

Free medical care can be provided by state, municipal and private medical facilities

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On 18th August 2010 the Federal Antimonopoly Service (FAS Russia) initiated a case against the Government of Zabaikalye region (further on referred to as the Zabaikalye Government) upon the signs of violating Part 1 Article 15 of the Federal Law “On Protection of Competition”.

The case was initiated upon a complaint of No.107 Clinic Federal State Medical Enterprise of the Federal Medical-and-Biological Agency regarding the Decree of the Zabaikalye Government “On Approving the 2010 Programme of Government Guarantees for Providing Free Medical Care to the citizens of the Russian Federation in Zabaikalye region”, according to which No.107 Clinic was not included on the List of medical facilities participating in the Programme.

The Programme includes only state and municipal facilities of the constituent territory of the Russian Federation (the Zabaikalye region) and industry-sponsored facilities.

According to No.107 Clinic, not including the Clinic in the Programme for the government guarantees for providing free medical care to the citizens of the Russian Federation violated the rights and legitimate interests of No.107 Clinic as a subject of medical activities.

FAS Russia's position is that medical facilities of any form of ownership have the right to participate in regional programs for the government guarantees for providing free medical care to the citizens of the Russian Federation (the Regional Programmes). Including only state and municipal facilities and industry-sponsored facilities in the Regional Programmes has the signs of violating the antimonopoly law.

Part 1 Article 15 of the Federal Law “On Protection of Competition” prohibits the authorities to pass acts and undertake actions (omissions) which lead or can lead to preventing, restricting or eliminating competition.

The case will be considered on 6th September 2010.