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The concept and content of state management for public hospitals under the ministry of health in the new context

Master Nguyen Huynh Dang Khoa

International Hospital Doctor Khoa, Ho Chi Minh City, Vietnam

* Corresponding Author: **Master Nguyen Huynh Dang Khoa**

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Abstract

Public hospitals are hospitals owned by the State, operating to serve the national social security and public health care goals. The article focuses on clarifying concepts of State Management, researching policy making activities, law making, strategies, programs, plans, building organizational systems, and forming management and operating mechanisms for public hospitals. established under the Ministry of Health, limited to central management agencies.

Keywords: State Management; Public hospitals; State Management Content for Public Hospitals

Introduction

The current Vietnamese hospital system includes both public and private sectors. However, the public hospital system, established by the government with a large scale, plays a dominant and decisive role in providing medical services to the people. As of December 31, 2023, the country has 1,424 hospitals with 252,600 beds, of which 1,252 are public hospitals (accounting for 88%) with 239,544 beds (accounting for 95%) and 172 are private hospitals (accounting for 12%) with 13,056 beds (accounting for 5%). The public hospital system also represents a significant financial resource for healthcare, with spending on medical activities being quite high in the total expenditure for health activities.

2. The concept of state management for public hospitals under the ministry of health in the new context

State management is a form of state activity carried out by state administrative agencies to ensure the enforcement of laws and resolutions of state power agencies, aiming to organize and direct the construction of economic, cultural, social, and administrative-political affairs. In other words, it is the execution and administration activities of the state.

One of the crucial sectors of any state in the world is the healthcare sector. State management in healthcare and hospitals is one of the vital functions of the state.

Thus, it can be understood that state management of public hospitals in the new context involves the state using its legal system, policies, and organizational system of management agencies to direct and influence the entities under its management. This aims to ensure and protect the legal rights and interests of patients and hospitals, in order to achieve the goals of improving the quality of healthcare services and patient safety, thereby ensuring social welfare in the new context.

The state sets management objectives and the conditions to achieve these objectives through strategies, programs, plans, systems of indicators, metrics, and benchmarks. It supports hospitals through an institutional framework and necessary resources to meet quality standards and takes measures to address situations where hospitals fail to meet these standards.

The management process begins with policy research and formulation, lawmaking, the development of strategies, programs, and plans, and the establishment of an organizational system. This forms a management and operational mechanism that translates policies and strategies to the public, making them a reality in everyday life. State management of public hospitals requires a comprehensive, timely, and accurate understanding of the current management situation and its future trends.

The state is the entity responsible for managing public hospitals, with a system of state agencies divided into central and local levels, encompassing the legislative, executive, and judicial branches. These agencies execute and manage public hospitals under the authority of the law and have the power to act in the interest of public health, but they must bear civil liability for any damages caused by their decisions and actions. Based on their functions, duties, and powers, the managing entities issue a system of legal documents and sub-law documents to manage, implement, and strengthen state management of public hospitals.

The subjects of state management for public hospitals include organizations, individuals, hospitals, practitioners, and patients. The goal of state management for public hospitals is to facilitate and guide their effective and efficient operation, contributing to the overall objectives of the healthcare sector.

3. State Management Content for Public Hospitals Under the Ministry of Health in the New Context

3.1. Formulating and Issuing Policies, Laws, Plans, and Regulations on the Organization and Operation of Public Hospitals

To ensure effective state management of public hospitals, the state needs to develop strategies, plans, and development programs for public hospitals. The development strategy determines the long-term directions for many years. The basic content of state management for public hospitals within the development strategy includes a system of perspectives, directives for implementing the strategy, and development plans.

The development planning for public hospitals is a form of long-term direction setting for various types of medical services to meet the strategic objectives of public health care and protection. Therefore, planning is a prerequisite for building plans, programs, and projects for the development of public hospitals.

The development plan for public hospitals focuses on the objectives and methods to achieve the set goals. In a market mechanism, the state implements planning to guide the development of medical practice, select models, establish primary objectives, and formulate state management policies for public hospitals.

Currently, we have a relatively complete system of legal documents, including laws, ordinances, decrees, and important guiding circulars that form the foundation for building and developing the public hospital system according to the socialist-oriented market economy in a multi-sector economy.

These documents serve as the legal basis for the state and competent authorities to manage and operate all activities of public hospitals nationwide. They also provide a legal framework for all management agencies and institutions across the country, supporting the nation's development and affirming the humanitarian and superior socialist characteristics of our state in the healthcare sector.

3.2. Organizing the Implementation of State Management Laws for Public Hospitals

The state forms a healthcare organizational system to achieve the objectives of protecting and caring for the people's health (CS&BVSND). Therefore, the organization must adhere to the following principles:

1. Ensuring timely and highly effective service to the public, meeting the needs of the people for healthcare when required.
2. Aligning with the local economic conditions and disease patterns.
3. Matching the scientific and technical level and management capability of the sector, ensuring continuous improvement in service quality within the system.

The general model of management organization in our country is structured according to the administrative organization, which includes four levels: Central, Provincial, District, and Communal. The Provincial-District-Communal area can be referred to as the universal area, aimed at ensuring daily healthcare needs for the people using common, widespread techniques.

Additionally, the specialized area focuses on gradually advancing high scientific and technical standards, employing advanced techniques suitable for Vietnam, delving into scientific research, and providing scientific and technical guidance to local areas to help address challenges beyond the capability of common healthcare services. The specialized area will also train healthcare personnel for the universal area.

Building a team of managers and civil servants working in healthcare management agencies plays a crucial role in enhancing management efficiency. Even if the institutional framework specifies the functions and duties of agencies in a clear and scientific manner, without a competent team of officials and civil servants to execute these duties, the organization's tasks will not be fully accomplished, or the results will be limited.

The activities of public hospitals are diverse, covering many fields and intricate operations. The competency of the team of civil servants working in state management agencies significantly impacts the outcomes of state management. Therefore, it is essential that management officials and civil servants working in state administrative agencies continuously enhance their knowledge and skills during their service.

Besides the general requirements for improving the quality of the team of officials and civil servants, such as political theoretical level, state management knowledge, professional expertise, computer skills, and foreign languages, the process of building the team managing public hospitals also requires specific skills. These include research and policy-making skills in the healthcare field, the ability to establish plans, develop projects, and the skills to organize the implementation of laws.

Therefore, the team of civil servants working in the management agencies of public hospitals must possess the capabilities and competencies to fulfill their assigned functions and duties. At this point, civil servants need to have a higher level of education, knowledge, and management skills, with a broader vision, and more comprehensive analytical, synthesis, and evaluative skills, especially for those in leadership and managerial positions. The performance of this team of civil servants is crucial in determining the quality, effectiveness, and efficiency of public service operations.

To improve the quality of the team of state management officials and civil servants in the healthcare sector, agencies

need to train a well-structured and appropriately composed team for each developmental stage. This involves providing training in the necessary knowledge and skills for their assigned tasks, taking care of the well-being of the sector's staff and officials, and ensuring that their professional development is continuously supported.

The state plays an important role in organizing and establishing conditions for public hospitals to fulfill their rights and responsibilities under the law. The necessary conditions for a public hospital to operate include: issuing certificates of eligibility for operation; conditions regarding physical facilities; requirements for equipment; and qualifications of medical staff. The operational conditions of public hospitals are regulated by the state within the current regulatory framework.

State regulations in the healthcare sector are closely linked to the content of state management in healthcare (considering the management process, various healthcare activities, etc.), related to both the subjects of state management (government agencies, officials, civil servants), entities involved in healthcare activities (organizations, individuals), and citizens (citizens' rights and obligations in healthcare - the field of care, disease prevention, and control). Additionally, the state also establishes strict and uniform regulations regarding expertise, techniques, and professional practices related to activities in the healthcare sector, such as regulations on conditions, professional standards, medical techniques in healthcare, care, nursing, rehabilitation, orthopedics, aesthetics, and inspection.

Dissemination, popularization, and legal education regarding state management of public hospitals is a process of influencing, disseminating the content of the legal framework related to activities, with the purpose, organization, and planning by the educational authorities (the subject of legal education) to convey, transmit information, knowledge about laws, regulations, etc., through scientific educational methods and appropriate forms of education to the target audience to achieve specific educational goals and effectiveness.

The work of dissemination, popularization, and legal education not only focuses on the target audience being state managers in this field but also extends to those who are managerial staff in public hospitals. These managerial staff in public hospitals play a crucial role in implementing guidance documents, utilizing human resources, and correctly performing the functions, tasks, and authorities as prescribed.

In addition, the dissemination of documents and regulations to those working in public hospitals plays a crucial role in improving labor efficiency. The medical staff directly involved in specialized fields such as healthcare demand a solid grasp of the current legal regulations, professional ethics, and the ability to handle situations during healthcare provision.

For effective dissemination and popularization of legal education, several steps are essential

1. Establishing the direction of legal education and dissemination.
2. Developing programs and plans for dissemination and legal education.
3. Implementing various forms of dissemination and legal education.

4. Executing programs and plans for dissemination and legal education.
5. Monitoring, supervising, adjusting, evaluating, and summarizing the dissemination and legal education activities to draw experiences, conduct scientific research, and enhance logical thinking skills regarding legal education.

3.3. Inspection, auditing, and resolution of complaints and accusations against public hospitals are critical stages in the process of state management

The purpose of these activities is to identify any shortcomings in the management process promptly and to rectify them in a timely manner.

The inspection activities carried out by the government concerning public hospitals are particularly crucial because the medical profession directly relates to people's lives, health, and the future development of society. They serve as the eyes of management. Therefore, inspections need to be conducted regularly and in a flexible manner, using various forms such as scheduled inspections, spot checks, top-down inspections, cross-departmental inspections, and inspections covering various stages of operations. Hence, these activities require organizational innovation and appropriate regulations to ensure that the entire healthcare system operates systematically and rigorously.

After the inspection process, competent authorities, individuals, medical inspection agencies, and state agencies with jurisdiction must handle violations of the law in healthcare activities rigorously, promptly, and fairly, ensuring discipline and accountability for public hospitals.

Inspection activities regarding healthcare must comply with the law, ensuring accuracy, objectivity, transparency, democracy, and timeliness. The content of inspections on law enforcement in public hospitals includes legal compliance related to the functions and tasks of the unit, conducted regularly or spontaneously.

Therefore, the inspection of law enforcement in public hospitals is conducted within the framework of hierarchical relations. Thus, when conducting inspections, higher-level medical authorities or heads of agencies have the authority to apply compensation measures for material damages or implement positive measures towards the inspected subjects, such as material or spiritual rewards.

In addition to inspections by government management agencies, healthcare management agencies need to conduct regular inspections. Agencies such as the Department of Health, the Health Bureau, and the Medical Department organize inspections on content within their management jurisdiction. In this field, inspection agencies examine infrastructure, environmental sanitation conditions, medical equipment lists, and the scope of specialized activities specified in the Certificate of Standards and Conditions for Practice of the institution and in the "specialized technical inventory" permitted to be implemented at the hospital; hospital fee schedules (detailed for each specialty). In addition, healthcare management agencies also inspect other issues such as: Fee transparency; Implementation of healthcare professional rights; Regular training and participation in training courses, scientific activities...; Recognition and rewards for achievements; Participation in disease prevention and national healthcare programs.

State administrative inspections in healthcare involve

inspecting compliance with laws regarding medical examination and treatment; the implementation of legal policies and tasks assigned to healthcare institutions; and reviewing and resolving complaints within their jurisdiction. The content of administrative inspections includes: i) Inspecting the implementation of policies, laws, duties, and authorities of state-managed agencies, organizations, and individuals; ii) Inspecting the responsibilities of heads of agencies, organizations, and individuals within the scope of state management; iii) Inspecting the resolution of complaints, accusations, and prevention and combating of corruption as prescribed by law.

Administrative inspection activities are carried out by the Inspectorate and according to the regulations of administrative inspection laws. Inspections of the implementation of policies and laws by domestic and foreign agencies, organizations, and individuals involved in healthcare are required to comply with legal regulations in areas under the state management of the Ministry of Health. Inspections of public hospitals include: Inspecting compliance with laws and regulations in healthcare; specialized inspections in traditional medicine; inspections in healthcare insurance; inspections in the business and use of nutritional products for children; implementation of healthcare insurance policies; implementation of policies and laws in healthcare socialization.

The specialized inspection of healthcare is carried out by state management agencies in healthcare such as the Ministry of Health, Department of Health, wherein the responsible agency for advising and organizing implementation is the state healthcare inspection agency such as the Inspectorate of the Ministry of Health, provincial health inspectorate. Additionally, the specialized inspection activities are also conducted by agencies entrusted with the function of specialized inspection. The agencies entrusted with the function of specialized inspection for healthcare are those responsible for state management tasks in sectors within the healthcare industry, including the General Department, Department under the ministry, Sub-department under the Department entrusted with the task of specialized inspection. In necessary cases, the heads of state management agencies such as the Ministry of Health, Department of Health make decisions on inspection and organize the implementation of specialized inspection activities.

Specialized inspection activities are conducted by the Inspectorate or by inspectors, officials entrusted with the task of specialized inspection, carried out independently and in compliance with the provisions of the law on specialized inspection.

The scope of specialized healthcare inspection extends to various areas within the jurisdiction of the Ministry of Health, Department of Health, and District Health Office, including: preventive healthcare, food safety, environmental health; medical examination and treatment, traditional medicine, health insurance; pharmaceuticals, cosmetics, medical equipment; population and family planning. In terms of pharmaceutical inspection, it covers compliance with regulations on the production, business, import, and export of drugs, narcotics, and psychotropic substances.

For effective and objective inspection work, it requires the inspection team to have practical capabilities in terms of qualifications, experience, and enforcement attitudes.

Supervision is crucial for ensuring that all healthcare

facilities and personnel comply with the law. This creates conditions for advancing the development of the healthcare sector and better serving the people.

Supervision is conducted by state authorities, the Vietnam Fatherland Front, scientific and technical organizations, and pharmaceutical associations. The Vietnam Fatherland Front collaborates with relevant agencies to supervise the implementation of laws at privately-owned healthcare facilities under their jurisdiction. Additionally, the Vietnam Fatherland Front and political-social organizations oversee various healthcare facilities, including clinics, private pharmacies, hospitals, multi-disciplinary clinics, specialized clinics, and family doctor offices, as well as traditional medicine clinics. Experience is then drawn from these supervisory activities to refine and enhance the process for training localities to implement effectively.

Supervision regarding the practice conditions of hospitals includes attention to the organizational structure of hospitals, multi-disciplinary clinics, or specialized clinics, as well as legal requirements for establishing medical facilities. In addition to supervising general hospitals, multi-disciplinary clinics, and traditional medicine clinics, special attention is given to traditional medicine clinics with foreign elements or hospitals with foreign elements.

Monitoring prices, services, and medication costs is essential. When evaluating public hospitals, considerations include the doctor-patient relationship, reporting to higher authorities within the management system, and incident management and resolution.

The supervision of public hospitals involves two types of monitoring: regular monitoring and spot checks.

Management of state administrative agencies is carried out by these organizations to enforce laws and organize and direct the implementation of political, economic, social, security, defense, and foreign affairs tasks of the state. These agencies undertake various activities to ensure socialist rule of law in state management. Among these activities, handling complaints and denunciations is one of their responsibilities. Through this process, higher-level state administrative agencies can inspect, supervise, and evaluate the activities of lower-level agencies. It ensures adherence to the legal framework, protects the lawful rights and interests of citizens and organizations, safeguards the interests of the state and society, upholds strictness and legality, and deals with violations of the law, while ensuring the right to complaint and denunciation and enhancing the socialist rule of law.

3.4. Sanctions for Violations of the Law by Public Hospitals

In the process of state management, not only the development, issuance, and implementation of legal documents into practical life are important, but also the inspection and handling of law violations play a crucial role. Strict, transparent, and public handling of law violations creates credibility in the enforcement of legal documents by authorized state agencies. Therefore, an essential aspect of state management through law enforcement concerning public hospitals is the handling of legal violations.

Forms of administrative penalties for law violations demonstrate the strictness and deterrent nature of the law towards individuals and organizations that violate the rules of state management through the imposition of adverse consequences, both material and psychological, with educational implications for the disciplined individuals or

organizations, contributing to enhancing citizens' awareness of law enforcement and state management rules.

Furthermore, disciplinary action against medical teams and healthcare professionals: Discipline is one of the tools and measures of state management in the process of building, developing, and utilizing medical personnel teams. Handling disciplinary action and responsibility for compensating material damages caused by law violations in the performance of duties and tasks (with limited compensation and full compensation) for medical teams and healthcare professionals must ensure compliance with disciplinary forms, ensuring objectivity, fairness, transparency, timeliness, and other principles, following specific procedures and regulations.

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