

According to Article 41 of the Public Agencies Law (“Official Gazette of RS” No. 18/05 and 81/05 – correction), paragraph 8 subparagraph 1, item 1) of Resolution of establishment of the Agency for Accreditation of Health Care Institutions of Serbia (“Official Gazette of RS” No. 94/08), the Managing Board of the Agency for Accreditation of Health Care Institutions of Serbia on its meeting held on December 11, 2008 makes this

STATUTE

OF THE AGENCY FOR ACCREDITATION OF HEALTH CARE INSTITUTIONS OF SERBIA

I. GENERAL PROVISIONS

Article 1

This Statute regulates the activities of the Agency for Accreditation of Health Care Institutions of Serbia (hereinafter referred to as Agency), manner of conducting affairs, organs and scope of their work, agency, internal organization, conditions for nominating and dismissal of director and acting director, rights, obligations and responsibilities of director and employees and other issues of importance for work and business of the Agency, according to the law and Resolution of establishment of the Agency for Accreditation of Health Care Institutions of Serbia (hereinafter referred to as Resolution).

Article 2

The Agency is a body corporate according to court registration.

The Government conducts rights and obligations of the Agency according to the Health Protection Law and Public Agencies Law.

Article 3

Agency conducts business with state –owned funds.

II. NAME, MAIN OFFICE, SEAL AND STAMP

Article 4

The main office of the Agency is in Belgrade, address: Dr Subotica St. 5.

Article 5

The Agency has a seal and stamp.

Article 6

The seal of the Agency is of rounded shape, diameter 32 mm, in its center there is coat of arms of the Republic of Serbia, with the text inscribed: “Republic of Serbia, Agency for Accreditation of Health Care Institutions of Serbia – Belgrade”.

Text of the Agency’s seal is written in Serbian language with Cyrillic letters.

Article 7

The stamp of the Agency is of square form, dimensions 60 x 30 mm and it contains the following text: “Agency for Accreditation of Health Care Institutions of Serbia – Belgrade” and has rubrics for the inscription of date of receiving a submission, number under which it is filed and number of attachments with submission.

Text of the stamp of the Agency is written in Serbian language with Cyrillic letters.

Article 8

Director of the Agency determines the manner of issuing, handling, obligating, keeping and recording the Agency’s seal.

Agency Director is responsible for the use of the seal, i.e. person he/she appoints.

Employee that uses the seal and stamp is obligateded by signature and he/she is personally responsible for its regular use and keeping.

Article 9

The Agency has a trademark that it will use in business with third parties.

The content and appearance of the trademark will be determined by a special resolution of the Managing Board.

Agency in its business with foreign countries besides its name in Serbian language can use the name in English: Agency for accreditation of health care institutions of Serbia”.

Agency can use abbreviated name: “AZUS”.

III. LEGAL CIRCULATION AND REPRESENTATION

Article 10

The Agency is responsible for its obligations by funds it owns.

The Agency has a sub-account in the Treasury Administration according to the law.

Funds charged for the price of services are kept on the separate sub-account of the Agency according to the law.

Funds from gifts, donations of Agency's patrons, and other donations granted to founder or the Agency are kept on the separate sub-account of the Agency according to the law.

Article 11

The Agency is represented by Director.

Article 12

Director may by means of power of attorney delegate certain affairs of his/her authority to other employees of the Agency.

Power of Attorney is issued in written form and issued power of attorney can always be revoked.

IV. ACTIVITIES OF THE AGENCY

Article 13

Agency conducts as public authorizations the vested affairs of state administration according to the law as follows:

- 1) Establishing standards for accreditation of health care institutions;
- 2) Estimating quality of provided health care to population;
- 3) Making resolutions in administrative matters about accreditation of health care institutions;
- 4) Issuing public documents about accreditation (certificate) which confirm that a health institution fulfils national, i.e. internationally recognized standards of providing health protection;
- 5) Keeping records about issued certificates.

Government gives approval for the act of paragraph 1 subparagraph 1) according to the law.

The Agency within professional and developmental affairs:

- 1) Conducts a periodical analysis and works on the improvement of accreditation standards;
- 2) Keeps a list of accreditation appraisers;
- 3) Prepares and realizes programs of education of accreditation external appraisers and coordinators for accreditation;
- 4) Consults and provides professional assistance to health care institutions in the accreditation process;

- 5) Gives advice and provides professional assistance necessary for improvement of work quality of health care institutions;
- 6) Provides and realizes education of medical workers with an aim to provide and improve the quality of health protection;
- 7) Promotes accreditation and issues promotional material (brochures, books, publications, handbooks, etc.);
- 8) Conducts other affairs, according to the laws and Resolution.

V. FUNDS FOR ESTABLISHMENT AND WORK OF THE AGENCY

Article 14

Funds for foundation and Agency's work commencement are provided from:

- 1) Budget of the Republic of Serbia;
- 2) Gifts and donations of domestic and foreign legal and physical persons.

Article 15

Funds for work and development of the Agency are provided from:

- 1) Income realized by conducting affairs of its jurisdiction;
- 2) Gifts and donations of the Agency's patrons and other donations granted to the founder of Agency,
- 3) Budget of the Republic of Serbia,

VI. INTERNAL ORGANIZATION

Article 16

The Agency has the following organizational units:

- 1) Department for accreditation;
- 2) Department for quality improvement of the work of health care institutions;
- 3) Department for financial and general affairs;
- 4) Department for public relations and IT support.

Narrow organizational units of paragraph 1 of this Article are regulated by the Operating procedure about internal organization and systematization of work positions that is passed by Director.

VII. ORGANS

Article 17

Organs of the Agency are Managing Board and Director.

The Government appoints and dismisses organs of paragraph 1 of this Article according to the Public Agencies Law.

Managing Board

Article 18

The Managing Board has a chairman and six members that are nominated for the period of five years and can be re-nominated.

Members of the Managing Board are:

- 1) One representative of the Serbian Medical Chamber;
- 2) One representative of the Serbian Chamber of Dentists;
- 3) One representative of the Serbian Chamber of Pharmacists;
- 4) One representative of the Serbian Chamber of Biochemists;
- 5) One representative of the Republic Institute for Health Insurance;
- 6) One representative of the Institute for Public Health of Serbia “Dr Milan Jovanovic Batut”;
- 7) One representative of the Ministry for Health from state officers holding positions.

Article 19

A person can be elected member of the Managing Board that fulfills conditions for the employment by a state organ, who is an expert in one or many fields in the scope of public agency, who holds a university degree, who is not employed in a public agency, who would not provoke a conflict of public and private interest by nomination and who fulfills other conditions defined by a special act or resolution about establishment of the Agency.

Article 20

Scope of the Managing Board activities:

- 1) Passes the Statute of the Agency with founder’s approval;
- 2) Adopts annual work program and financial plan;
- 3) Adopts annual work report and final report;
- 4) Makes other general acts, according to the law;
- 5) Passes Bylaw of work;
- 6) Directs the Director’s work and gives him/her instructions for work;
- 7) Supervises the Agency business;
- 8) Files a report about work and business of the Agency to the founder;
- 9) Decides about content and form of trademark of the Agency;
- 10) Decides about using trademark;

- 11) Conducts other affairs according to the law, resolution of establishment and statute.

Article 21

Chairman of the Managing Board of the Agency:

- 1) Represents the Managing Board;
- 2) Convenes meetings of the Managing Board and chairs these meetings;
- 3) Initiates discussion about certain matters of the scope of Managing Board;
- 4) Signs acts passed by the Managing Board;
- 5) Takes care about the application of the Statute and other general acts of the Agency;
- 6) Conducts other affairs according to this Statute and other general acts of the Agency.

Article 22

Managing Board of the Agency works and decides on meetings.

Managing Board decides with majority of votes of all its members.

Director

Article 23

The Government nominates the Agency director according to the Public Agencies Law for the period of five years.

Article 24

A person can be nominated director if he/she fulfills conditions for employment by a state organ, who is an expert in one or many fields of the Agency's activities, with university degree in medicine, who by nomination would not be provoke a conflict of public and private interest, who has at least five years of work experience in the field of accreditation of health care institutions.

Article 25

Agency's Director scope of activities:

- 1) Organizes and manages the work and business of the Agency;
- 2) Represents the Agency;
- 3) Makes resolutions i.e. administrative acts of the Agency's jurisdiction, except for resolutions made by the Managing Board;

- 4) Decides about rights, obligations and responsibilities of employees in the Agency with founder's approval;
- 5) Prepares and realizes resolutions of the Managing Board;
- 6) Is responsible for the legality of work, and for the professional work of the Agency;
- 7) Makes act about internal organization and systematization of work positions in the Agency;
- 8) Suggests Agency's program of work;
- 9) Conducts other affairs established by the law and Agency's statute and Resolution about establishment.

Article 26

Director is nominated by founder after a realized public contest.

Public contest is realized by the Managing Board.

Article 27

Public contest for nomination of the director is published in the "Official Gazette of the Republic of Serbia" and another daily newspaper issued in entire Republic of Serbia.

Deadline for filing applications for the public contest cannot be shorter than 15 days from announcement of the public contest in the "Official Gazette of the Republic of Serbia".

Article 28

Advertisement about public contest contains conditions that an applicant must fulfill for nomination, evidence that is enclosed to application for public contest, deadline for filing application, organ to which applications are filed, personal name of the person that gives notifications about public contest, data about elective procedure, deadline within which candidates are informed about that when the elective procedure starts and other data of importance for the procedure of nomination.

Article 29

Managing Board first makes a list of candidates that fulfill conditions for nomination and then elective procedure among them is realized.

Professional skills of each candidate are established in the elective procedure according to measures defined by act of association of the public Agency.

After realized elective procedure Managing Board makes a list of candidates that in the elective procedure achieved demanded result and files it to the founder.

Article 30

Founder nominates director from the list of candidates filed by the Managing Board.

Resolution about nominating director the founder furnishes to all the candidates who applied for the public contest.

Candidate that took part in the elective procedure is entitled to insight into evidence enclosed by the named candidate along with the application for the public contest and in the documents of the elective procedure, under the supervision of an official person.

If neither candidate achieved required result, the public competition is repeated and candidates are notified that public contest failed.

Article 31

Candidate who is not nominated cannot refute resolution about nomination by appeal.

He can initiate administrative dispute against resolution about nomination if he/she thinks that he/she fulfills conditions for nomination and has not taken part in the elective procedure, that a candidate was nominated that did not fulfill conditions for nomination, that irregularities occurred in the elective procedure that could affect the objectivity of its outcome or that there are other legally defined reasons for administrative procedure.

If the Court annuls resolution about nomination, founder dissolves director within 30 days the longest as of the reception of absolute court resolution.

Article 32

Duty ceases to member of the Managing Board and director before the expiration of time he/she is nominated by filing a resignation or dismissal.

Resignation is filed to founder and has legal effect when the founder receives it.

After the reception of resignation founder makes a resolution by which it establishes the cessation of duty of member of the Managing Board or director.

Article 33

Member of the Managing Board or director is dismissed if he/she no longer fulfills conditions for nomination, or if he/she does not fulfill obligations foreseen by this or special law or act of association of the public agency or if he/she is convicted of criminal act on a prison sentence of at least six months or punishable act that makes him unworthy of holding the position of member of the Managing Board i.e. director.

Director is also dissolved if he/she by unconscious and irregular work causes larger damages to the public agency or if he/she neglects or unconsciously fulfills his/her

obligations in such a measure that can cause larger problems in the work of the public agency.

Founder decides whether there are reasons for dismissal of a member of the Managing board.

Article 34

Ministry authorized for health care issues initiates and leads the procedure for establishing reasons for dismissing a member of the Managing Board i.e. director according to official duty or at the request of founder.

Ministry is obliged to, at the request of the Managing Board, initiate and to carry a procedure for dismissing director.

Ministry furnishes all the documents and suggests to founder to make appropriate resolution after providing the opportunity to member of the Managing Board i.e. director to state reasons for dismissal and establish necessary facts.

Appeal is not permitted against resolution about dismissal, but an administrative dispute may be initiated.

Article 35

If duty ceases to director before period of time he/she was nominated, founder nominates acting director at the suggestion of the managing board for six months the longest without a public contest.

Acting director must fulfill conditions for nominating director.

Article 36

Founder may dismiss a director against whom dismissal procedure has been initiated until resolution about dismissal is made.

Founder dismisses director from duty at his/her own initiative or at the suggestion of Ministry that leads a procedure in which reasons are established for director's dismissal.

Authorizations of director who is dismissed from duty are taken over by chairman of the Managing Board.

VIII. RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF EMPLOYEES

Article 37

Employee of the Agency has all the rights, obligations and responsibilities according to the law which regulates the field of work.

IX. GENERAL ACTS

Article 38

Managing Board of the Agency makes general acts about work and business of the Agency.

General acts of the Agency are Statute, Bylaw of work, work program, financial plan, report about work and other acts by which certain issues are regulated in general manner according to the law and resolution.

Bylaw of work is made by the Managing Board with the approval of the founders.

Changes and amendments of general acts are done in a manner prescribed for their execution.

X. PUBLICITY OF WORK

Article 39

Agency's work is public.

Publicity of work is realized through informing the public about all the information defined by regulations as information of public importance.

Article 40

The Agency is obliged to in appropriate way, above all in the premises in which it conducts business with users, inform users about their rights, obligations, procedure of realizing rights and obligations, about its work and scope, ministries that supervise their work and manner of establishing contacts with these and about other important data for publicity of its work and relations with users.

Agency is also obliged to:

- 1) exhibit written list of personal names of members of the Managing Board, director, employees that work with users, manager of managing board authorized for reception and considering suggestions and objections of users and other persons in charge in the premises it conducts business with users;
- 2) make it possible that public, users and employees in the public agency learn the brief review of annual program of work of the public agency;

- 3) inform the public about all the information defined by regulations as information of public importance;
- 4) provide information over the phone or other means of communication available;

Director of the public agency is responsible for the publicity of work of the public agency.

Article 41

The Agency has to realize an exemplary relation with parties and users.

Agency is obliged to adjust its work hours to the needs of users.

At least once a year, the Agency must enable users to present their opinions about its work and quality of services and suggest ways of improvement of these, of which the Agency makes a special report which is inserted in the annual report about its work.

Article 42

The Agency is obliged to enable users to give objections and suggestions related to its work, orally and in writing, by phone or in electronic form.

Objections and suggestions of users are received by and considered by a member of the Managing Board authorized for that for one year by the Managing Board of the public agency and who notifies the Managing Board about his/her conclusions, and notifies director, person to whom the objection refers and user.

XI. BUSINESS AND OFFICIAL SECRET

Article 43

In order to provide and successfully execute the affairs of the Agency certain data and acts represent a business secret and may be revealed to third parties only in a manner prescribed by the law and this statute.

A business secret includes documents and data that refer to the Agency and health care institutions that are the users of services of the Agency which revelation to unauthorized person would damage the reputation and interests of the Agency and users of services.

The Agency establishes documents and data of paragraph 2 of this Article that are considered to be confidential.

Article 44

Data that refer to the work and business of health care institution as well as data of the medical documents represent official secret.

Official secret of paragraph 1 of this Article according to the law must be kept by all the employees of the Agency and persons that are engaged in the accreditation process.

XII. PROTECTION OF ENVIRONMENT

Article 45

Agency's activity is performed in a way that does not threaten environment.

Article 46

Measures and means necessary for the protection of environment are established by a general act.

XIII. TRANSITIONAL PROVISIONS

Article 47

Changes and amendments of this statute are done in the procedure and in a manner prescribed for their passing.

Article 48

This Statute after obtaining approval of the Government to its provisions which refer to rights, obligations and responsibilities of director and employees, is exhibited on the advertisement board of the Agency and goes into effect on the eighth day of being published.

No. 18/2008

In Belgrade, December 11, 2008

AGENCY FOR THE ACCREDITATION
OF HEALTH CARE INSTITUTIONS OF SERBIA
CHAIRMAN OF THE MANAGING BOARD
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