

# Organizational and Legal Principles of Providing Medical Assistance for the Rehabilitation of Servicemen of the Armed Forces of Ukraine

## Organizacyjno-prawne zasady udzielania pomocy medycznej, w tym rehabilitacji, żołnierzom Sił Zbrojnych Ukrainy

DOI: 10.36740/ABAL202204117

**Olena O. Terzi, Igor V. Shpak**

Odesa National Medical University, Odesa, Ukraine

### SUMMARY

**Aim:** To investigate the organizational and legal principles of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine.

**Materials and Methods:** During the conducted research, a following complex of general scientific and special scientific methods was used: the formal legal method was used to analyze the organizational and legal principles of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine; the comparative legal method helped to clarify the approaches of national legislation and international standards to the provision of medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine; the method of forecasting and modeling was used to develop practical recommendations for the provision of medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine in connection with the escalation of the Russian-Ukrainian armed conflict; the method of system analysis allowed to investigate the organizational and legal principles of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine; the historical and legal method made it possible to reveal the peculiarities of the evolution of the organizational and legal regulation of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine.

**Conclusions:** Rehabilitation is an important component of clinical/medical assistance in situations of armed conflict and emergency and is necessary to mitigate the significant amount of disability that follows the surge of traumatic injuries and exacerbation of chronic diseases with devastating consequences for individuals, families and communities, resulting from insufficient access to rehabilitation.

**Key words:** medical assistance, rehabilitation, armed conflict, armed forces, legal regulation

**Słowa kluczowe:** pomoc medyczna, rehabilitacja, konflikt zbrojny, siły zbrojne, regulacje prawne

Acta Balneol, TOM LXIV, Nr 4(170);2022:369-372

### INTRODUCTION

Armed conflicts and emergencies, especially natural disasters that occur suddenly, can lead to a sharp increase in injuries that put a strain on health care systems and leave a legacy of disability behind. Meeting the needs of affected people can be a difficult task in the context of limited health care and rehabilitation infrastructure, where armed conflicts and emergencies occur. Health professionals who provide rehabilitation in conflict conditions face a wide range of problems connected with physical and mental health, limited national rehabilitation capacity, damaged infrastructure, reduced workforce, disruptions in service delivery, violation of procurement and coordination mechanisms. In connection with various injuries received in the conflict, it may be necessary

to adapt surgical and rehabilitation practices and protocols [1]. Rehabilitation is increasingly recognized as a necessary aspect of medical response and patient-centered care, as evidenced by its inclusion in the Classification and Minimum Standards for Foreign Emergency Medical Teams [2].

### AIM

This article aims to investigate the organizational and legal principles of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine.

### MATERIALS AND METHODS

Research methods were selected taking into account the research aim. In order to establish the objectivity and validity of scientific statements and conclusions, during the conducted

research a following complex of general scientific and special scientific methods was used: the formal legal method was used to analyze the organizational and legal principles of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine; the comparative legal method helped to clarify the approaches of national legislation and international standards to the provision of medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine; the method of forecasting and modeling was used to develop practical recommendations for the provision of medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine in connection with the escalation of the Russian-Ukrainian armed conflict; the method of system analysis allowed to investigate the organizational and legal principles of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine; the historical and legal method made it possible to reveal the peculiarities of the evolution of the organizational and legal regulation of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine [3, p. 84]. The scientific and heuristic potential of such philosophical research methods as analysis, synthesis, deduction, induction, abstraction and others was also used.

## REVIEW AND DISCUSSION

The Ukrainian legislation classifies rehabilitation as staged medical rehabilitation in centers (sanatoria), final medical rehabilitation in centers (sanatoria), medical-psychological rehabilitation and medical rehabilitation. Staged medical rehabilitation in centers (sanatoria) is defined as a course of medical rehabilitation conducted between courses of inpatient treatment or between a course of treatment and a control examination by a military medical commission. It is assumed that the person receiving rehabilitation will return to the medical and preventive institution that sent him or her for rehabilitation [4].

Final medical rehabilitation in centers (sanatoria) is medical rehabilitation carried out after the completion of inpatient treatment and aims to achieve the fastest possible recovery of a serviceman's body before returning to professional activities or being discharged from military service.

Medical-psychological rehabilitation includes a complex of medical, psychological, and general health measures, which are carried out to restore health and correct psychophysiological functions, obtain the optimal level of combat capacity (work capacity) of military personnel, as well as create favorable conditions for the restoration of social activity, development and affirmation of the individual.

Medical rehabilitation is understood as a system of medical measures aimed at restoring impaired or lost functions of a person's body, identifying and activating the body's compensatory capabilities to ensure the conditions for a person's return to normal life, preventing complications and recurrence of the disease [5]. The Law of Ukraine "On social and legal protection of servicemen and members of their families" establishes that during the period of martial law, servicemen who took a direct part in the implementation

of measures necessary to ensure the defense of Ukraine, the protection of the safety of the population and the interests of the state in connection with the military aggression of the Russian Federation against Ukraine, while being directly in the implementation areas of the specified measures, may be sent for further medical assistance or medical-psychological rehabilitation to medical institutions located outside of Ukraine, according to the conclusion of the military medical commission. The specified servicemen and their accompanying medical personnel are not subject to restrictions on the departure of Ukrainian citizens outside of Ukraine. The Cabinet of Ministers of Ukraine shall establish the procedure for providing servicemen with medical assistance or medical-psychological rehabilitation in medical institutions outside of Ukraine and payment for such medical assistance services. Reimbursement of the travel cost and payment for the provision of such medical assistance services or medical-psychological rehabilitation is carried out at the expense of the state budget, except in cases of providing the specified assistance at the expense of the host country. If, during the process of psychological rehabilitation, it is planned treatment that requires medical intervention and measures to prevent post-traumatic stress disorder. The measures for the psychological rehabilitation of servicemen of the Armed Forces of Ukraine must be carried out according to the Procedure for the use of funds, approved by the Resolution of the Cabinet of Ministers of Ukraine of July 12, 2017 No. 497 and the Procedure for conducting psychological rehabilitation, approved by the Resolution No. 1057 of the Cabinet of Ministers of Ukraine of December 27, 2017. In addition, the Ministry of Social Policy of Ukraine adopted such orders as "On the approval of the Requirements for entities providing psychological rehabilitation services and the form of the act of providing psychological rehabilitation services at the expense of budget funds" No. 597 of April 27, 2018, "On establishing the maximum cost of services for psychological rehabilitation of participants in the anti-terrorist operation and affected participants of the Revolution of Dignity in 2018" No. 591 of April 26, 2018; "On the approval of the Standard of psychological diagnosis and forms of documents for the organization of psychological rehabilitation of participants in the anti-terrorist operation and affected participants of the Revolution of Dignity" No. 810 of June 1, 2018; "On the approval of a model contract for the provision of psychological rehabilitation services" No. 598 of April 27, 2018. The Resolution No. 528 of the Cabinet of Ministers of Ukraine of August 23, 2016 regulates the procedure for monetary compensation payment for the cost of travel to rehabilitation institutions and back.

The Instructions on the organization of sanatorium-resort treatment, medical and medical-psychological rehabilitation in the Armed Forces of Ukraine, approved by the Order of the Ministry of Defense of Ukraine No. 591 of November 4, 2016, contain a list of categories of persons who are sent for sanatorium-resort treatment, medical and medical-psychological rehabilitation, the period of sanatorium-resort treatment, medical and medical-psychological in centers (sanatoria), the procedure for selection and referral of

persons for sanatorium-resort treatment, the procedure for selection and referral for medical rehabilitation to the center (sanatorium), the procedure for planning sanatorium-resort treatment, medical and medical-psychological in the Armed Forces of Ukraine, the procedure for selection and referral of servicemen for medical psychological rehabilitation to the center (sanatorium), the procedure for selection and referral of persons to sanatorium-resort facilities intended for sanatorium-resort treatment of persons with spinal disabilities, the list of documents required in case of referral of persons to centers (sanatoria), the information on the work organization of sanatorium-resort selection commissions, the procedure for admission and discharge of persons from centers (sanatoria), the procedure for admission to centers (sanatoria) together with parents for rest and recovery of children of servicemen, veterans of military service and employees of the Armed Forces of Ukraine, the procedure for calculations for sanatorium-resort vouchers.

The Resolution of the Cabinet of Ministers of Ukraine "On the approval of the Military Medical Doctrine of Ukraine" No. 910 of October 31, 2018 enshrines the principle of the Military Medical Doctrine of Ukraine, which states that unified views on prevention, diagnosis, provision of medical and psychological assistance, evacuation, treatment, medical and psychological rehabilitation of the wounded (affected, sick), prevention of combat stress (preventive rehabilitation) are statewide. The military medical factor as the basis of the Military Medical doctrine of Ukraine determines the unity of views on the organization, tactics and procedure for the use of forces and means of medical services and the civilian health care system both in peacetime and during armed conflict and crises [6]. The organization of military medical support is also based on the following principles: 1) carrying out treatment and preventive measures according to the standards of medical care (medical standards), clinical protocols and military medical standards to achieve the maximum possible result of treatment and rehabilitation; 2) unified approaches to the prevention and diagnosis of diseases, provision of medical assistance, treatment and rehabilitation of the wounded [6].

Regarding the organizational and legal principles of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine, the Military Medical Doctrine of Ukraine states that in wartime, functional associations of health care institutions of the Ministry of Defense, the Ministry of Internal Affairs, other military formations and the civilian health care system are formed to provide all types of medical care and medical-psychological rehabilitation of the wounded (sick).

The military medical doctrine of Ukraine contains provisions on scientific support for the development of the health care system of servicemen and the solution of military medicine problems is carried out by the National Academy of Medical Sciences together with the Ministry of Defense and the Ministry of Health, ensuring the development and implementation of modern medical technologies for the provision of medical assistance, treatment and rehabilitation

of servicemen and civilians in case of wounds, injuries and diseases both in the field and in hospital conditions.

It is extremely important to harmonize the normative and legal regulation of providing medical assistance for the rehabilitation of servicemen of the Armed Forces of Ukraine with NATO standards. Therefore, it is necessary to build a medical support system to provide adequate medical support to all defense forces. Firstly, it means creating a medical support system capable of providing appropriate medical support to all tasks facing the defense forces of Ukraine, functioning according to NATO standards, and capable of contributing to functionally compatible medical capabilities for joint missions with NATO [7]. Secondly, it covers the achievement of necessary capabilities for searching for the wounded, their medical evacuation and providing the necessary assistance and treatment. Thirdly, it is about the implementation of modern technologies for the provision of medical assistance and treatment of the wounded in the activities of the military medical services according to the standards of medical assistance, clinical protocols and other industry standards in the field of health care. Fourthly, it needs the normalization of the issue of using the capabilities of the health care system in the state to provide medical assistance, treatment and medical rehabilitation of the wounded within the framework of a unified medical space; the creation of a medical rehabilitation system, which ensures the restoration of physical, psychological and social functions to return to the performance of military service duties or social and labor adaptation. Fifthly, it means the improvement of the system of training and retraining of military medical personnel for the defense forces, and the introduction of military medical training, which will ensure effective training in the standards of providing medical assistance for combat trauma (pathology). Sixthly, it implies the creation of a medical information system for the defense forces, covering all stages of medical evacuation and patient flow management processes, and complies with NATO standards, doctrines and recommendations [7].

It should be noted that Ukraine has recognized the ad hoc jurisdiction of the International Criminal Court, and the Rome Statute of the International Criminal Court requires the establishment of "principles relating to reparations to, or in respect of, victims, including restitution, compensation and *rehabilitation*" [8]. The Assembly of States Parties to the Rome Statute has established a trust fund for the benefit of victims of crimes subject to the Court's jurisdiction and the families of such victims, and authorizes the Court to "protect the safety, physical and psychological well-being, dignity and privacy of victims" and allow victims to participate in all "stages of the proceedings determined to be appropriate by the Court" [8].

According to the national legislation and international law and taking into account individual circumstances, victims of gross violations of international human rights norms and serious violations of international humanitarian law should, in appropriate cases and proportion to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as set out in principles 19-23

of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition [8]. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law indicate that rehabilitation should include medical and psychological assistance, as well as legal and social services. It should be noted that the categories of victims during the armed conflict include wounded and sick combatants, prisoners of war and the civilian population. Therefore, rehabilitation is a form of reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law during an armed conflict [9].

## CONCLUSIONS

Rehabilitation is an important component of clinical/medical assistance in situations of armed conflict and emergency and is necessary to mitigate the significant amount of disability that follows the surge of traumatic injuries and exacerbation of chronic diseases with devastating consequences for individuals, families and communities, resulting from insufficient access to rehabilitation.

Emergency medical personnel working in situations affected by armed conflict need to identify the ways of referral and/or local health professionals who can complete patient rehabilitation after the emergency medical assistance team has finished.

## References

1. A guidance document for medical teams responding to health emergencies in armed conflicts and other insecure environments. World Health Organization. 2021. <https://apps.who.int/iris/bitstream/handle/10665/341858/9789240029354-eng.pdf> [date access 08.02.2022].
2. Emergency medical teams: minimum technical standards and recommendations for rehabilitation. World Health Organization. 2016. <https://extranet.who.int/emt/sites/default/files/MINIMUM%20TECHNICAL%20STANDARDS.pdf?ua=1> [date access 08.02.2022].
3. Terzi OO, Pluzhnikova TV, Lyakhova NO. Pravovi ta etychni zasady hromads'koho zdorov'ya [Legal and ethical frameworks of public health] *Visnyk sotsial'noyi hihiyeny ta orhanizatsiyi okhorony zdorov'ya v Ukrayini*. 2018;3:84-90. (in Ukrainian)
4. Instruktsiya pro orhanizatsiyu sanatorno-kurortnoho likuvannya, medychnoyi ta medyko-psykholohichnoyi reabilitatsiyi u Zbroynykh Sylakh Ukrayiny [Instructions on the organization of sanatorium-resort treatment, medical and medical-psychological rehabilitation in the Armed Forces of Ukraine] *Nakaz Ministerstva obrony Ukrayiny* 04.11.2016, № 591. (in Ukrainian)
5. Pro zatverdzhennya Instruktsiyi pro poryadok medychnoho zabezpechennya v Sluzhbi bezpeky Ukrayiny [On the approval of the Instructions on the order of medical support in the Security Service of Ukraine] *Nakaz Sluzhby bezpeky Ukrayiny* № 718 vid 08.10.2007. <https://zakon.rada.gov.ua/laws/show/z1238-07#Text> [date access 08.02.2022]. (in Ukrainian)
6. Pro zatverdzhennya Voyenno-medychnoyi doktryny Ukrayiny [On the approval of the Military Medical Doctrine of Ukraine] *Postanova Kabineta Ministriv Ukrayiny* № 910 vid 31.10.2018. <https://zakon.rada.gov.ua/laws/show/910-2018-n#Text> [date access 08.02.2022]. (in Ukrainian)
7. Pro Stratehichnyy oboronnyy byuleten' Ukrayiny [About the Strategic Defense Bulletin of Ukraine] *Rishennya Rady natsional'noyi bezpeky i obrony Ukrayiny* vid 20 travnya 2016 roku. <https://www.rnbo.gov.ua/ua/Ukazy/424.html> [date access 08.02.2022]. (in Ukrainian)
8. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation> [date access 08.02.2022].
9. Hendl' NV. Mizhnarodno-pravove rehulyuvannya spivrobotnytstva derzhav u sferi okhorony zdorov'ya [International legal regulation of state cooperation in the field of health care] *Dysertatsiya na здобuttya naukovoho stupenya kandydata yurydychnykh nauk*. 2014: 256. (in Ukrainian)

*Scientific research work: State registration number 0121U100262 «Anthropological research in the context of the post-non-classical scientific paradigm: philosophical-methodological, psychological, bio-ethical and legal models»*

### Conflict of interest:

The Authors declare no conflict of interest

**Received:** 07.04.2022

**Accepted:** 24.07.2022

---

### ADDRESS FOR CORRESPONDENCE:

**Olena O. Terzi**

Odesa National Medical University  
2 Valikhovsky Lane, 65000 Odesa, Ukraine  
phone: +38 (048) 723-22-65  
e-mail: terzi.elena@ukr.net

### ORCID ID and AUTHORS CONTRIBUTION

0000-0003-4120-6526 – Olena O. Terzi (A, D, E, F)  
0000-0001-9239-5609 – Igor V. Shpak (B)

---

A – Research concept and design, B – Collection and/or assembly of data, C – Data analysis and interpretation, D – Writing the article, E – Critical review of the article, F – Final approval of article