

LAW OF GEORGIA
ON PATIENT RIGHTS

Chapter I - General Provisions

Article 1

The purpose of this Law is to protect the rights of citizens to receive healthcare, as well as to ensure inviolability of their honour and dignity.

Article 2

The rights and welfare of citizens in the healthcare sphere shall take preference over the interests of medicine and medical science.

Article 3

The legislation of Georgia on the rights of citizens in the healthcare sphere includes the Constitution of Georgia, treaties and international agreements of Georgia, the Law of Georgia on Health Care, this Law and other normative acts.

Article 4

The terms used in this Law (if not specifically indicated otherwise) have the following meanings:

- a) genome - a set of chromosomes with genetic content (genes);
- b) informed consent - consent given by a patient or, if he/she is a minor, by the patient's legal representative, to providing certain medical care after he/she is informed of:
 - b.a) the essence and necessity of the medical care;
 - b.b) expected consequences of the medical care;
 - b.c) potential risks to the health and life of a patient related to the medical care;
 - b.d) alternatives to the planned medical care and associated risks and possible benefits;
 - b.e) expected consequences if the medical care is refused;
 - b.f) financial and social issues related to the information specified in sub-paragraphs (b.a - b.e) of this article;
- c) palliative treatment - medical care which does not dramatically improve the condition of patients or change a hopeless diagnosis, and which is intended to provide the patients with temporary relief;
- d) patient - any person who regardless of his/her health condition uses, needs or intends to use services of the healthcare system;
- e) patient relatives - persons who according to the order of priority defined by the legislation of Georgia have preferential rights to participate in making decisions on providing patients with medical care or deciding issues related to the patient death;
- f) patient legal representatives - guardians or trustees of patients;
- g) medical care providers - persons who provide medical services under the legislation of Georgia;
- h) medical care - any manipulation or procedure carried out with respect to patients by medical care providers for providing diagnosis, treatment, preventive health care or medical rehabilitation;
- i) medical records - information about the medical care provided to patients, recorded by medical care providers on paper or in other information media, including computers;
- j) terminal condition – the end-stage of an incurable disease;
- k) palliative care - active, diversified care which is intended to relieve pain and other pathological symptoms, and provide social and psychological aid and moral assistance to ill persons. It applies to patients with incurable diseases. Such care may improve the quality of lives of ill persons and their families.



Article 5

Every citizen of Georgia shall have the right to receive from any medical care provider the medical care that complies with professional and service standards recognised and practiced in the country.

Article 6

1. Patients may not be discriminated against on the grounds of race, skin colour, language, sex, genetic heritage, belief and religion, political and other opinions, national, ethnic or social origin, property and social status, place of residence, illness, sexual orientation or negative personal attitude.
2. The legislation of Georgia shall determine the conditions for limiting patient rights with respect to certain diseases.

Article 7

Patients may freely approach another physician or medical institution for a second opinion.

Article 8

Patients may choose at any time to change a medical care provider.

Article 9

Citizens of Georgia who are staying in a foreign state, also, foreign citizens and stateless persons who are staying in Georgia shall have the guaranteed right to receive medical care according to the treaties and international agreements of Georgia and, if there are no such treaties and agreements, according to the legislation of the country where they are staying.

Article 10

Patients or their legal representatives may apply to a court and demand:

- a) compensation for property and non-property damages resulted from:
 - a.a) violation of patient rights
 - a.b) medical malpractice
 - a.c) other malfunctions of a medical institution
 - a.d) improperly conducted supervision and control by the State
- b) suspension or revocation of the licence of medical personnel;
- c) changing state medical and sanitary standards.

Chapter II - Right to Treatment and Care

Article 11

Medical care shall be equally available through state medical programmes.

Article 12

1. The State shall protect the right of patients to receive medical care, the delay of which shall inevitably cause death, disability or significant health deterioration of patients.
2. If patients need urgent medical care without which death, disability or significant health deterioration of the patients is inevitable but a medical care provider is not able to provide it, the provider shall be obligated to give the patients, their relatives or legal representatives comprehensive information



about where urgent medical care may be received.

Article 13

1. The State shall ensure that patients with rare diseases are provided with appropriate medical care that complies with professional and service standards recognised and practiced in the country.
2. The Ministry of Labour, Health and Social Affairs of Georgia shall determine the list of rare diseases.

Article 14

In the case of insufficient human, technical, financial and/or other resources, potential patients shall be selected only by medical criteria without taking into account other factors.

Article 15

Patients may request respect for their dignity, traditions, religion and personal values from medical care providers.

Chapter III - Right to Information

Article 16

1. Every citizen of Georgia may get comprehensive, impartial, timely and clear information about the factors that facilitate maintenance of his/her health or that have negative effects.
2. The State shall provide citizens with the information indicated in the first paragraph of this article through the mass media or individually, if requested, according to the legislation of Georgia.

Article 17

1. Patients or, if they agree, or when they are minors, relatives or legal representatives of the patients may:
 - a) access medical records and require that changes to the current information on the patient be made. The medical records shall include the information existing before the change and the new information provided by the patients, their relatives or legal representatives;
 - b) request copies of any part of medical records.
2. The request on accessing medical records and getting copies shall be submitted to medical institutions in writing.

Law of Georgia No 3379 of 20 March 2015 - website, 31.3.2015

Article 18

1. Patients may receive from medical care providers comprehensive, timely and clear information related to:
 - a) existing resources of medical care and the forms of receiving such care, as well as the costs and payment methods;
 - b) the rights and duties of patients under the legislation of Georgia and the internal regulations of medical institutions;
 - c) planned prophylactic, diagnostic, treatment and rehabilitation services, associated risks and possible benefits;
 - d) results of medical examinations;
 - e) alternatives to planned medical care, associated risks and possible benefits;
 - f) expected consequences in the case of refusal to receive the planned medical care;
 - g) diagnosis and possible prognosis, or current treatment;
 - h) identity and professional experience of medical care providers.
2. The information about the health status of a patient may be withheld or limited if there is a reasonable belief that knowledge of full information will seriously affect the health of the patient. Patients shall be given full information about their health status only if they insist.



3. The decision on withholding or limiting information shall be taken by a medical ethics commission. If there is no such commission in a medical institution, the decision shall be made by another physician. A well-grounded decision on withholding or limiting information shall be entered into the medical records of patients.

4. If a patient is a minor or unable to make a conscious decision, the medical care provider shall give the information specified in paragraph 1 of this article to a relative or a legal representative of the patient.

Law of Georgia No 3379 of 20 March 2015 - website, 31.3.2015

Article 19

Patients, their relatives or legal representatives shall be given information taking into consideration their abilities of perception. Explanations shall be made with minimal usage of special terminology.

Article 20

Patients may refuse to receive the information provided for in Article 18(1), except when withholding information may have serious negative effect on the health and/or life of the patients and/or third persons.

Article 21

Competent patients may decide whether or not to allow anyone to receive information about their health status. In the case of a positive decision, the patient shall designate the person who is to receive the information. The decision and name of the person shall be entered into the medical records.

Chapter IV - Consent

Article 22

1. In order to provide medical care to a patient, it shall be required to obtain the informed consent from the patient or from a relative or a legal representative of the patient if the patient is a minor or unable to make a conscious decision. Informed consent shall precede the medical care.

2. A written informed consent shall be necessary for the following medical services:

- a) any surgical operation, except for small surgical procedures
- b) abortion
- c) surgical contraception – sterilisation
- d) catheterisation of great vessels
- e) haemodialysis and peritoneal dialysis
- f) extracorporeal fertilisation
- g) genetic testing
- h) gene therapy
- i) radiation therapy
- j) chemotherapy of malignant tumours
- k) in all other cases when medical care providers consider that written informed consent is necessary.

3. It shall be necessary to obtain the written informed consent when providing medical care to a patient who is a minor or unable to make a conscious decision.

Law of Georgia No 3379 of 20 March 2015 - website, 31.3.2015

Article 23

1. Patients who are incapacitated or unable to make conscious decisions may refuse medical care at any stage, and also terminate medical care that is in process. Patients shall be fully informed about the expected consequences if they refuse to receive or they terminate medical care.



2. No medical care shall be carried out against the will of a patient who is competent and able to make conscious decisions, except for cases defined in the legislation of Georgia.

Article 24

1. Citizens of Georgia may express in advance their will (consent or refusal) in writing about the provision of resuscitation, life support or palliative treatment and/or care if they lose consciousness or become unable to make conscious decisions, if such conditions are caused by:

- a) the end-stage of an incurable disease;
- b) the disease that will inevitably result in a severe disability.

2. Citizens of Georgia may designate a person in advance who in the cases provided for in the first paragraph of this article will make decisions on the provision of necessary medical care.

Law of Georgia No 4722 of 8 May 2007 - LHG I, No 18, 22.5.2007, Art. 152

Article 25

1. If the decision of a relative or a legal representative of the patient who is a minor or unable to make a conscious decision is against the health interests of the patient, the medical care provider may appeal the decision to a court.

2. If a patient, who is a minor or unable to make a conscious decision, needs urgent medical care and the failure to provide it can inevitably lead to his/her death or significant deterioration of his/her health status, but when a relative or a legal representative of the patient cannot be found, the medical care provider shall make the decision taking into consideration the health interests of the patient.

3. If a patient, who is a minor or unable to make a conscious decision, needs urgent medical care and the failure to provide it can inevitably lead to his/her the death or significant deterioration of his/her health status, but a relative or a legal representative of the patient is against providing the medical care, the medical care provider shall make the decision taking into consideration the health interests of the patient.

Law of Georgia No 3379 of 20 March 2015 - website, 31.3.2015

Article 26

1. An informed consent of a patient shall be necessary in order to use him/her as a subject for study. The informed consent shall precede the use of the patient as a subject for study.

2. The issues of using the patients who are minors and beneficiaries of support as subjects of study shall be regulated by the Law of Georgia on Health Care. 3. The consent of patients shall not be necessary if the following is used for educational purposes:

- a) information contained in medical records of patients according to which the patients cannot be identified;
- b) materials obtained during treatment and diagnostic procedures (urine, blood and other tissues) that ensure the anonymity of patients.

Law of Georgia No 3379 of 20 March 2015 - website, 31.3.2015

Article 26¹

Issues related to offering a patient with tuberculosis to take a mandatory tuberculosis test and to his/her consent shall be regulated by the Law of Georgia on Tuberculosis Control.

Law of Georgia No 4634 of 11 December 2015 - website, 23.12.2015

Chapter V - Confidentiality and Privacy

Article 27

Medical care providers shall be obligated to protect the confidentiality of information held by them about patients both during patients' lives and after the patients' deaths.

Article 28



1. Medical care providers may disclose confidential information if:

- a) the patient agrees;
- b) the non-disclosure of information poses a risk to the life and/or health of third persons (whose identities are known);
- c) while using patient information for educational or scientific purposes, the data are represented in such a way that patients cannot be identified;
- c¹) the information relates to the possible commitment of domestic violence and/or there is danger of repeat violence and such information is provided only to the appropriate governmental agency to protect the patient's rights and interests;
- d) it is provided for in the legislation of Georgia.

2. The patient may be assumed to have consented when medical care providers reveal confidential information about the patient's health status to other persons participating in the medical care.

Law of Georgia No 2691 of 17 October 2014 – website, 31.10.2014

Article 29

Medical care providers may not interfere in the family or private lives of patients, except where:

- a) interference is necessary for diagnosing, treating and caring for patients. In this case, the consent of the patient shall be necessary;
- b) lives and/or health of family members of patient are in danger;
- c) the patient and/or his/her family member is the victim of domestic violence and there is danger of repeat violence, provided that interference is necessary to protect the rights and interests of the patient.

Law of Georgia No 2691 of 17 October 2014 – website, 31.10.2014

Article 30

The medical care process may be attended only by the persons directly participating in it, unless patients agree to, or request attendance of, other persons.

Chapter VI - Rights in the Sphere of Genetic Consultations and Gene Therapy

Article 31

Persons may not be discriminated against because of their genetic heritage.

Article 32

Identification of genes responsible for disease or carrying out tests to detect genetic predisposition to a disease shall be only permissible if the intent is:

- a) to protect the health of the patient;
- b) to conduct healthcare-related scientific research.

Article 33

An intervention intended to modify a human gene shall be permissible only for diagnostic, treatment and prevention purposes, unless it is intended to modify the genome of a patients' descendants.

Article 34

Artificial insemination methods for the purpose of sex selection shall be prohibited, unless it is essential to avoid sex-linked genetic diseases.

Chapter VII - Rights of Pregnant and Nursing Mothers



Article 35

Pregnant and nursing mothers may receive full, timely and clear information from medical care providers about direct or indirect negative effects of any planned medical intervention on a foetus or a newborn baby during pregnancy, labour or postnatal periods.

Article 36

1. Women in labour may make decisions on the medical care to be provided to her and her foetus, except for the cases stated in the second paragraph of this article.
2. Women in labour may not refuse medical care that ensures the birth of a living foetus and carries minimal risks for the health and life of the women in labour.

Article 37

A woman in labour may have a spouse or any desired person beside her during childbirth.

Article 38

Women in a post-natal period may have their newborn babies with them, unless medical care providers decide to isolate the babies due to their health condition. These women may also feed their newborn babies as they deem appropriate.

Chapter VIII - Rights of Minors

Article 39

Medical care for minors shall be available through state medical programmes.

Article 40

1. Parents or legal representatives may obtain from attending physicians full, impartial, timely and clear information about the health status of minors, including the information provided for in Article 18(1) of this Law.
2. Information specified in the first paragraph of this article shall be withheld from parents or legal representatives if the following patients are against disclosure of the information:
 - a) a minor patient who, according to the legislation of Georgia, is considered as legally competent;
 - b) a minor patient aged 14 to 18 who, in the opinion of a medical care provider, can evaluate his/her health condition correctly and who referred to the doctor for treatment of sexually transmitted diseases or drug addiction, or for taking advice on non-surgical methods of contraception or for artificial termination of pregnancy.
 - c) Minor patients aged 14 to 18, who, in the opinion of a medical care provider, can evaluate their health condition correctly and who referred to the doctor for testing for an HIV/AIDS, except when the HIV/AIDS tested positive. In this case, information provided for in paragraph 1 of this article shall be communicated to a parent or a legal representative of a minor patient aged 14 to 18 only when there is an informed consent of the patient for such communication and/or the patient refuses to take the treatment and the patient is not considered as legally competent under the legislation of Georgia.
3. The procedure for communication under paragraph 2(c) of this article shall be established by the Minister of Labour, Health and Social Affairs of Georgia.

Law of Georgia No 3609 of 28 May 2015 – website, 4.6.2015

Article 41

1. Minor patients aged 14 to 18, who, in the opinion of a medical care provider, can evaluate their health condition correctly, may give informed consent for medical care if they applied to medical care providers for the purpose provided for in Article 40(2)(b) or (c) of this Law.
2. Minor patients under the age of 16 shall be provided with medical care only with the consent of their parents or legal representatives, except for cases provided for in Article 40(2)(b) or (c) of this Law. In addition, it shall be necessary that the patient participate in making the decision on providing medical care, taking into consideration the patient's age and level of mental development.



3. Minor patients over the age of 16, who, in the opinion of a medical care provider they can evaluate their health condition correctly may give informed consent for or refuse medical care. The relatives or legal representatives of the patient shall be informed about his/her decision.

Law of Georgia No 3609 of 28 May 2015 – website, 4.6.2015

Article 42

1. A minor patient under the age of 16 may be used as a subject for study only with the informed consent of his/her parent or legal representative. It shall be necessary that the patient participate in the decision-making process, taking into consideration his/her age and mental development.

2. Minor patients over the age of 16 may be used as subjects for study only after their informed consent. The relatives or the legal representatives shall be informed about the patient's decision.

Article 43

Minor patients may receive information about their health status and treatment. The information provided shall correspond to their age and level of mental development.

Chapter IX - Rights of Members of the Services, Conscripts and Contract Servicemen

Article 44

Members of the services, conscripts and contract servicemen may request and undergo independent medical examinations to determine their health status.

Chapter X - Rights of Persons Placed in Penitentiary Institutions

Law of Georgia No 3551 of 1 May 2015 – website, 18.5.2015

Article 45

1. Medical care for persons placed in penitentiary institutions shall be provided through state medical programmes.

2. Persons may, upon their placement in penitentiary institutions, request that an appropriate medical examination and an independent medical examination be conducted, and, when needed, medical care be rendered.

Law of Georgia No 3551 of 1 May 2015 – website, 18.5.2015

Article 46

Persons placed in penitentiary institutions shall enjoy all rights provided for by this Law.

Law of Georgia No 3551 of 1 May 2015 – website, 18.5.2015

Article 47

The administration of a penitentiary institution may restrict the right to choose medical care providers for persons placed in the penitentiary institution. This decision may be appealed to court.

Law of Georgia No 3551 of 1 May 2015 – website, 18.5.2015

Chapter XI - Final Provision

Article 48

This Law shall enter into force upon promulgation.



President of Georgia

Eduard Shevardnadze

Tbilisi

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No 283-III

