REPORT ON THE CURRENT SITUATION OF ANTI-CORRUPTION WORK AND SOLUTIONS ON ANTI-CORRUPTION IN THE HEALTH SECTOR

The Law on anti-corruption was passed by the National Assembly of the Socialist Republic of Vietnam on November 29th, 2005. The Prime Minister has promulgated the Government Action Plan on the implementation of the Law on anti-corruption. Immediately afterwards, the Minister of Health signed Decision No. 1428/QĐ- BYT, dated April 26th 2006, promulgating the Ministry of Health’s Action Plan on implementing the Law on anti-corruption and the Law on thrifty practice and combating wastefulness. Through the implementation of the law on anti-corruption in agencies and institutions in the health sector, we summarised mains characteristics of anti-corruption work in the health sector as follow:

After three years of implementation of the law on anti-corruption, agencies and institutions in the health sector have been complying properly the regulation on democracy along with each and every activity, properly complying with provisions on transparency and disclosure; disclosing the use and management of state budget, and other financial resources; disclosure of construction projects, procurement; transparency on organising, training and recruiting personnel.

As per instructions in Decision No. 2442/2001/QĐ-BYT dated 25 June 2001 of the Minister of Health promulgating the “Regulation on examination, inspection, handling of complaints and denunciations of Heads of agencies and institutions in the Health sector”, all heads of agencies and institutions under the Ministry of Health have established theirs own inspection task force for regular inspection and examination. Particularly after the Prime Minister promulgated Decree 43/2006/ND-CP on the “Autonomy, accountability of non-profit public institutions”, the accountability of heads of agencies and institutions has been promoted futher; there is a popular awareness on the neccessary of examination and supervision with a view to detecting wrongdoings and corruption within agencies and institutions in the health sector. In addition to that, all public servants, employees working in the health sector are regularly trained and reminded to comply with the 12 ethical
provisions in the health sector. In the past time the sector applied Code of conduct and code of professional ethics for its public servants and employees; the effectiveness of anti-corruption work has been gradually raised. However, through inspection and examination, it is discovered that staff in some units have appropriated or embezzled the collected hospital fee; medical staff in some diseases diagnosing and treating places have taken advantage of their expertise to give prescription with expensive medicines, some others having bad manner in servicing, causing troublesome, etc.

1. Strong points achieved in the struggle against corruption in the health sector

After more than 3 years of implementation of the Law on anti-corruption in the health sector, the Ministry of Health has conducted the following basis tasks:

1.1. Agencies and units under the Ministry of Health, Provincial Departments of Health have implemented provisions of the Law on anti-corruption. Agencies and units has prepared annual action plans and programs to implement the Law on anti-corruption and Law on Thrift Practice and combating Wastefulness.

1.2. Minister of Health has issued a Decision on establishment of the Anti – Corruption Steering Committee under the Ministry of Health. The Steering Committee has organized meetings and allocated tasks to implement the Law on anti-corruption within Ministry of Health.

1.3. The health sector has built and implemented the Code of Conducts; coordinated with the Ministry of Home Affairs to prepare the list of officials in the health sector who must declare income and assets. The requirement on declaration has been strictly complied with.

1.4. The health sector has strictly implemented regulations on transparency in activities of its agencies and units.

1.5. The health sector has conducted the rotation of officials, and staff in order to prevent corruption.

1.6. The Ministry of Health has actively participated in the administrative reform program. The ministry has applied the quality management system of ISO 9001:2000 into the administrative procedures in general and the administrative procedure for individuals and enterprises in particular.

1.7. The health sector has allowed the autonomy on finance and personnel matter, allocated fixed operational expenditure for agencies and units which
meet certain criteria; paying salary through bank account for officials and staff.

1.8. Health sector inspection force has conducted scheduled and spot check inspection and supervision on anti-corruption work according to the Plan approved by the Minister of Health.

1.9. The work on detection and handling of corruption and wastefulness: the Ministry of Health strictly dealt with cases after having official inspection conclusion, including cases on: the equitization of The Central Pharmaceutical Company No.2 subordinated to the Vietnam Pharmaceutical Corporation; 05 units under the Ministry of Health relating to purchasing health equipment inspected by the Government Inspectorate; embezzlement case in Cho Ray Hospital, etc.

2. **Shortcomings:**

2.1. A few number of diagnose and treatment places have not correctly implemented the medical insurance reimbursement regime; taking advantage of the policies on reduction of hospital expenditure for the poors and children under 6 years old to make incorrect reimbursement. There is phenomenon that staff in some diagnose and treatment places have taken the medicine and equipment of the State to sell and enjoy earning together.

2.2. In some Central and Provincial diagnose and treatment places which were equipped with advance equipment, concentrated with leading experts, the amount of patients is crowded and overload. Thus, some staff have taken advantage of this situation to cause difficulties to ask for extra money from the patients. Besides the objective reasons, some staff showing bad manner to patients, and such patients have sent complaints to competent agencies.

2.3. There are also phenomenon that doctors in some diagnose an treatment places have filled in the prescription with foreign expensive medicine to enjoy the commision or to receive gifts from pharmaceutical trading places; induce the patient from the public hospitals to private hospitals; abuse of testing in making diagnose, ect causing troublesome and money costing to patients, lead to pressing in public opinions.

2.4. Conducting the direction in privatized the health sector, the private medical and pharmaceutical practice has actively contributed to medical examination and treatment and reduce the patient number to the central hospitals. However, some medical and pharmaceutical practice places still violate the state regulations such as: operating beyond scope of operation, making prescription and selling the medicine simultaneously, or not listing the service price. Some officials who are serving in the state medical places
participate in the private medical and pharmaceutical practice for their owned interests having violation actions such as leasing the certificate, inducing the patients to their private consulting room, taking advantage of technic in making testing, etc which effect the prestige and operation of the State hospital and violate the Code of Conduct.

2.5. There remains wastefulness in the management of financial resource, equipments and capital construction projects and programs in the health sector. There were cases where employees in charge of collecting hospital fee had abused their power in collusion with others to embezzle the hospital fee, causing negative impact to the credibility of the health sector. Detected cases were handled properly in accordance with legal provisions.

2.6. In some local health care institutions, there were wrongdoings in recruiting employees. These were also handled properly in accordance with legal provisions.

3. Causes of shortcomings:

3.1. The lack of awareness on corruption and anti-corruption work of heads and staff of some local agencies and institutions in the health sector. Some agencies fail to distinguish between public responsibility and individual responsibility in the fight against corruption. There remain agencies attach importance to quantitative results, regardless of the quality of performance.

3.2. Some heads of institutions attach importance to professional expertise and not the management capacity, particularly management capacity on finance, construction projects, human resource. The imbalance has led to corruption, which in turn cause internal disunity.

3.3. Some officials and staff have shown the deterioration in dignity, violated the Code of Conduct, taken care about their personal interests only, material minded, ignored the interest of the community and patients.

3.4. The management, education, supervision of officials and staff in some units are not properly handled.

3.5. The policies and regimes in health sector are not sufficient, inadequate, and some policies is not suitable with the actual situation. There is awareness to simplify administrative procedure, however, sense of responsibility of public servants remains insufficient.

3.6. The preferential treatment, salary and other policies in the health sector are not fully taken care and adequate to duties and obligations assigned.
4. Solutions for prevention and against corruption

Combating against corruption is defined as the obligation of the whole political system and the society. Combating against corruption in health sector is a process of patient struggling with proper steps depend on the socio-economic development stages of country. Enhancing the inspection of the implementation of the Law Against Corruption is one of measures to raise the effectiveness of combating against corruption. Through the implementation of annual inspection and supervision plans of provisions on prevention and against corruption of agencies and units under the health sector, the awareness and responsibilities of agencies and units as well as heads of agencies and units has been raised. The Communist Party and the Government have built the strategies on prevention and against corruption for each stages. The health sector must focus on the following solutions:

4.1. Short term solutions:

4.1.1. Continue to implement properly the law on anti-corruption. Examining, revising, supplementing, improving concrete regulations and provisions on transparency and disclosure of work and performance of agencies and institutions. Clearly define focused areas; clasifying work that need close attention and instruction, setting up deadlines, making clear accountability of group and individual;

4.1.2. Promoting the dissemination of the law against corruption, law on thrifty practice and combating wastefulness; properly disseminating the purpose, requirements and contents of the action plan on the implementation of the law on anti-corruption and the law on thrifty practice and combating wastefulness;

4.1.3. Continue examining, supervising the application of the Code of conduct, code of professional ethics among public servants and employees while conducting their duties in the health sector;

4.1.4. Instructing all departments, bureaus, agencies and institutions in the health sector to examine the compliance with work rotation provisions;

4.1.5. Elaborating and promulgating Regulation on information and reporting on anti-corruption work in the health sector;

4.1.6. Enhancing administrative reform under the directive of the Government centered on reforming the administrative procedure to prevent corruption and raising the quality of officials and staff; thoroughly implement thrift practice and anti-waste in the health sector;
4.1.7. Strictly coordinating with the Communist Party at all levels, mass organizations and units to prevent and against corruption;

4.1.8. Organize to implement effectively the inspection and supervision under the decision of the Minister of Health; examining the implementation of prevention and against corruption in units belong to the health sector; detect and strictly handle with officials and staff who showing the wrongdoings, corruption, causing difficulties, violating the Law against Corruption when carrying out responsibilities.

4.2. **Strategic Solutions:**

4.2.1. *Increasing the transparency in planning, making and implementing laws and regulations:*

- Improving system of legal documents in health sector, sensitive issues for example medical insurance, private medical and pharmaceutical practice, traditional medical practice; medicine, chemical and worn out materials purchase bidding; collecting, expending and management of the hospital fee, fees and charges relating to examination, treatment and cure; privatizing the health equipment, etc.

- Make transparent the process of elaborating, submitting, promulgating policies and regulations; the process of elaborating, submitting, promulgating administrative decisions and administrative documents in the health sector, in close relation with administrative reform process.

- Strengthening examination and supervision on the application of the law on anti-corruption with a view to ensuring the compliance with provisions on transparency and disclosure of activities and performance of agencies and institutions.

- Elaborating and implementing mechanism to ensure the right to access to information of the people; improving and strictly implementing regulation on the spoke person of public agencies.

4.2.2. *Improving public service regulations and public service quality:*

- Clear decentralization of mandates and allocation of duties; providing in detail functions, duties, mandates of each level of management, particularly that of head of agencies and units; dealing with overlaps and gaps in public management.

- Improving and strictly applying provisions on recruitment, appointment, re-appointment, and secondment, in order to raise the quality of staff, public officials and public servants; promptly and strictly deal with wrongdoings and violations in the management of human resource.

- Intergrating anti-corruption contents into the training curricula for public officials, public servants, public employees; promoting integrity education, raising awareness and accountability on anti-corruption work.
- Improving and implementing regulation on the accountability of public officials, public servants and public employees, particularly head of agencies, unit when corruption occurring under his or her management.

- Elaborating, improving, and disclosing the regulations, norms, standards for using public assets as well as regulation on internal expenditure. Declaration of assets and income.

- Pushing the elaboration and application of code of conduct and code of professional ethics, strengthening the supervision on the implementation in accordance with legal provisions.

- Paying appropriate attention to living standard of public servants and employees. Head of agencies and units have the responsibility to raise the living standard for their staff.

- Public administration reform also plays an important role in the first phase; attaching public administration reform in the health sector with institutional reform and public administration reform of the state. Attaching anti-corruption work with public administration reform in the sector, agencies and units.

4.2.3. Improving the mechanism on economic management in the health sector with the principle of equality, fairness and transparency:

- Implementing the policy on economic in the health sector in a transparent and consistent manner, there should be instruction to maintain the consistency.

- Strictly abiding by the regulation on honest accounting, exercising the taxation duties with the state.

- Prove the strong points of the privatization in health sector, create oppoturnity for individuals and organizations which want to invest into health sector to meet the demand for examination, treatment and cure in the market economy with socialist orientation; enhancing the management and pay proper care to social policy groups and the poors; ensure the social fairness and health policies.

- Create favourable conditions for business units and non-productive with receivables implement correctly the policies, laws and regulations, timely prevent the potential wrongdoings.

- Implement State management and enhancing the financial management, management of the capital sources, accounting, purchasing, bidding and public assets management, etc, guiding for implementation in detail the State’s regulations.

- Improving the hospital management machinism, enhancing the supervision roles of the State management agencies

4.2.4. Raising the effectiveness of inspection, examination and supervision in detecting and handling corruption cases:
- Enhancing the inspection and supervision; prove the self-supervision of the organizations and units and inspection duties of inspection agencies. Build the health inspectors teams with enough quantity and ensure the quality

- Enhancing the enforcement of conclusion and recommendation of Inspection groups, Inspection agencies.

- With special characteristic of health sector, everyday, the medical staff have to contact with patients and their relatives. The demand for examination, treatment and cure is increasing meanwhile the facilities and equipment are limited, thus, it is easy to arise the disputes and complains. Therefore, the settlement of complains and denouncement at local level is very important and necessary. The heads of agencies and units must prove the role of inspection system, actively participate in struggle against corruption in health sector.

- Propagandizing, disseminating the laws and regulations on prevention and against corruption; training to increase the profession, political quality, professional ethics of inspectors.

- Enhancing the cooperation between levels, agencies and units to increase the enforcement and effectiveness of inspection, supervision and examination in dealing with corruption.

4.2.5. Raising awareness and prove the role of the whole society in prevention and against corruption

- Promoting and diversifying the methods of propaganda with purpose to raise the awareness in the masses about the signs and damaging effect of corruption and responsibilities of the society in prevention and against corruption; create advantage conditions for the masses to actively and positively participate in prevention and against corruption.

- Raising the role of the mass organizations, social – professional organizations in prevention and against corruption.

- Rewarding the person who denounce, discover corruption actions; strictly handle with corruption actions; strictly dealing with cases taking advantage of denoucement and complain rights to slander, perturb the internal organization of agencies and units, and effect the security, politics, and social safety and order. Building the regulations ensuring the right to access information of citizens.

- Enhancing the leadership, direction of the Communist Party and the State with the prevention and against corruption. Enhancing the examination of the Communist Party, inspection of the health sector to the Communist Party’s members, official and staff of health sector. Strictly deal with corruption cases.

- Hastening the administrative reform, eliminate the “ask – give” mechanism. The adiministrative procedure, especially the licensing,
examination and treatment procedures must be disclosed, fast and accurate and minimize the inconvenience for people when contact or work with public agencies. Making detail and clear personal responsibilities regimes for officials and staff, especially the responsibilities of leaders with wrongdoings, and negative actions occur in their organizations and units. The income of the officials and staff must ensure the basic needs for life.

- Further proving the role of people in supervision the activities of medical institutions, especially the state medical institutions.

- Enhancing the enforcement and effectiveness of inspection, examination and supervision and dealing with wrongdoings in the sectors such as research to amend the decree on the organization and operation of health inspection sector; amend the decree on handling with administrative violations in the health sector; increasing the independence and self-responsible of the health inspection agencies at all levels; enhancing the enforcement of the conclusion of the health inspection agencies.

Ministry of Health