМУВАННЯ ТА РЕАЛІЗАЦІЇ ДЕРЖАВНОЇ ПОЛІТИКИ У СФЕРІ ОХОРОНИ ЗДОРОВ'Я

**Анотація. Мета.** Мета статті полягає в тому, щоб на основі системного аналізу інтеграції адміністративного та медичного права, розкрити концептуальні підходи до системи принципів формування та реалізації державної політики у сфері охорони здоров'я. **Результати.** Принципи формування та реалізації державної політики у сфері охорони здоров'я – це базові ідеї та засади, які визначають основні напрями, методи та засоби створення і впровадження державних заходів щодо охорони здоров'я населення, що характеризуються системністю, узгодженістю, універсальністю, стабільністю, предметною визначеністю та загальнообов'язковістю, та відображають суспільні потреби, політичні, економічні та моральні засади, спрямовані на забезпечення права на здоров'я, доступу до медичних послуг, захисту прав пацієнтів та медичного персоналу, а також сприяють покращенню загального стану здоров'я суспільства. **Висновки.** Запропоновано наступну класифікацію принципів формування та реалізації державної політики у сфері охорони здоров'я: 1) загальні принципи державної політики: – законність (відповідність усіх рішень та дій Конституції, законам України та міжнародним договорам); – справедливість (забезпечення рівного доступу до медичних послуг та належних умов для реалізації права на здоров'я); – прозорість та відкритість (відкритий доступ до інформації про політику, процеси та результати у сфері охорони здоров'я); 2) принципи орієнтованості на пацієнта: – доступність (рівний доступ до медичних та реабілітаційних послуг для всіх громадян незалежно від їх соціального статусу чи місця проживання); – орієнтованість на пацієнта (пріоритет інтересів здоров'я та безпеки пацієнтів); – інклюзивність та безбар'єрність (забезпечення умов для отримання медичної допомоги всіма групами населення, включаючи людей з інвалідністю); 3) принципи ефективності та результативності: – наукова обґрунтованість (впровадження рішень на основі наукових досліджень та доказової медицини); – ефективність (максимізація результатів при оптимальному використанні ресурсів); – результативність (орієнтація на досягнення конкретних, вимірюваних результатів у покращенні здоров'я населення); 4) принципи фінансової та матеріально-технічної забезпеченості: – багатоканальність фінансування (використання різних джерел фінансування для забезпечення стійкості системи охорони здоров'я); – матеріально-технічна забезпеченість (забезпечення необхідного обладнання, технологій та медикаментів); – економічна доцільність (прийняття рішень на основі аналізу економічних наслідків та ефективного використання ресурсів); 5) принципи належного управління та організації: – децентралізація (перерозподіл повноважень між центральними та місцевими органами влади); – самоврядування (надання закладам охорони здоров'я та їх працівникам автономії у прийнятті рішень); – міжгалузеве співробітництво (координація дій між різними секторами та відомствами для досягнення загальних цілей у сфері охорони здоров'я); 6) принципи інновацій та розвитку: – інноваційність (постійне оновлення методів та підходів до надання медичної допомоги; впровадження новітніх медичних технологій, телемедицини та цифрових рішень); – інтероперабельність (формування єдиного медичного інформаційного простору для забезпечення обміну даними між різними системами та установами); 7) принципи забезпечення громадського здоров'я, соціальної відповідальності та участі громадськості: – принцип гуманістичної спрямованості (пріоритет загальнолюдських цінностей та інтересів громадян над іншими інтересами); – принцип соціальної відповідальності (визнання спільної відповідальності держави, суспільства та індивідів за здоров'я населення); – участь громадськості (залучення громадськості до формування та реалізації політики охорони здоров'я); – солідарність (підтримка та допомога вразливим групам населення через солідарні механізми).

**Ключові слова:** адміністративне законодавство, державна політика, доступність, здоров'я, медична допомога, медичні послуги, охорона здоров'я, пацієнт, принципи, суб'єкти.