Consumer Interest Protection And Regulations In Purchasing Medicine, Medical Equipment – And Education Lessons For Students

Nguyen Trong Diep LLD¹, Dinh Tran Ngoc Huy, MBA (corresponding)², Tran Thi Tra Phuong (corresponding)³, Nguyen Anh Thu, PhD⁴, Nguyen Trong Hung (corresponding)⁵, Ly Thi Hue, PhD⁶

¹School of Law, Vietnam National University, Hanoi Vietnam.

²Banking University HCM city Vietnam – GSIM, International University of Japan, Niigata, Japan.


⁴School of Law, Vietnam National University, Hanoi Vietnam.


⁶National Academy of Public Administration, Vietnam.

Abstract

In this paper, authors will explore relevant regulations on purchasing medicine as well as present legal case studies and Ho Chi Minh ideologies for educating medical students. Methodology: using observations, experience, synthesis analysis, historicalism methods. Findings: First this study highly criticize via a case study in Can Tho city (The appointment of the contractor by CDC Can Tho shows signs of intentionally choosing products of Viet A Company and appointing Hop Nhat Company to implement the bidding package to legalize procurement documents, build prices without reference to prices. market leads to price difference causing damage to the State budget…). Last but not least, The medical profession and medical staff and doctors need to continue to actively and actively research, improve their professional qualifications, and apply scientific advances of world medicine to medical examination and treatment activities.

Keywords: purchasing medicine, medical equipment, relevant regulations

1. Introduction
In a letter to the National Medical Staff Conference in 1953, the writer wrote: “When the health of cadres and people is guaranteed, the spirit is more enthusiastic. With full spirit and health, the more victories in the resistance war, the faster the nation building will succeed. That task has two parts: Prevention is as necessary as cure…” (source: Ho Chi Minh, Complete volume, Vol 8, National Program Publishing House, Hanoi, 2011, pp.154). The core point of Ho Chi Minh's medical ethics is that a doctor must be like a good mother. In the admonition "The physician must be like a mother", Uncle used the word "must" with the desire to emphasize that the physician must also be a gentle mother, must have all the good qualities such as tenderness, dedicated, thoughtful, hard working, suffering, ready to sacrifice to fulfill the duty of saving people. With the love of a good mother, a doctor can avoid bad habits, such as self-interest, negativity, bossiness, coldness when dealing with patients, negligence in work.

Procurement in the medical field sometimes comes from passive demand, depending on factors such as epidemic situation, disease pattern. Especially in the years 2020-2021, which are two years heavily affected by the COVID-19 pandemic, many bidding packages must be purchased in the form of shortened appointment of contractors, selecting contractors in an emergency to serve them for anti-epidemic needs. Due to the impact of the COVID-19 pandemic, the source of production materials and goods is scarce, the prices of goods fluctuate, so the procurement of drugs, medical supplies, chemicals, and biological products for the room, fighting epidemics and medical examination and treatment becomes more and more difficult.

Research question:

Question 1: Present relevant regulations on purchasing medicine?

Question 2: Present legal case studies? Ho Chi Minh ideologies for educating medical students?

2. Literature review

First of all, Clause 1, Article 77 of the Government's Decree No. 63/2014/ND-CP dated June 26, 2014 detailing the implementation of a number of articles of the Law on Bidding and contractor selection, and assigning the Ministry of Health to provide guidance on bidding. drug contractor. The Ministry of Health has issued the following Circulars guiding drug procurement:

- Circular No. 09/2016/TT-BYT dated May 5, 2016 promulgating the list of drugs for concentrated bidding and the list of drugs eligible for price negotiation.

- Circular No. 10/2016/TT-BYT dated May 5, 2016 promulgating the list of domestically produced drugs that meet the requirements of drug value treatment and supply capacity.

- Circular No. 11/2016/TT-BYT dated 11/5/2016 regulating the bidding for drugs at public health facilities (including medicinal herbs).
Therefore, drug procurement is done according to the above documents of the Ministry of Health.

As for medical supplies, the selection of contractors to supply medical supplies is the same as for procurement packages specified in Circular No. 58/2016/TT-BTC dated March 29, 2016 of the Government. The Ministry of Finance stipulates the use of State capital to purchase assets in order to maintain regular operations of State agencies, units of the armed forces, public non-business units, political organizations and organizations. socio-political organizations, socio-professional organizations, social organizations, socio-professional organizations.

Then we summarize related studies as follows: Table 1 -

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<tr>
<th>Authors</th>
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<tr>
<td>Raventos &amp; Zolezzi</td>
<td>2015</td>
<td>The use of information technology tools such as electronic purchase showed results in reducing the price of medicines when evaluated in the context of Chile in 2004</td>
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| Ribeiro           | 2014 | Availability is directly related to the procurement of medicines. Although there are different models and configurations of health systems, government procurement is an activity performed by all of them. It is as a tool for the fulfillment of public assignments, such as providing services to society, and its attainment is fundamental to the managerial and financial rationality of public administration. Government procurement is a type of public purchase carried out by entities linked to the State such as public companies and mixed-capital companies, and is governed by specific regulations of each country or
During the past two decades, the internet has become an accepted way to purchase products and services. Buying medications online are no exception. Besides its benefits, several patient safety risks are linked to the purchase of medicines outside the traditional supply chain. Although thousands of internet pharmacies are accessible on the web, the actual size of the market is unknown. Currently, there is limited data available on the use of internet pharmacies, the number, and attitude of people obtaining medications and other health products from the internet.

Moreover, Fitler et al (2022) pointed out that many patients will purchase medications on the internet in the future. Currently, there is an increased risk of patients buying products from illegal sites because these dominate the global online pharmacy market. Consequently, improved patient-provider communication and promotion campaigns are needed to inform the public about the safe use of internet pharmacies, as these initiatives can directly prevent patient safety threats.

3. Methodology and information
Authors will be based on dialectical and historicalism method, authors also use experience, observations via an example of a case study and other qualitative methods, including synthesis, explanation, and inductive approaches.

(source: authors synthesis)
3. Main findings

4.1 Relevant regulations on purchasing medicine

DOCUMENT No: 15/2019/TT-BYT Hanoi, July 11, 2019
PROVISIONS ON BIDDING DRUGS AT PUBLIC HEALTH FACILITIES
Article 14 of this Circular and the following provisions:

a) For drugs on the List of drugs for national-level centralized procurement and the List of drugs for price negotiation: The National Center for Centralized Drug Procurement of drugs is responsible for formulating a plan for selecting drug suppliers. The plan is made based on the drug use needs of the medical facilities built according to the announcement of the National Center for Centralized Drug Procurement. The maximum contract performance period is 36 months, divided by drug class and quarterly and annual supply schedule;

b) For drugs on the List of drugs for local-level concentrated bidding: The unit in charge of local-level concentrated drug procurement is responsible for formulating a plan for selecting drug suppliers. The plan is formulated based on the drug use needs of the medical facilities and formulated according to the notice of the local centralized drug procurement unit. The maximum contract performance period is 36 months, divided by drug class and quarterly and annual supply schedule;

c) For drugs by which the medical establishment organizes its own contractor selection: The medical establishment is responsible for formulating a plan for selecting a drug supplier. Plans are made periodically or irregularly when needed. The maximum contract period is 12 months, divided by drug class.

2. Heads of medical establishments shall organize the selection of contractors to ensure the following provisions:

a) For drugs on the List of drugs for national-level centralized bidding and the List of drugs for price negotiation: The National Center for Centralized Drug Procurement is responsible for organizing the selection of drug supply contractors according to the provisions of Chapter IV and Chapter V of this Circular;

b) For drugs on the list of drugs for local-level concentrated procurement: The unit in charge of local-level concentrated drug procurement is responsible for organizing the selection of drug supply contractors according to the provisions of Chapter IV of this Circular;

c) For drugs other than the List of drugs for national-level centralized procurement, the List of
drugs for local-level concentrated procurement and the List of drugs for price negotiation: The medical facility shall have to organize the selection of a supplier to supply the drug. drugs as prescribed in Chapter III of this Circular.

METHODS OF SELECTION OF CONTRACTOR

Article 19. Open bidding

Open bidding is applied to all bidding packages within the scope of this Circular, except for the cases specified in Articles 20 to 24 of this Circular.

Article 20. Limited bidding

1. Restricted bidding is applied in case of purchasing drugs subject to special control on the list promulgated by the Ministry of Health and drugs with specific characteristics that only a few contractors can satisfy the requirements of the bidding package.

2. Manufacturers and suppliers of drugs that have been pre-selected by the Ministry of Health to be included in the list of drug manufacturers and suppliers that meet the requirements on capacity, experience and reputation as prescribed at Point a. dd Clause 1 Article 77 of Decree No. 63/2014/ND-CP is invited to participate in the limited bidding process if there are drugs suitable for the bidding package.

Article 21. Appointment of contractors

1. Cases of ordinary contractor appointment and shortened contractor appointment:

a) Regular appointment of contractors applies to bidding packages for drug purchase with a limit of not more than VND 01 billion as prescribed at Point e, Clause 1, Article 22 of the Bidding Law;

b) Shortened appointment of contractors applies to bidding packages in the cases specified at Point a, Clause 1, Article 22 of the Bidding Law and Article 79 of Decree No. 63/2014/ND-CP.

Figure 1- Medical students practices with equipment
4.2 Legal case studies of purchasing medicine, medical equipment in Vietnam

Which laws regulate?
On July 22, 2021, the Government issued Resolution 79/NQ-CP on procurement of drugs, chemicals, supplies, equipment and means for COVID-19 prevention and control.

The Government agrees to let the Prime Minister approve the contractor selection plan in the special cases specified in Article 26 of the Bidding Law for:

- A number of drugs, chemicals, supplies, equipment and means for epidemic prevention and control are purchased directly from manufacturers, supplied abroad, or purchased through United Nations procurement units;

- Some specific products are domestically produced at the request of the Ministry of Health, the People's Committee of the province and the appraisal opinion of the Ministry of Planning and Investment.

When formulating the bid package price for procurement of chemicals, supplies, equipment and means for the prevention of COVID-19 epidemic, it is necessary to base on Clause 2, Article 11 of Circular 58/2016/TT-BTC dated March 29, 2016.

Particularly for the construction of bidding package prices for medical equipment procurement, the provisions of Clause 2, Article 11 of Circular 58/2016/TT-BTC mentioned above or Article 8 of Circular 14/2020/TT-BYT shall be followed. 10/7/2020.

In case of online public bidding to purchase goods for epidemic prevention and control, the minimum
time for preparing bids is 10 days.

Resolution 79/NQ-CP takes effect from the date of signing.

Next we see legal case study in Can Tho city:
The Can Tho City Inspectorate proposed to transfer the police to continue investigating and clarifying and handling in accordance with the law some bidding packages for procurement of test kits of Viet A Technology Joint Stock Company (Viet A Company). production, appointed by the Center for Disease Control (CDC) Can Tho, there are signs of intentionally choosing products of Viet A Company...
The Inspectorate of Can Tho City has just issued a notice of inspection conclusions on the procurement and use of equipment, supplies and means of epidemic prevention and control, various types of rapid diagnostic tests and RT molecular biological tests. -PCR to identify Covid-19 at the Department of Health and related agencies and units. Through the inspection, it has pointed out many shortcomings and shortcomings that need to be overcome and rectified.

In 2020 and 2021, units have purchased 576 bidding packages, totaling more than 276 billion VND. The inspection team inspected 413 bidding packages, with a total value of more than 238 billion VND.

The inspection results showed that, the Department of Health borrowed goods and signed a contract on the principle of advance goods according to sales with the contractor, and then appointed the contractor later, which was not consistent with the principles of bidding specified in Clause 1 of this Article. 12, Article 4 Law on Bidding.

Some bidding packages do not perform enough steps for appointment of contractors according to the shortened process, do not have 3 quotation sheets to serve as a basis for appointing contractors and determining bid package prices, and have not been publicly posted on the network. national tender. Bidding documents of some bidding packages do not show the sending of draft contracts to contractors for contract negotiation and finalization; failing to publicize contractor selection results as prescribed.

CDC Can Tho implemented 7 bidding packages for procurement of biologicals, chemicals, and consumables, of which 5 packages have completed payment procedures, 2 bidding packages have temporarily stopped payment (following the steps specified in the procedure below). tendering). The unit appointed as the contractor is Hop Nhat Science Company Limited (Hop Nhat Company).

Through the inspection at CDC Can Tho, some limitations were noted, such as the selection of products manufactured by Viet A Company as a basis for funding proposals, approving estimates and contractor selection plans, but not state the basis for the proposed demand on types, technical characteristics, production technology, compatibility level with the currently used machinery and equipment, and compare the effectiveness of test kits available on the market. .

While at the same time, the Ministry of Health has many documents announcing many PCR test kit
products (domestic and imported) for reference by medical facilities as a basis for procurement.

“The appointment of the contractor by CDC Can Tho shows signs of intentionally choosing products of Viet A Company and appointing Hop Nhat Company to implement the bidding package to legalize procurement documents, build prices without reference to prices-market leads to price difference causing damage to the State budget…”
(source: thanhtra.com.vn)

4.3 Education lessons for medical students from Ho Chi Minh ideas

According to President Ho Chi Minh, the health sector as well as Vietnamese doctors must focus on combining Eastern and Western medicine and wholeheartedly love and care for patients. Right from the early years after our country gained independence, in a Letter to the Military Medical Conference, March 1948, Ho Chi Minh clearly pointed out: “The physician not only has the duty to save and treat diseases, but also to lift the spirits of the sick”. When meeting “some military brethren who cannot be calmed down, the physician “should move them with the heart of humanity and affection. There is a saying "Healer cum mother", which means that a doctor must be a good mother at the same time. The duties of the health sector and the quality of the physician were written by Ho Chi Minh in a letter to the National Conference of Medical Officers, June 1953. He said that: Prevention is just as necessary as treatment, to fulfill that task, medical staff need to love patients like siblings, wholeheartedly and wholeheartedly serve the people. He emphasized: "The physician must be a mother" (source: Ho Chi Minh: Complete Volume, Vol 7, National Program Publishing House, Hanoi, 2004, p.88).

Ho Chi Minh's requirements for the medical team, in terms of expertise, need to regularly "study and research to always improve"; In terms of politics, it is necessary to cultivate the ideology and morality of cadres in the democratic regime such as "patriotic, love the people, love the profession... emulate learning, emulating work”(source: Ho Chi Minh: Complete Volume, Vol 7, National Program Publishing House, Hanoi, 2004, p.88). At the Medical Staff Conference on February 27, 1955, Ho Chi Minh sent a letter to "contribute some ideas" for the delegates to discuss. This letter presents in a rather comprehensive way Ho Chi Minh's thought system on health. The issue of medical ethics, once again, continued to be emphasized by him, medical staff must love the patient, because, “The patient entrusts their life to the aunts and uncles (medical staff - the quoter). The government entrusts the aunts and uncles to treat diseases and keep the people healthy. It is a glorious task". “Therefore, cadres need to love and care for patients like their own brothers and sisters, treating them as painful as they are suffering” (source: Ho Chi Minh: Complete Volume, Vol 7, National Program Publishing House, Hanoi, 2004, p.476).

Figure 2 – Ho Chi Minh and education

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5. Discussion and conclusion

Therefore, studying and following Ho Chi Minh's thought on medical ethics becomes a specific action guideline; is the red thread throughout the process of directing the construction and development of Vietnamese medicine. The medical profession and medical staff and doctors need to continue to actively and actively research, improve their professional qualifications, and apply scientific advances of world medicine to medical examination and treatment activities. Practice medical ethics, firm political courage, fight against temptations and negativity to protect purity, preserve the noble image of Vietnamese doctors and nurses and people working in medicine sector.

The health sector in general, and doctors in particular, must be "honestly united". The relationship between doctors is one of the basic relationships of activities with the mission of taking care of the people's health and curing and saving lives. Each physician must learn and know how to combine intelligence, talent and act in a timely and accurate manner to save the patient in the most effective way. In his letter to the Medical Staff Conference, February 1955, he emphasized: “Solidarity between old and new cadres. Solidarity among all people in the health sector, from ministers, deputy ministers, doctors, pharmacists to the helpers. Because the job and status are different, but everyone is an essential part of the health sector, in serving the people."


Figure 3 – President Ho Chi Minh visit Nam Dinh hospital in 1953
Future research directions
Authors may expand further future research to enhance educating students in medical major

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