

CORUPTION PRACTICES IN HEALTHCARE SECTOR AND MECHANISMS FOR PREVENTING

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Abstract

Corruption in healthcare sector could have severe consequences for access, quality, equity, efficiency, and efficacy of health services. Different measures could be obtained in regard to prevention and control of informal payments and corruption practices in the healthcare sector. Most of the measures are targeted at patients, medical professionals, and/or health care institutions. To improve the basis for more sustainable and efficient healthcare system there has to be implementation of strong and effective mechanisms for control and reduce of corruption practices involving all stakeholders. Successful action against prevention and limitation of corruption depends on knowledge-based attitude. Corruption could be limited or prevented when there are no gaps in legal regulatory framework, in the structure of the regulations themselves, as well as in monitoring and enforcement mechanisms applied.

Keywords: Corruption, healthcare, preventive mechanisms, accountability.

INTRODUCTION

Every society has to properly meet the needs of its citizens for adequate health care. Healthcare systems have to respond to a variety of economic and political challenges as well as to long-standing health care problems (WHO, European Observatory on Health Systems and Policies, 2004). Healthcare system governance is a complex multidimensional task which could result to proper management of healthcare activities, services and resources, while on the other hand – when it is not properly manager – it could result to corruption practices, lack of accountability and unsustainability of the health system. Health systems governance concerns the actions and means adopted by a society to organize itself in the promotion and protection of the health of its population (Dodgson, Lee & Drager, 2002).

The term corruption refers to everything from paying bribes to civil servants and large-scale theft from public funds to a wider range of economic and political practices that people consider abuses of power and that are increasingly criminalized. (European Commission, 2013). Corruption in the health sector can have severe consequences on the access to, quality, equity and effectiveness of health care services. Expensive hospital construction, high tech equipment and the increasing arsenal of drugs needed for treatment, combined with a powerful market of vendors and pharmaceutical companies, present risks of bribery and conflict of interest in the health sector.

Implementing an effective system based on transparency, competition and integrity could result to prevention, elimination and overcoming corruption practices not only in healthcare sector but also in other spheres of social and public life. Fundamental principles of transparency, competition and objective criteria in decision-making take part into governance, organization and reforming processes.

The volume and complexity of corruption practices result to the failing of proper functioning of different public sectors, as it even may result to deterioration in public trust to the specific field where corruption practices have been observed.

Major risk areas for corruption usually involves public procurement and conflicts of interest. Health sector is not excluded from these main risk areas, so the establishment of compliance systems and mechanisms for ensuring transparency could benefit the detection and prevention of corruption practices.

Managing main government processes and special attention to structure and clarity of obligations of public servants could serve as focus point when assuring the prevention and limitation of conflict of interest in public sectors. Anti-corruption initiatives, legislative measures and efforts to reform sectors where corruption occurs plays an important role in overcoming the negative impact which corruption has on the society.

In the healthcare sector, main challenges regarding unlawful and corruption activities could be observed in pharmaceuticals and medical devices services, as well as in actions related to access to healthcare and providing medical attention and services.

CORRUPTION IN HEALTHCARE

Corruption in healthcare sector could have severe consequences for access, quality, equity, efficiency, and efficacy of health services. Fighting corruption in healthcare sector requires an overall commitment to integrate an anti-corruption perspective into all approaches to spending on health. Among the main reasons for corruption in the health sector are weak or non-existent rules and regulations, lack of accountability, low salaries and limited offer of services (Transparency international Health Initiatives, online). Some of the common corrupt practices in the health sector include theft of medical supplies, informal payments, fraud, weak regulatory procedures, opaque and improperly designed procurement procedures, diversion of supplies in the distribution system for private gains and embezzlement of health care funds (United Nations Development Program, 2011).

Dealing with public healthcare corruption practices involving procurement processes, requires good understanding of the procurement processes. Public contracting processes broadly follow the same general steps as those included in general procurement cycle (United Nations Office on Drugs and Crime, 2013).

Main stages of procurement cycle include pre tender stage, tender stage and post-tender stage, as in each and every stage of the procurement, corruption risk may occur, as the choice of tender method is usually determined by the estimated contract value and the legal requirements of the regulatory framework.

Direct impact on the corruption risk may have the tender procurement method and the type of procedure selected to be applied. Higher risk of corruption and favoritism may occur when there is lack of transparency, lack of visibility and accountability as well as when weak implementation of monitoring mechanisms have been applied. Procurement system management in most cases, and specifically in healthcare sector depends on great extent to factors such as visibility and accountability and positive results may be accomplished in circumstances when stakeholders are being able to monitor the procurement process.

Corruption and unlawful practices could occur under the form of bribery and fraud, as different types of corruption activities can be identified by reviewing the processes in the health care delivery system and examining the potential risks and abuses that could occur within them.

Bribery could be determined by the offering of advantages for actions that are illegal or unethical. Risk management in administrative and management activities could fail to detect or prevent corruption occurring by the form of bribery. Development and implementation of adequate tools and instruments on detecting corruption activities, as well as public awareness and risk management capacities may support the prevention and elimination of corruption on various sectors, including in healthcare sector.

Complex administrative servicing is aimed at facilitating the access to administrative services, reducing costs and deadlines for administrative servicing, assuring its orientation to the needs of citizens and organizations, as well as reducing administrative burdens. (Neykova M., 2017). At institutional level, good governance is critically important for detection, overcoming and preventing corruption in all its forms. The term 'good governance' has both social and political value, as it has been used to promote and implement specific types of concepts and reforms at national and international level.

Direct participation of clients, patients, citizens, services providers and service users could support accountability and may have positive impact on overcoming challenges and negative outcomes resulted by lack of transparency.

The general concept of governance in healthcare services include international institutions and national bodies to promote work of governance and to adopt easier and modern techniques when developing sustainable anti-corruption solutions. It is important to be taken into consideration the fact that certain variables may play important role in understanding what outcomes specific initiatives and policy implementation may produce.

Environmental impact assessment in regards to public services may result to better design and implementation of policies and solutions which will benefit the anti-corruption activities and will result to prevention and resolution of major corruption problems and complication. Designing strategies for public health services requires to create a patient - center oriented mechanism and adapt the management framework toward the involvement of service cares delivers and providers as well as to stake holders. That way it will be easier to increase the trust in government capacity and public authorities, as at the same time major needs of the population could be accomplished.

Public-private sector partnership could also significantly increase the sustainable development of social and accountable mechanism for increasing quality and affordability of services. Such activities may result to easier implementation of broader and multi-level strategic approaches causing informal relations to be minimized and bringing forward mechanism for anti-corruption integration.

Bribery and corruption in general, could occur in various stages as sometimes bribes have to pay to officials or service providers along the course of healthcare service. Additional payments within the healthcare services performance could be required for having favorable treatment or special attention in the course of duties being performed as part of medical attendance or healthcare services. Usually, a form of additional income is performed under the case of bribe acceptance.

National instruments, tools and strategies developed base on specifics of domestic environment could promote and provide solid grounds for resultful implementation of anti-corruption solutions. Cases with presence of weak legislation and institutional framework for tackling corruption can use the option of relying on international instruments for dealing with the issue.

As part of the fight against corruption mechanism, the European Union has set European antifraud office in 1999, under the name of OLAF, with priority of assisting European Union member states in fight against corruption, fraud and other related criminal offences. OLAF has competences in investigation of allegations of fraud and other against the law activities involving members and stuff of the European Union institutions. This may result to disciplinary and criminal proceedings against allegations of corruption.

BULGARIAN HEALTHCARE SYSTEM FUNCTIONALITY

Bulgaria is among European Union countries with relevantly low expenditure on health as a percentage of GDP invested in healthcare sector, and it is below the EU average (European Commission, Bulgaria – Health care and Long-Term Care Systems, 2016). According to the Annual report for 2020 on the condition of citizens' health (Ministry of Health, National Center for Public Health and Analyses, 2020) the percentage of patients in Bulgaria, who have to make additional payments for healthcare services is relevantly high (around 48%) in relation to patients in other European Union counties, where 20-25% of healthcare services provided have to be covered by patients themselves.

Bulgaria has a mixed system of health care financing, as it is financed from three main sources: compulsory health insurance contributions, general taxation, and household private expenditure. The country has a system of mandatory social health insurance, providing coverage for the residing population. The National Health Insurance Fund (NHIF) pools the compulsory social health insurance wage-related contributions of employed individuals and the general tax revenue allocated by the government which covers for the contributions of the non-working population (pensioners, unemployed, people taking care of disabled members of the family, people with right to social welfare, etc) (European Commission, Bulgaria – Health care and Long-Term Care Systems, 2016). Healthcare services in Bulgaria could be provided in primary care or in hospital care. Primary care in Bulgaria is provided by General Practitioners (GPs) working in private practices, group practices and in outpatient departments, as citizens have free choice of GPs. Hospital care in the country is provided by public and private health establishments.

The institutions which are financed by the State budget follow different procedures and are paid per diem by the Ministry of Health. The mechanisms for paying staff employed in inpatient care institutions vary according to the type of the institution and, generally, combinations of various payment methods are used. In the public inpatient sector, health personnel are mostly salaried with additional performance-related bonuses. In private hospitals, payment mechanisms are directly negotiable between the employer and the employees under labour contracts

for different personnel categories (European Commission, Bulgaria – Health care and Long-Term Care Systems, 2016). Corruption practices in healthcare services could be located both in primary care and in hospital care, despite the fact that health care providers in Bulgaria are mainly reimbursed by the National Health Insurance Fund retrospectively - on a per-case and per-capita basis.

Corruption in healthcare could sometimes result to low public healthcare expenditure and regardless the country where corruption practices occur, it commonly relates to disturbance of access to healthcare services and medical treatment. Restricted access of patients to healthcare result to inequalities and limitations. Corruption in healthcare system could be directly related to actions concerning theft and resale of publicly-funded medicines, medical supplies or even vaccines, as such corruption practices could contribute to shortages, limiting public health surveillance and control, and restriction patients' access healthcare (Transparency International, Global Health Program, 2020).

INFORMAL PAYMENTS IN HEALTHCARE AS FORM OF CORRUPTION

Informal payments from patients are a common practice in many countries. They are defined as a contribution made by patients (or others acting on their behalf) to healthcare providers for services patients are entitled to. These payments are not always illegal, corrupt, or harmful, but informal payments can constitute corruption when they happen before treatment, if they are solicited—or extorted—by the provider and if they involve cash or expensive items (Transparency International, Global Health Program, 2020). Corruption could be limited or prevented when there are no gaps in legal regulatory framework, in the structure of the regulations themselves, as well as in monitoring and enforcement mechanisms applied. At national level, in Bulgaria as part of the National Anti-Corruption Strategy it has been provided plan for specific actions and measures to be held in order to increase control, publicity and accountability over the spending of resources of medical institutions (National Strategy for preventing and combatting corruption in the Republic of Bulgaria 2021-2027). The adopted National Strategy relates to time framework from 2021 to 2027.

POLICIES AND PRACTICES TO PREVENT AND CONTROL INFORMAL PAYMENTS AND CORRUPTION

Different measures could be obtained in regard to prevention and control of informal payments and corruption practices in the healthcare sector. Most of the measures are targeted at patients, medical professionals, and/or health care institutions. Defining and establishing electronic health patient records and implementing information and communication technologies (ICT) in healthcare could ensure transparency, accountability in providing healthcare services, which could result to minimize corruption risk.

Accessibility of health data in relation to the introduction of new technologies when providing healthcare services may have an impact on the transparency and accountability. Health data and especially electronic health record information systems provide practical solutions but also raise legal challenges, as data often depends on technologies, especially in regards to information accessibility, use and sharing. The electronic health record contains data, information and contacts of patient's personal physician, as well as document sheets and forms of all performed medical and dental examinations and treatments.

New technologies are offering numerous of opportunities to collect, use and share health data more efficiently. Processing of health data is fundamental for the good functioning of healthcare services, for patients' safety, for providing advance research and improving public health. But in relation to track cases and manage solution for fight against corruption it is critically important to be considered specific aspects of disclosure of information, especially when it is referring to health data.

Specific approach has to be obtained in relation to exercising the right to data portability, as on legal grounds such right could be enforced upon a special request of the person whose data is to be processed and the application of this right directly relates to the aspect of storage and further the issue use of the information.

Usually, personal information regarding health conditions and status, as well as personal medical data transparency could facilitate traceability and accountability of the conduction of medical services, an important aspect in detection and prevention of informal payments. When analyzing informal payment practices in healthcare it is important to be taken into considerations that patients who are unable to pay extra for specific

health and medical services and who cannot provide informal payment, may be facing delay in medical treatment or healthcare services.

In Bulgaria healthcare system, the implementation of personal electronic health record for patients is one of the components of the National Health Information System. Bulgarian National Health Information system aims to assure effective functioning of the health system and provide connectivity in the health care sector. Basic electronic health record maintenance provides access to e-prescriptions, navigation through patient's medical history and facilitates decision making process.

Healthcare providers commonly refer to some form of computerized patient record system as the implementation of appropriate digital health technologies is essential for achieving quality of services, effectiveness and efficiency of healthcare. An important measure could focus on increase in the level of knowledge of patients/medical professionals in regard to healthcare services and their reimbursement. Successful action against prevention and limitation of corruption depends on knowledge-based attitude. This is why knowledge, education and information campaigns on promoting basic values, standards and distinguishing corruption preventing practices could result to minimize corruption risk.

Organizational and individual capacity building as part of anti-corruption policies and strategies are based on the concept of Rule of law, improvement of public administration competences in healthcare sector and systems capability involvement in fight against corruption mechanisms.

In healthcare, the capacity of government to formulate and implement policies and management resources properly could result to providing efficiency in services. The control of corruption outlines an overview of the extend and the nature of corruption activities among officials, servants, decision-making personnel and service providers.

In Bulgaria professional organizations defend the rights and interests of their members, as they also participate in the development and enforcement of major legislative acts in healthcare sector. Professional organizations are responsible for providing continuing education and training, for exercising professional control, for good medical practice and for ensuring that professionals adhere to ethical standards.

The healthcare system in the country is based on regulatory regimes, as on one hand there is the functioning of state-owned and state-controlled health fund financed by mandatory contributions by income earners and on the other hand, a union of healthcare providers involved in negotiation on national framework related to the insurance fund.

CONCLUSION

Providing efficient healthcare and medical services depend and mostly relay on combination of financial factors and resources, human capital competences, supply and delivery mechanism in the context of stable environment and good system functioning. Good governance in healthcare implies that health care system functions effectively and with relevantly high level of efficiency.

Corruption practices are not only restricted to the health sector but complex corruption practices are being delivered and could be observed in various sectors of social and public context. Corruption puts in danger the exercise of fundamental human rights and the equal access to health care, as the access to care is a key aspect of the right to health. One of the important aspects of the monitoring and evaluating function is to assess changes in the level of resources being made available and to identify the areas where gaps exist and improvements are required.

Corruption is a risk factor not only in relation to emergency situations of personal and public health origin, but also in the context of public health threats and especially in times of health crisis and pandemics. To ensure regulation and to minimize corruption risks in healthcare practice it important the sector to be sufficiently resourced. Providing resources and funding mechanisms could assure proper environment for elimination of some of the most severe corruption risks.

The adoption and implementation of special anti-corruption measures could provide the necessary integrity, transparency and accountability which could lead to minimizing and preventing corruption risks. Anti-corruption policies and management activities must reflect objectives, measures and tools for successfully overcoming of corruption practices in various forms and in different public, social or health sectors. Serving public interest in public health perspective and services of care, provide reference point for establishing and development of different courses of action when fighting against corruption.

Conflict of interest could concern valuable criteria and major focus point for integrated policy management and enforcement. A significant number of legal acts have been adopted that govern different aspects of the provision of administrative services. (Neykova M., 2018) When corruption is mass phenomenon, policy development and implementation challenges could result to transition processes. The challenge in constructing policy framework directly relates to ethical behavior and provision of strict formal regulatory mechanisms.

Ethical behavior and solid attitudes and values are related to maintaining highest standard with attitude and values. Maintaining ethics in public life requires the power to set rules for accomplishing integrity, accountability honesty. Risk assessment is directly related to integrity, as corruption is mostly reflecting the extend of capability to prevent and control corruption within healthcare systems and the effectiveness of these measures in practice. (European Commission, 2017.)

Anti-corruption interventions are especially needed, although they cannot eliminate all risks, but integrity actors could contribute to government-wide performance evaluation and improvement, using data to provide substantiate analyses development.

Successful prevention of corruption in healthcare is directly related to development and implementation of coordination and control mechanisms based on policies and regulations minimizing corruption risk. To improve the basis for more sustainable and efficient healthcare system there has to be implemented strong and effective mechanisms for control and reduce of corruption practices involving all stakeholders. Improvement of the systems for data collection and monitoring of inputs, processes, outputs and outcomes could result to better assessment performance and limitation of corruption practices. Appropriate regulation ensures successful prevention of corruption and corruption risk minimization in healthcare sector and it could be obtained when the healthcare sector is developing and has implementing policies that ensure transparency and accountability for all main key procedures.

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