

LAW OF THE REPUBLIC OF UZBEKISTAN
ABOUT PSYCHIATRIC HELP

I. GENERAL PROVISIONS

Article 1. Purpose of this Law

The purpose of this Law is to regulate relations in the field of psychiatric care.

Article 2. Legislation on psychiatric care

The legislation on psychiatric care consists of this Law and other legislative acts.

If an international treaty of the Republic of Uzbekistan establishes rules other than those stipulated by the legislation of the Republic of Uzbekistan on psychiatric care, then the rules of the international treaty apply.

Article 3. Scope of this Law

The effect of this Law applies to citizens of the Republic of Uzbekistan in the provision of psychiatric care and applies to legal entities specializing in the provision of psychiatric care in the territory of the Republic of Uzbekistan.

(Part one of Article 3 as amended by the Law of the Republic of Uzbekistan dated December 21, 2011 No. 3PY-311 - C3 PY, 2011, No. 51, Article 542)

Foreign citizens and stateless persons located on the territory of the Republic of Uzbekistan, when rendering psychiatric care to them, enjoy all the rights established by this Law, on an equal basis with citizens of the Republic of Uzbekistan.

Article 4. Psychiatric care and principles for its provision

Psychiatric care includes mental health screening, prevention, diagnosis, treatment, care, medical and social rehabilitation of persons suffering from mental disorders, on the grounds and in the manner established by this Law and other legislative acts.

Psychiatric care for persons with mental disorders is guaranteed by the state and is based on the principles of legality, mercy, humanity and respect for the rights and freedoms of man and citizen.

Article 5. Guarantees for the provision of psychiatric care and social protection

The state guarantees:

emergency psychiatric care;

consultative and diagnostic, medical, psychoprophylactic, rehabilitation assistance in community-acquired and inpatient settings;

all types of psychiatric examination, determination of temporary disability;

social and legal assistance and assistance in the employment of persons with mental disorders;

resolving issues of custody and guardianship;

legal advice and other types of legal assistance in psychiatric institutions;

social welfare of the disabled and the elderly suffering from mental disorders, as well as caring for them;

training for people with disabilities and minors with mental disorders;

psychiatric emergency care.

To provide persons with mental disorders with psychiatric help and their social protection, the state:

creates all types of institutions providing community-based and in-patient psychiatric care;

organizes the receipt of general education and vocational training for minors suffering from mental disorders;

creates medical production enterprises for labor therapy, training in new professions and employment at these enterprises of persons with mental disorders, including persons with disabilities, as well as special production facilities, workshops or sections with facilitated working conditions for such persons;

establishes mandatory quotas of jobs at enterprises, institutions and organizations of various profiles for the employment of persons with disabilities suffering from mental disorders;

applies methods of economic incentives for enterprises, institutions and organizations that provide jobs for persons with disabilities suffering from mental disorders;

takes other measures necessary for social support of persons suffering from mental disorders.

Article 6. Voluntary Appeal for Psychiatric Care

Psychiatric care is provided upon voluntary treatment of a person or with his consent, with the exception of cases provided for by this Law.

Psychiatric assistance is provided to a minor under the age of fourteen years of age, as well as to a person recognized as legally incompetent, upon request or with the consent of their legal representatives in the manner prescribed by this Law.

Article 7. Rights of Persons with Mental Disorders

Persons suffering from mental disorders have all the rights and freedoms of citizens provided for by the Constitution of the Republic of Uzbekistan.

Persons with mental disorders, when providing them with psychiatric care, have the right to:

respectful and humane attitude, excluding the humiliation of human dignity;

obtaining information about their rights, as well as in an accessible form for them and taking into account their mental state, information about the nature of their mental disorders and the methods of treatment used;

receiving it in the least restrictive conditions, if possible, at the place of residence;

all types of treatment (including sanatorium-resort) for medical reasons;

getting it in conditions that meet sanitary and hygienic requirements;

prior consent and refusal at any stage of the use of medical devices and methods, scientific research or the educational process, as well as photo, video or film shooting as an object of testing;

an invitation at their request to any specialist to work in the medical commission on issues regulated by this Law;

assistance of a lawyer, legal representative or other person in the manner prescribed by law.

Persons with mental disorders may also have other rights when they are provided with psychiatric care in accordance with the law.

Restriction of the rights and freedoms of persons suffering from mental disorders (only on the basis of a psychiatric diagnosis, the facts of being under clinical supervision, in a psychiatric hospital or in a psychiatric institution for social security or special education, etc.) is not allowed, except as provided by law. Officers responsible for such violations are liable in accordance with the law.

Article 8. Restrictions on the performance of certain types of professional activity and activities associated with a source of increased danger

A citizen may be temporarily (for a period of not more than five years and with the right of subsequent re-examination) deemed unfit due to a mental disorder to perform certain types of professional activities and activities related to a source of increased danger. Such a decision is made by a medical commission authorized by the health authority, based on an assessment of the citizen's

mental health status in accordance with the list of medical psychiatric contraindications and can be appealed to a court.

The list of medical contraindications for the implementation of certain types of professional activities and activities related to a source of increased danger is approved by the Cabinet of Ministers of the Republic of Uzbekistan and is periodically (at least once every five years) reviewed according to experience and scientific achievements.

Article 9. Representation of the rights and legitimate interests of citizens who receive psychiatric care

A citizen, when providing him with psychiatric care, has the right to invite a representative of his choice to protect his rights and legitimate interests. Registration of the representative office is carried out in the manner prescribed by law.

The rights and legitimate interests of a minor under the age of fourteen and a person recognized as legally incompetent are protected by parents, adoptive parents or other legal representatives in the provision of psychiatric care, and in cases of absence, the administration of a psychiatric institution for social security or special education.

A citizen may protect the rights and legitimate interests of a citizen when providing him with psychiatric care. The procedure for inviting a lawyer and paying for his services is established by law. The administration of a psychiatric institution provides the opportunity to invite a lawyer, except as provided for in the second paragraph of the first part of Article 21 and the second paragraph of Article 27 of this Law.

Article 10. Prohibition of mental health information

When a citizen exercises his rights and freedoms, the requirement to provide information about his mental health status or to be examined by his psychiatrist is prohibited, except in cases established by law.

Article 11. Preservation of medical confidentiality in the provision of psychiatric care

Information about a citizen having a mental disorder, facts of applying for psychiatric help and treatment at the institution that provides such assistance, as well as other information about the state of mental health, is a medical secret, protected by law. In order to realize the rights and legitimate interests of a person suffering from a mental disorder, at his request or at the request of his legal representative, they may be provided with information about the state of mental health of the person and the psychiatric care provided to him in an accessible form and taking into account the mental state of the patient.

Article 12. Diagnosis and treatment of persons suffering from mental disorders

The diagnosis of a mental disorder is made in accordance with generally recognized international standards and classifications and cannot be based on a citizen's disagreement with moral, cultural, political and religious values accepted in society or on other reasons not directly related to his mental health status.

For the diagnosis and treatment of a person suffering from a mental disorder, medical means and methods are used that are allowed in the manner prescribed by law.

Medical devices and methods are used only for diagnostic and therapeutic purposes in accordance with the nature of painful disorders and should not be used for other purposes.

Article 13. Consent to treatment

The treatment of a person suffering from a mental disorder is carried out after obtaining his written consent, with the exception of cases provided for by part four of this article.

The doctor must provide the person with a mental disorder, in an accessible form and taking into account his mental state, information on the nature of the mental disorder, goals, methods, including alternative ones, and the

duration of the recommended treatment, as well as on the possible risk, side effects and expected results. The information provided is recorded in the medical documentation.

Consent to the treatment of a minor under the age of fourteen, as well as a person recognized as legally incompetent, is given by their legal representatives after they have been informed of the information provided for in part two of this article.

Treatment can be carried out without the consent of a person suffering from a mental disorder, or without the consent of his legal representative only with the use of compulsory medical measures on the grounds provided by law, as well as involuntary hospitalization on the grounds provided for in Article 27 of this Law. In relation to these persons, the use of surgical and other methods that cause irreversible consequences for the treatment of mental disorders, as well as testing of medical devices and methods, is not allowed.

Article 14. Refusal of treatment

A person suffering from a mental disorder, or his legal representative, has the right to refuse the proposed treatment or to stop it, with the exception of cases provided for in the fourth part of Section 13 of this Law.

The person refusing treatment, or his legal representative should be explained the possible consequences of stopping treatment. A refusal of treatment with information about possible consequences is made out in the medical records and signature of the person who refuses treatment, or his legal representative, as well as a psychiatrist.

Article 15. Forced medical measures

Compulsory medical measures in relation to persons suffering from mental disorders who have committed socially dangerous acts are applied by court decision on the grounds and in the manner established by law.

Compulsory medical measures are carried out in psychiatric institutions of the health authorities, and in relation to persons suffering from alcoholism,

drug addiction or substance abuse or mental disorders that do not exclude sanity, also in penal institutions. Persons placed in a psychiatric hospital by a court decision on the application of compulsory medical measures are recognized as incapable for the entire period of their stay in a psychiatric hospital and have the right, like those on outpatient compulsory observation and treatment by a psychiatrist, to receive state social benefits general insurance or retirement.

II. PSYCHIATRIC AID PERSONS

Article 16. The right to psychiatric care

Persons with higher specialized medical education are entitled to psychiatric care.

A medical psychologist, other specialists and medical personnel involved in the provision of psychiatric care should undergo special training in order to be established by law to be allowed to work with people suffering from mental disorders.

The procedure for issuing licenses for activities on the provision of psychiatric care to legal entities is established by law.

(Part three of Article 16 as amended by the Law of the Republic of Uzbekistan dated December 21, 2011 No. 3PY-311 - C3 PY, 2011, No. 51, Article 542)

The types of psychiatric care provided by legal entities specializing in the provision of psychiatric care are indicated in the statutory documents or licensing requirements and conditions. Information about them should be available.

(Part four of Article 16 as amended by the Law of the Republic of Uzbekistan dated December 21, 2011 No. 3PY-311 - C3 PY, 2011, No. 51, Article 542)

Article 17. Professional rights and obligations of medical workers and other specialists in the provision of psychiatric care

The professional rights and obligations of a psychiatrist, other specialists and medical personnel in the provision of psychiatric care are established by law.

The diagnosis of mental illness, the decision to provide psychiatric care in an involuntary manner, or the provision of an opinion to address this issue are the exclusive right of a psychiatrist or a commission of psychiatrists.

The conclusion of a doctor of another specialty on the state of mental health of a person is preliminary and does not constitute a basis for resolving the issue of restricting his rights and legitimate interests, as well as for providing him with the benefits prescribed by law for people suffering from mental disorders.

Article 18. Independence of a psychiatrist when providing psychiatric care

When providing psychiatric care, a psychiatrist is independent in its decisions and is guided only by medical duty and the law.

A psychiatrist, whose opinion does not coincide with the decision of the medical commission, has the right to give his opinion, which is attached to the medical documentation.

Article 19. Guarantees and benefits to psychiatrists, other specialists, medical and other personnel involved in the provision of psychiatric care

Psychiatrists, other specialists, medical and other personnel involved in the provision of psychiatric care are entitled to benefits established by law for persons engaged in activities in special working conditions, and are also subject to compulsory state insurance in case of injury to their health or death in the event of performance of official duties.

In case of damage to health, resulting in temporary disability of a person participating in the provision of psychiatric care, as well as in the event of

disability, he will be compensated for his dependents in case of his death in the manner prescribed by law.

III. TYPES OF PSYCHIATRIC AID AND ORDER OF ITS PROVISION

Article 20. Psychiatric Examination

A psychiatric examination of a person is carried out to determine the presence of a mental disorder, the need for psychiatric care, as well as to decide on the type of such assistance.

Psychiatric examination, as well as preventive examinations are carried out: at the request or with the consent of the subject; in respect of a minor under the age of fourteen, at the request or with the consent of his parents or other legal representative; in respect of a person recognized legally incompetent in the manner prescribed by law - at the request or with the consent of his legal representative. In the case of an objection by one of the parents or in the absence of parents or another legal representative, the examination of the minor is carried out by decision of the guardianship and trusteeship body, which can be appealed to the court.

A doctor conducting a psychiatric examination is obliged to introduce himself to the subject and his legal representative as a psychiatrist, except as provided for in the second paragraph of the first part of Section 21 of this Law.

Article 21. Psychiatric examination of a person without his consent or without the consent of his legal representative

A psychiatric examination of a person can be carried out without his consent or without the consent of a legal representative in cases where, according to available data, the subject performs actions that give reason to assume that he has a severe mental disorder, which causes:

his immediate danger to himself or others;

his helplessness, that is, the inability to independently satisfy basic necessities of life;

substantial harm to his health due to deterioration of his mental state if the person is left without psychiatric care.

A psychiatric examination of a person may be carried out without his consent or without the consent of his legal representative, if the subject is under medical supervision on the grounds provided for in the first part of Article 25 of this Law.

The data of the psychiatric examination and the conclusion on the state of mental health of the subject are recorded in the medical documentation, which also indicates the reasons for going to the psychiatrist and medical recommendations.

In the cases provided for in the first and second parts of this article, the decision on the psychiatric examination of a person without his consent or without the consent of his legal representative is taken by a psychiatrist independently or by court order.

Article 22. The procedure for submitting an application and making a decision on the psychiatric examination of a person without his consent or without the consent of his legal representative

The decision on a psychiatric examination of a person without his consent or without the consent of his legal representative, with the exception of cases provided for by the first part of Article 25 of this Law, is taken by the psychiatrist upon an application containing information on the existence of grounds for such an examination listed in the first part of Article 21 of this The law. An application may be filed by the relatives of a person subject to psychiatric examination by a doctor of any specialty.

In urgent cases, when a person poses an immediate danger to himself or others, the statement may be oral. The decision on a psychiatric examination is taken immediately by the psychiatrist and is recorded in the medical records.

In the absence of immediate danger to the person or others, the application for a psychiatric examination must be written, contain detailed information justifying the need for such an examination, and an indication of the refusal of the person or his legal representative to turn to a psychiatrist. A psychiatrist has the right to request additional information necessary for making a decision. If the application does not contain data indicating the existence of circumstances stipulated by paragraphs three and four of the first part of Section 21 of this Law, the psychiatrist in writing reasonably refuses a psychiatric examination.

Article 23. Types of outpatient psychiatric care

Outpatient psychiatric care for a person suffering from a mental disorder, depending on medical indications, is provided in the form of consultative medical care or dispensary observation.

Article 24. Consultative medical care

Consultative medical care is provided by a psychiatrist at the request or with the consent of a person suffering from a mental disorder, and in the case of a minor under the age of fourteen, at the request or with the consent of the parents or other legal representative.

Article 25. Clinical supervision

Clinical observation can be established regardless of the consent of a person suffering from chronic and protracted mental disorder with severe persistent or often exacerbating painful manifestations, as well as regardless of the consent of his legal representative.

The decision on the need to establish dispensary observation and its termination is taken by a commission of psychiatrists appointed by the

administration of a psychiatric institution providing outpatient psychiatric care, or a commission of psychiatrists appointed by a health authority. If in the territory served by the medical institution, psychiatric care is provided by one psychiatrist, then such a decision is made by him independently for a period of not more than three months. During the specified period, the issue should be considered by a commission of psychiatrists.

A motivated decision of the commission of psychiatrists is recorded in the medical documentation. A decision to establish or terminate a dispensary may be appealed in the manner provided for in Article 42 of this Law.

Clinical observation is terminated upon recovery or a significant and persistent improvement in the mental state of the face. After the termination of the dispensary observation, outpatient psychiatric care at the request or with the consent of the person or at the request or with the consent of his legal representative is provided in a consultative-medical form. In the event of a change in mental state, a person suffering from a mental disorder may be examined without his consent or without the consent of his legal representative on the grounds and in the manner provided for in Articles 21 and 22 of this Law. Clinical supervision can be resumed in such cases by decision of a commission of psychiatrists.

Article 26. Grounds for admission to a psychiatric hospital

The grounds for hospitalization in a psychiatric hospital are the presence of a mental disorder in a person and the decision of a psychiatrist to conduct an examination or treatment in a hospital or a court order.

The reason for placement in a psychiatric hospital may also be the need for a psychiatric examination in cases and in the manner prescribed by law.

The placement of a person in a psychiatric hospital, with the exception of cases provided for in Section 27 of this Law, is carried out voluntarily at his request or with his consent.

A minor under the age of fourteen is placed in a psychiatric hospital at the request or with the consent of his parents or other legal representative. In the

case of an objection by one of the parents or in the absence of parents or another legal representative, the placement of a minor in a psychiatric hospital is carried out by decision of the guardianship authority, which can be appealed to a court.

A person who is recognized as legally incompetent is placed in a psychiatric hospital at the request or with the consent of his legal representative.

Consent to hospitalization is made out by recording in the medical documentation and the signature of the person or his legal representative, as well as a psychiatrist.

Article 27. Grounds for involuntary admission to a psychiatric hospital

A person suffering from a mental disorder may be hospitalized in a psychiatric hospital without his consent or without the consent of his legal representative before a court order, if his examination or treatment is possible only in a hospital, and the mental disorder is severe and causes:

his immediate danger to himself or others;

his helplessness, that is, the inability to independently satisfy basic necessities of life;

substantial harm to his health due to deterioration of his mental state if the person is left without psychiatric care.

Article 28. Examination of persons placed in a psychiatric hospital in an involuntary manner

A person placed in a psychiatric hospital on the grounds provided for in Section 27 of this Law shall be subject to compulsory examination within a period not exceeding 48 hours by a commission of psychiatrists of a psychiatric institution, which shall decide on the validity of hospitalization. In cases where

hospitalization is considered unreasonable and hospitalized does not express a desire to remain in a psychiatric hospital, he is subject to immediate discharge.

If hospitalization is considered justified, then the conclusion of the commission of psychiatrists is sent to the court at the location of the psychiatric institution within 24 hours to decide on the further stay of the person in it.

Article 29. Appeal to the court on the issue of involuntary hospitalization

The issue of hospitalization of a person in a psychiatric hospital on an involuntary basis on the grounds provided for in Article 27 of this Law shall be decided in court at the location of the psychiatric institution.

An application for hospitalization of a person in a psychiatric hospital is voluntarily submitted to the court by the psychiatric institution in which the person is located.

The statement, which must indicate the grounds provided by law for hospitalization in a psychiatric hospital in an involuntary manner, is accompanied by a motivated opinion of a commission of psychiatrists about the need for a person to stay in a psychiatric hospital.

By accepting the application, the court simultaneously decides on the issue of the person's stay in a psychiatric hospital for the period necessary to consider the application in court.

An application for hospitalization of a person in a psychiatric hospital is involuntarily considered by the court in the manner prescribed by law.

Article 30. Judicial decision on an application for hospitalization in an involuntary manner

A court order to satisfy the application is the basis for hospitalization and further detention of a person in a psychiatric hospital.

A court order may be appealed against by a person placed in a psychiatric hospital, his legal representative, the head of a psychiatric institution or a prosecutor in the manner prescribed by law.

Article 31. Extension of hospitalization in an involuntary manner

An involuntary stay of a person in a psychiatric hospital only lasts for the duration of maintaining the grounds on which hospitalization was extended.

A person who is involuntarily admitted to a psychiatric hospital during the first six months at least once a month is subject to examination by a commission of psychiatrists of a psychiatric institution to decide whether to extend hospitalization.

After six months from the moment of placement of the person in a psychiatric hospital in an involuntary manner, the conclusion of the commission of psychiatrists on the need to extend such hospitalization is sent by the administration of the psychiatric hospital to the court at the location of the psychiatric institution. The court may extend hospitalization in the manner prescribed by Articles 29-30 of this Law.

When extending hospitalization of a person in a psychiatric hospital for more than six months, examinations by the commission of psychiatrists are carried out at least once every six months.

Article 32. Security measures in the provision of psychiatric care

Inpatient psychiatric care is provided in conditions that ensure the safety of the hospitalized person and other persons, subject to the observance by the medical personnel of their rights and legitimate interests.

Measures of physical restraint and isolation during involuntary hospitalization and stay in a psychiatric hospital are applied only in those cases, forms and for the period of time when, in the opinion of the psychiatrist, other methods cannot prevent the actions of a person who poses a direct danger to him or other persons, and carried out under the constant supervision of medical personnel. The forms and time of application of measures of physical restraint or isolation are recorded in the medical documentation.

The employees of the internal affairs bodies are obliged to provide assistance to medical workers during the implementation of involuntary

hospitalization and to provide safe conditions for access to the hospitalized person and his examination. In cases where it is necessary to prevent actions threatening the life and health of others from the hospitalized person, as well as if it is necessary to search for and detain a person to be hospitalized, employees of the internal affairs bodies act in the manner prescribed by law.

Article 33. Examination of minors and persons declared legally incompetent, placed in a psychiatric hospital at the request or with the consent of their legal representatives

A minor under the age of fourteen and a person declared legally incompetent, placed in a psychiatric hospital at the request or with the consent of their legal representatives, shall be subject to mandatory examination by a commission of psychiatrists of a psychiatric institution in the manner prescribed by the first paragraph of Section 28 of this Law. During the first six months, these persons are subject to examination by a commission of psychiatrists at least once a month to decide whether to extend hospitalization. When prolonging hospitalization for more than six months, examinations by the commission of psychiatrists are carried out at least once every six months.

In the event that a commission of psychiatrists or the administration of a psychiatric hospital detects abuses committed during hospitalization of a minor under the age of fourteen or a person who has been recognized legally incompetent, the administration of the psychiatric hospital shall notify the guardianship authority at the ward's place of residence.

Article 34. Rights of Patients in Psychiatric Hospitals

The patient should be explained the reasons and goals for placing him in a psychiatric hospital, his rights and the rules established in the hospital, about which an entry is made in the medical documentation.

Patients undergoing treatment or examination in a psychiatric hospital have the right to:

apply directly to the head doctor or the head of the department for treatment, examination, discharge from a psychiatric hospital and compliance with the rights granted by this Law;

file complaints and applications with state authorities and administrations;

to meet in private with a lawyer and a clergyman;

perform religious ceremonies in the absence of medical contraindications;

to write out newspapers and magazines;

receive education under the program of a comprehensive school or special school for children with intellectual disabilities, if the patient has not reached the age of eighteen;

receive, along with other citizens, remuneration for work in accordance with its quantity and quality, if the patient is involved in productive work;

correspond, receive and send parcels, parcels and money orders, use the telephone, receive visitors, have and purchase basic necessities, and use their own clothes.

These rights may be limited on the recommendation of a physician in the interests of the health or safety of the patient and others.

Individual subscription to newspapers and magazines, telephone calls and other paid services is carried out at the expense of patients.

Patients undergoing treatment or examination in a psychiatric hospital may have other rights in accordance with the law.

Article 35. Duties of the administration and medical staff of a psychiatric hospital

The administration and medical staff of the psychiatric hospital are obliged to create conditions for the implementation of the rights of patients and their legal representatives provided for by this Law, including:

provide patients in a psychiatric hospital with the necessary medical care;

provide the opportunity to familiarize themselves with the text of this Law, the internal rules of this psychiatric hospital, the addresses and phone numbers of state and public bodies, institutions, organizations and officials who can be contacted in case of violation of the rights of patients;

to provide conditions for correspondence, forwarding complaints and applications of patients to public authorities and administration;

within 24 hours from the moment the patient enters the psychiatric hospital in an involuntary manner, take measures to notify his legal representative, relatives or another person at his direction;

inform the legal representative or relatives of the patient, as well as another person, at his direction, about changes in his state of health and emergency situations with him;

ensure the safety of patients in the hospital, control the contents of parcels and transmissions;

to perform the functions of a legal representative in relation to patients recognized as legally incompetent, but not having such a representative;

perform other duties in accordance with the law.

Article 36. Extract from a psychiatric hospital

A patient is discharged from a psychiatric hospital in cases of recovery or improvement of his mental state, in which further inpatient treatment is not required, as well as the completion of the examination or examination, which were the grounds for placement in a hospital.

The discharge of a patient who is voluntarily in a psychiatric hospital is made upon his personal application, the application of his legal representative or by decision of the attending physician.

An extract of a patient hospitalized in a psychiatric hospital in an involuntary manner is made upon the conclusion of a commission of psychiatrists or a court order refusing to extend such hospitalization.

An extract of a patient to whom compulsory medical measures are applied by a court order is made only by a court decision.

A patient who is admitted to a psychiatric hospital voluntarily may be denied discharge if the commission of psychiatrists of the psychiatric institution establishes the grounds for involuntary hospitalization provided for in Section 27 of this Law. In this case, the issues of staying in a psychiatric hospital, prolonging hospitalization and discharge from the hospital are decided in the manner established by Articles 28-31 of this Law, as well as part three of this article.

Article 37. Grounds and procedure for placement of persons in psychiatric institutions for social security

The grounds for placement in a psychiatric institution for social security are the personal statement of a person suffering from a mental disorder and the conclusion of a medical commission with the participation of a psychiatrist, and for a person under the age of eighteen or a person who is recognized legally incompetent - the decision of the guardianship authority and guardianship, taken on the basis of a medical commission with the participation of a psychiatrist. The report should contain information about the person's mental disorder, which deprives him of the opportunity to be in an unspecialized institution for social security, and with regard to a legally competent person, also about the absence of grounds for raising the question of declaring him legally incompetent before the court.

The guardianship authority is required to take measures to protect the property interests of persons placed in psychiatric institutions for social security.

Article 38. Grounds and procedure for placement of persons in a psychiatric institution for special education

The grounds for placing a person under the age of eighteen suffering from a mental disorder in a psychiatric institution for special education are a statement from his parents or another legal representative and a mandatory conclusion from a commission consisting of a psychologist, teacher and a psychiatrist. The conclusion should contain information about the need to educate a minor in a special school for children with intellectual disabilities.

Article 39. The rights of persons living in psychiatric institutions for social security or special education, and the duties of the administration of these institutions

Persons living in psychiatric institutions for social security or special education enjoy the rights provided for in Section 34 of this Law.

The obligations of the administration and staff of a psychiatric institution for social security or special training in creating the conditions for the realization of the rights of persons living in it are established by Article 35 of this Law and other legislation.

The administration of a psychiatric institution for social security or special education is obliged to conduct examinations of people living in it at least once a year by a medical commission with the participation of a psychiatrist in order to decide on their further detention in this institution, as well as on the possibility of reviewing the decision on their incapacity.

Article 40. Transfer and discharge from a psychiatric institution for social security or special education

The basis for transferring a person from a psychiatric institution for social security or special education to a similar general institution is the conclusion of a medical commission with the participation of a psychiatrist about the lack of medical indications for living or studying in a specialized psychiatric institution.

An extract from a psychiatric institution for social security or special education is made:

according to the personal statement of the person in the presence of the conclusion of the medical commission with the participation of a psychiatrist that the person is able to live independently for health reasons;

at the request of the parents or other legal representative, relatives pledging to care for the person being discharged under the age of eighteen years or for a person recognized as legally incompetent.

III. FINAL PROVISIONS

Article 41. Monitoring Psychiatric Care Activities

Monitoring the activities of psychiatric institutions and persons providing psychiatric care is carried out by the Ministry of Health of the Republic of Uzbekistan, other state bodies, as well as local government bodies within their competence.

Public control over the activities of psychiatric institutions, as well as persons providing psychiatric care, can be exercised by citizens of the Republic of Uzbekistan, citizens' self-government bodies, non-governmental non-profit organizations and the media.

(Part two of Article 41 as amended by the Law of the Republic of Uzbekistan dated August 29, 2019 No. 3PY-559 - National Database of Legislation, 08/30/2019, No. 03/19/559/3670)

Article 42. Appeal of psychiatric care

The actions of medical workers, other specialists, workers of social security and education, medical commissions and other persons that infringe on the rights and legitimate interests of citizens when providing them with psychiatric care can be appealed to a higher body in the order of subordination or directly to a court.

Article 43. Responsibility for Violation of Legislation on Mental Health Care

Persons guilty of violating the law on psychiatric care are liable in the prescribed manner.

President of the Republic of Uzbekistan I. KARIMOV

Tashkent city

August 31, 2000

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