

Government Decree 72/2020 (28 March)
on hospital commanders and protecting healthcare supply

The Government,
acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law,
acting within its function laid down in Article 15 (1) of the Fundamental Law,
orders as follows:

Section 1 The maintainer of a healthcare institution providing inpatient care, or outpatient care in connection with inpatient care (hereinafter “healthcare institution”), shall, irrespective of the maintainer’s identity, ensure the protection of healthcare equipment and devices, supplies of medicinal products and disinfectants (hereinafter “healthcare supply”) at any of its establishments with particular attention, with a view to containing the coronavirus epidemic.

Section 2 (1) After obtaining the opinion of the Operational Corps Responsible for the Containment of the Coronavirus Epidemic if required, the Minister responsible for law enforcement shall make a recommendation for the secondment of a hospital commander to a healthcare institution to monitor the use of healthcare supplies purchased with budgetary funds.

(2) The Prime Minister shall, on a proposal from the Minister responsible for law enforcement, issue a letter of mandate to hospital commanders. After a letter of mandate is issued, the Minister responsible for law enforcement shall second the hospital commander to the healthcare institution.

(3) The activities of hospital commanders shall be directed by the Minister responsible for law enforcement in accordance with the provisions under section 3.

(4) The head of the healthcare institution shall enforce recommendations by the hospital commander on following the rules concerning epidemiological risks and protecting the healthcare supply.

(5) A hospital commander may not make any recommendations or take any decisions on medical professional matters.

Section 3 (1) The Minister responsible for law enforcement shall exercise his power set out in section 2 (3) through the national hospital commander in chief, who shall determine the scope of, and coordinate the, activities of hospital commanders.

(2) The national hospital commander in chief and his deputy shall be mandated by the Prime Minister on a proposal from the Minister responsible for law enforcement.

(3) The deputy of the national hospital commander in chief shall be a physician who is proficient in managing a healthcare institution.

Section 4 The national hospital commander in chief shall keep the Minister responsible for law enforcement informed of data related to the security of the healthcare supply.

Section 5 (1) The head of a healthcare institution shall take measures for the maintenance and preservation of the condition of the healthcare supply if doing so is justified by the condition of the healthcare supply.

(2) In the case specified in paragraph (1), a contract in effect concluded with the healthcare institution for the protection of persons and property or, if the contract is concluded for the provision of multiple services, its part relating to the provision of such a service, may be dissolved.

(3) If a measure under paragraph (2) is taken, the director of the healthcare institution shall be obliged to conclude a contract for the protection of the healthcare supply, having regard to section 2 (4).

(4) For the protection of the healthcare supply, a security guard seconded under this Decree shall exercise his authority set out in Act CXXXIII of 2005 on the rules on personal and property security and private investigator activities (hereinafter “Szvmt.”), with the derogation that he shall have the right to search the clothing, package or vehicle of a person without his consent, respecting his human dignity, even if the conditions specified in section 28 (1) of the Szvmt. are not met.

Section 6 (1) With a view to achieving the objective set out in section 5 (1), the Minister responsible for law enforcement shall, in place of, or if required, together with, taking a measure specified in section 5 (3), involve, for the protection of the healthcare supply,

- a) an organ established to carry out general policing tasks, or
 - b) with the agreement of the Minister of Defence, the Hungarian Defence Forces
- in securing the healthcare supply.

(2) The Hungarian Defence Forces shall carry out the static force protection activities set out in section 36 (1) *e*) of Act CXIII of 2011 on the Hungarian Defence Forces and measures applicable during special legal order (hereinafter “Hvt.”) concerning healthcare institutions designated in a proceeding under this Decree.

(3) In the course of the performance of the task set out in paragraph (1) *b*), a member of the Hungarian Defence Forces under section 1 (1) of Act CCV of 2012 on the legal status of soldiers, in carrying out a static force protection activity set out in section 36 (1) *e*) of the Hvt., shall have the right to take the measures and use the coercive means specified in sections 58/A to 60 of the Hvt.

Section 6/A (1) The maintainer of a licence holder providing permanent or temporary care for the elderly under Act III of 1993 on social administration and social benefits operated with a capacity of at least 200 places shall, irrespective of the maintainer’s identity, ensure the protection of the healthcare supply with particular attention in accordance with section 1.

(2) On the basis of a decision by the head of the Operational Corps passed on a proposal from the Minister responsible for healthcare, a hospital commander shall perform the tasks of an institution commander in an institution specified in paragraph (1) to monitor the use of healthcare supplies purchased with budgetary funds and the compliance with epidemiological measures.

(3) Section 2 (3) and (4) and the provisions of sections 3 to 6 shall apply to the legal status, tasks and competences of a hospital commander regarding the tasks of an institution commander under paragraph (2).

(4) The provisions of section 2 (4) and section 5 (1) to (3) shall apply concerning the obligations of the head of an institution under paragraph (1).

(5) A hospital commander acting within the powers of an institution commander may not make any recommendations or take any decisions on nursing, care and medical professional matters.

Section 7 This Decree shall enter into force on the day following its promulgation.