

Legal Regulation of Physical Rehabilitation in Higher Education Institutions of Ukraine

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ABSTRACT

The article is devoted to the issues of legal regulation of physical rehabilitation in higher educational institutions of Ukraine. The concept of physical rehabilitation is studied, its features, specifics and the procedure for providing services by physical rehabilitation specialists are determined. It is established that the relations regarding the provision of physical rehabilitation services that arise between a patient and a physiotherapist (medical institution, rehabilitation center, etc.) are private law. The set of regulatory normative-legal acts (hereinafter referred to as NLA) that regulate relations in the field of rehabilitation in the health care sector (PMS) and in social rehabilitation is studied, which gives grounds to distinguish several stages of development of national legislation in this area. It is substantiated that physical rehabilitation is a process of ensuring the development, maximum restoration and support of motor and functional abilities of person's with limitations in everyday functioning or activities that may lead to such limitations. The grounds for providing physical rehabilitation services as a process aimed at helping people with functional, motor disorders are established, while it is emphasizes that such disorders can be congenital or acquired, temporary, progressive or non-progressive, and also associated with injuries or diseases. An analysis of the circle of persons who have the right to provide physical rehabilitation services, as well as their legal status, is conducted. It is noted that physical therapists can work both in healthcare institutions, various centers, territorial communities, etc., and engage in independent professional activities. Conclusions are drawing regarding the need for a comprehensive solution to the current problems of legal regulation of social and comprehensive rehabilitation in Ukraine. Deficiencies and gaps in the regulatory normative-legal acts s that define the rights, duties and responsibilities of physical rehabilitation specialists are identified, and proposals are made to improve legislation in this area.

Keywords: Legislation, Normative-legal act, Person with a disability, Physical rehabilitation specialist, Physical therapist, Rehabilitation in the field of healthcare, Restrictions for physical rehabilitation specialists.

INTRODUCTION

At the present stage of society's life, there are many problems, but one of the most serious can be considered the health of the nation. Many reasons influence the spread of such a phenomenon, including the prolonged political, economic and socio-cultural crisis, as well as social, economic, medical, legal and other factors (Shlapko

T. V., Glushchenko N.V., Repin D.A., 2021). In the context of globalization processes, the population of Ukraine lives in constant stress, moral and physical exhaustion, which leads to a deterioration in well-being. This necessitates the use of new approaches to solving health problems of various socio-demographic groups of the population. One of them is the growth of demand for physical rehabilitation services and the use of the latest integrated technologies for restoring, strengthening and maintaining health (Rudnytska, O. P., Magas-Demudas Yu. I., 2020). The value is reflected in basic laws, regulations, state acts and conceptual documents, ensuring physical, mental, social, spiritual well-being and harmonious development of the individual. Good health and well-being are defined as the third global sustainable development goal by 2030, which was stated in September 2015 at the UN summit during the 70th session of the UN General Assembly in New York (WHO-EURO-2019).

In the field of physical rehabilitation in Ukraine, there are a number of legislative acts, namely: the Law of Ukraine «On Rehabilitation in the Sphere of Healthcare» (2024, with amendments and supplements), the Resolution of the Cabinet of Ministers of Ukraine on Approval of the State Model Program for Rehabilitation of Disabled Persons (2006), as well as the Model Regulation on a Multidisciplinary Rehabilitation Team (2021). According to the current legislation of Ukraine, the main goal of the rehabilitation strategy in healthcare is to achieve the optimal level of functioning of a person in interaction with their environment, social integration and independence (Law of Ukraine «On Rehabilitation in the Sphere of Healthcare», 2024).

We consider it appropriate to note that military operations on the territory of Ukraine are making adjustments to the conditions of social life in the country, and the development of a significant number of pathological conditions among the population, which ultimately leads to an increase in the number of chronic diseases, disability and premature mortality of the able-bodied population. Unfortunately, during the years of full-scale war in Ukraine, there has been a rapid increase in the number of disabled people – by 300 thousand people (10%) (Official website of the Ministry of Social Policy of Ukraine, 2024). Physical rehabilitation specialists are no exception, whose physical and psychological training must reach a completely new level.

Awareness of the importance of professional training of future physical rehabilitation specialists has increased, especially in the context of demographic trends, military conflicts, and the increase in the number of people with disabilities, which undoubtedly determines the feasibility of creating a new specialty 227 (17) «Physical Therapy and Rehabilitation» in the country's higher education institutions.

Rehabilitation in the healthcare sector covers a wide range of both areas and types of such rehabilitation, as well as the range of persons who provide such services (physical rehabilitation specialist) and receive them (persons with limitations in daily functioning). The physical therapy Institute is a separate type of rehabilitation care, it occupies a special place in the rehabilitation system in the healthcare sector. The relations that arise between the patient and the physical therapist (healthcare institution, rehabilitation institution, department, subdivision, territorial community, etc.) are private law. A physical rehabilitation specialist – a physical therapist – has the right to carry out his activities by concluding an employment relationship with a healthcare institution, as well as to provide relevant services to patients on a contractual basis as a self-employed person.

The characteristic features of physical therapy as a process of ensuring the development, maximum restoration and maintenance of the motor and functional capacity of persons with limitations of daily functioning are its purpose, the range of subjects who can provide physical rehabilitation services - physical therapists, as well as a special procedure for providing such assistance. The grounds for providing physical therapy services are the restoration and maintenance of the motor and functional capacity of persons with limitations of daily functioning, which may be congenital or acquired, temporary, progressive or non-progressive, and may also be associated with injuries or diseases. Physical therapy is prescribed, planned and carried out by a physical therapist or under his supervision.

In view of the above, the issues of legal regulation of public relations in physical rehabilitation in the field of healthcare and social rehabilitation are becoming particularly relevant today.

REVIEW OF LITERATURE

Problems of legal regulation of social relations in the field of health care, as well as certain aspects of the provision of physical rehabilitation services, are considered in the studies of domestic scientists: M. Braginsky, T. Volynets, O. Krylova, A. Savytska, I. Senyuta, O. Smotrov, O. Prasova, G. Overko and others. Issues of training specialists in physical rehabilitation are covered in the studies of Yu. Areshyna, O. Bezpalova, Yu. Kopochynska, V. Kuksa, O. Lianny, R. Maslov, L. P. Sushchenko, etc. The dissertation research of S. Buletsa «The right of an individual to life and health as an object of civil law regulation: a comparative legal analysis of regulation in Ukraine, Hungary, Slovakia and the Czech Republic» deserves attention (Buletsa S. B., 2005). The analysis of contractual obligations in the field of medical services is devoted to the dissertation of A. Hertz (Hertz A. A., 2016). The issues of legal support for the right to medical care are considered in the scientific works of V. Vitkova (Vitkova V. S., 2017). Problems of civilly-legal responsibility in the field of medical services became the subject of research by S.

Mikhailov (Mikhailov S. V., 2010). In her scientific work, Punda O. investigated the concept and problems of exercising personal non-property rights that ensure the natural existence of a person (Punda O. O., 2005). The correlation between the concepts of «physical rehabilitation» and «physical therapy» and their functional direction was analyzed by A. Hertsyk (Hertsyk A. M., 2010).

The issue of the right to rehabilitation has already been addressed to one degree or another by many Ukrainian scientists, including: G. Boldar (Boldar G. Ye., 2023); N. Horishna (Horishna N. M., 2023); O. Dyachenko (Dyachenko O. A., 2023); L. Malyuga (Malyuga L. Yu., 2018); V. Melnyk (Melnyk V. P., 2018); L. Sinyova (Sinyova L. M., 2023) and others. In the science of social security law, L. Shumna was one of the first to investigate the legal foundations of rehabilitation of persons with disabilities at the dissertation level (Shumna L. P., 2002).

Scientific studies have shown that, in addition to medical care, social and rehabilitation activities play a significant role in maintaining the physical and mental health of different segments of the population, especially activities that promote social connections and adaptation in the environment (Allen, 2019; Harrison et al., 2014).

The research work of these and other scientists through the prism of current empirical data characterizing the social security regime of Ukrainian constitutes the basis, taking into account which it is possible to clarify the complex of the main circumstances that increase social risks. However, a significant number of issues remain unresolved and require theoretical analysis taking into account the latest scientific achievements and challenges of the time. At the same time, the problems of legal regulation of physical rehabilitation in higher education institutions of Ukraine have not yet been the subject of comprehensive research by scientists.

The purpose of the study is to clarify the features of the implementation of the right to health care based on the development of Ukrainian legislation on physical therapy and social rehabilitation, as well as to identify all positive and negative trends in the legal regulation of these relations, which will allow avoiding their incorrect application in the process of reforming the industry, with an emphasis on current problems and ways to solve them in the context of military operations.

METHODS AND MATERIALS

To achieve the goal of the study, theoretical methods of scientific research were used: analysis and synthesis of philosophical, psychological and pedagogical, educational and methodological and special specialized scientific literature, regulatory and legal documents in the field of education and healthcare, dictionaries, encyclopedias, Internet resources, abstracts and dissertations for a comprehensive study of promising scientific views on the problem under study and understanding of domestic and foreign experience in professional training of future specialists in physical rehabilitation; structural, systemic and functional analysis, systematization and generalization of theoretical and methodological principles for formulating conclusions, recommendations and determining ways for further development of legal regulation of social and comprehensive rehabilitation in Ukraine.

The dialectical method was used in the analysis of the theoretical basis of legal contradictions and gaps in the implementation of the right to rehabilitation of persons with disabilities. The author used the formal-logical (dogmatic) method in interpreting the normative content of the provisions of the articles of laws and formulating definitions of individual legal concepts of the subject of the study. The inductive method contributed to the identification of legislative problems of the law of social protection of persons with disabilities in Ukraine. A number of articles related to the topic of the study were also analyzed.

The methodological concept of the study provides educational and methodological support for the professional training of future physical rehabilitation specialists for the global challenges of society regarding the restoration, strengthening, preservation of health and the formation of a healthy lifestyle of the population, taking into account the economic, social, medical, pedagogical, psychological and other fundamental foundations of this problem.

THEORETICAL FRAMEWORK

Although health care is one of the main directions of state policy of Ukraine, as defined in paragraph 6 of Article 92 of the Constitution of Ukraine (Constitution of Ukraine, 1996), Article 12 of the Fundamentals of Legislation of Ukraine on Health Care (Law of Ukraine, 1992), the mechanism of its legislative support requires significant changes. The problems of relations in the field of health care require not only the fastest and highest quality reform of legislation in this area, but also the improvement of the activities of state authorities aimed at preserving and strengthening the health of the population of our state.

Our state is at the stage of fundamental changes in all state spheres, including rehabilitation in the field of healthcare. In the political and legal conditions of medical reform, with the adoption of the Law of Ukraine «On Rehabilitation in the Field of Healthcare» (Law of Ukraine, 2020), which defines the legal, organizational and

economic principles of rehabilitation of a person with limitations in daily functioning in the field of healthcare in order to achieve and maintain an optimal level of functioning in their environment, many changes have been made in the medical education system, as well as fundamental organizational, managerial and personnel transformations in this area with an orientation towards human rights. And this, of course, creates a need for professional training of specialists who will be able to adequately and effectively respond to the transformation processes, the formulation of which gives the right (Shepil A. O., 2019).

Based on this law, the following characteristics of the concept of «rehabilitation in the field of healthcare» can be distinguished:

- 1) it is a set of measures;
- 2) it is carried out by physical rehabilitation specialists who are employees (working in rehabilitation institutions, centers, departments, other authorized business entities; as part of multidisciplinary rehabilitation teams) or self-employed persons;
- 3) it is provided to persons with limitations in daily functioning or to their family members;
- 4) the goal is to achieve and maintain the optimal level of functioning and quality of life in the environment by persons with limitations in daily functioning. Therefore, the concept of «rehabilitation in the field of healthcare», defined in the Law of Ukraine № 3668 (Article 20), complies with international standards and can be applied in the current legislation of Ukraine regarding physical therapy and social rehabilitation of various socio-demographic groups of the population.

The right to rehabilitation is not only a moral imperative, but also a key factor in ensuring social justice and economic development. Considering in more detail the importance of the right to rehabilitation, it is necessary to emphasize that it contributes to the social integration of persons with disabilities (Kostyuk Y. V., 2024).

According to the legislation of Ukraine, Article 5 states that the complex of medical, rehabilitation, psychological, pedagogical, physical, professional, labor, physical culture and sports, social and household measures aimed at providing persons with disabilities with assistance in restoring and compensating for impaired or lost body functions to achieve and maintain social and material independence, social and labor adaptation and integration into society is determined based on the results of an assessment of the person's daily functioning, carried out in accordance with the «Fundamentals of the Legislation of Ukraine on Health Care», and determining the needs of a person with a disability:

- in social services and social rehabilitation – in accordance with the laws of Ukraine «On Social Services» and «On Rehabilitation of Persons with Disabilities in Ukraine»;
- in education and professional rehabilitation – in accordance with the laws of Ukraine «On Education» and «On Rehabilitation of Persons with Disabilities in Ukraine»;
- in employment and labor rehabilitation – in accordance with the laws of Ukraine «On Employment of the Population» and «On Rehabilitation of Persons with Disabilities in Ukraine»;
- in physical education and sports rehabilitation – in accordance with the Law of Ukraine «On Rehabilitation of Persons with Disabilities in Ukraine» (On Amendments to Certain Legislative Acts of Ukraine, 2024).

Rehabilitation is an important component of ensuring the rights and freedoms of persons with disabilities. It allows people with disabilities to achieve maximum independence and integrate into society. However, rehabilitation is effective when it is carried out in a timely and comprehensive manner. Thus, for persons with the status of «persons with disabilities as a result of war» in accordance with Article 13 of Law No. 3551-XII, the state has established a large list of measures that help them more quickly achieve high-quality social integration through various types of rehabilitation. Thus, the following measures can be noted:

- medical rehabilitation – free receipt of medicines, medicinal products, immunobiological preparations and medical devices prescribed by doctors; extraordinary free dental prosthetics (except for prostheses made of precious metals), free provision of other prostheses and prosthetic and orthopedic products; sanatorium and resort treatment by multidisciplinary rehabilitation personnel;
- professional rehabilitation – state targeted support for such persons to obtain professional (vocational and technical), professional pre-higher and higher education in state and municipal institutions; educational;
- labor rehabilitation – extraordinary employment in a specialty in accordance with training and conclusions of medical and social expertise; preferential right to remain at work when reducing the number or staff of employees due to changes in the organization of production and labor and to employment in the event of liquidation of enterprises, institutions, organizations;
- social rehabilitation – social assistance in the form of temporary disability benefits for working persons with disabilities as a result of the war in the amount of 100% of the average salary regardless of length of service; 100% discount on housing use fees (rent) within the limits provided for by current legislation, 100% discount on utility services (gas, electricity and other services) and liquefied gas for household needs within the limits of average consumption standards, etc (Amelicheva L. P., 2022).

At the current stage of professional training of future specialists in physical rehabilitation, the Standard of Higher Education for Bachelor's and Master's levels in the field of knowledge 22 «Health Care» in the specialty 227 (17) «Physical Therapy and Rehabilitation» (dated October 29, 2024, Order of the Ministry of Education and Science of Ukraine № 1541) has been developed and adopted, according to which the object of their activity is the motor functions and activity of the individual, their disorders and correction in order to restore full-fledged vital activity in accordance with the desires and needs of a person in the environment (Higher Education Standard, 2024).

Modern physical therapy is one of the sciences that is dynamically developing in the field of clinical medicine and at the same time puts forward high requirements for the education of workers in this field (Shepil A. O., 2019).

According to S. Hook, the first professional qualification obtained in any country is the successful completion of an educational program that provides the qualification of a physical rehabilitation specialist and gives the right to use the name of this profession and work properly in the specialty (Hook S. V., 2013).

The professional activity of a physical rehabilitation specialist is aimed at restoring and improving the functional state and general health of the human body using physical education and natural factors. A physical therapy specialist selects means and forms of therapeutic physical education, develops a methodology for using physical exercises in the early stages of treatment, plans and implements a program for further functional recovery and physical performance of the patient, identifies and expands the body's reserve capabilities, trains it and prepares it for physical exertion at work and at home, and returns it to active participation in the life of society (Fastivets A.V., 2015).

So, a physical therapist is a rehabilitation specialist in the field of healthcare whose activities are related to promoting health, ensuring development, maximum recovery and maintaining the motor and functional capabilities of individuals with limitations in daily functioning without the use of medications, surgical or radiological means.

DISCUSSION

By studying a set of regulatory legal acts (hereinafter referred to as NLA), G. Boldar (Boldar G. E., 2025) investigated the chronology of the formation of special legislation of Ukraine regulating public relations in physical therapy, rehabilitation in the field of health care and social rehabilitation. Based on the historical and legal analysis, it was proposed to divide the development process of this area of legislation into four main stages.

At the first stage (1991-2002), the Law «On the Fundamentals of Social Protection of Disabled Persons in the Ukrainian SSR» was adopted, the text of which mentions such types of rehabilitation as medical, social, labor, and professional, but does not provide a definition of these concepts.

The second stage (2003-2014) is characterized by further development of legislation on various types of rehabilitation of persons with disabilities and other categories of the population who found themselves in difficult life circumstances. During this period, the Laws of Ukraine «On Social Services», «On Rehabilitation of Persons with Disabilities in Ukraine» were adopted, and the UN Convention on the Rights of Persons with Disabilities was ratified.

At the third stage (2015-2019), the relevant resolutions of the Cabinet of Ministers of Ukraine and orders of the Ministry of Health of Ukraine regulated the issues of education and qualification characteristics for the positions of physical rehabilitation specialists.

The fourth stage (from 2020) begins with the adoption of the Law of Ukraine «On Rehabilitation in the Healthcare Sector» on December 3, 2020. In this regard, the necessary amendments were made to the Law of Ukraine «Fundamentals of the Legislation of Ukraine on Healthcare». It is shown that, taking into account the emergence of various socio-economic factors, the legislation in the field of rehabilitation is constantly updated.

On the positive side, it should be noted that this Law defines: the concept of «physical rehabilitation specialist» (clause 21, part 1, article 1) and lists the categories of persons belonging to them (article 10); «rehabilitation institution, department, unit» and the list of institutions belonging to them (article 11), «multidisciplinary rehabilitation team» and its composition, form of work, main tasks (article 18); classification of rehabilitation periods (article 26), and also regulates the provision of rehabilitation care at different levels of medical care (article 27) (Boldar G.E., 2023).

Thus, the adoption of a special law regulating rehabilitation relations in the field of health care, bringing the content of other NLA into line with it, and consolidation the legal status of physical rehabilitation specialists is a positive step towards systematizing legislation, with an emphasis on current problems and ways to solve them in conditions of military operations.

CONCLUSION

The legal regulation of physical rehabilitation in higher education institutions of Ukraine is based on the Law of Ukraine «On Rehabilitation in the Field of Healthcare», as well as by-laws that determine the work of rehabilitation teams and standards for providing care. The legislation establishes the procedure for the functioning of multidisciplinary rehabilitation teams, the rights and obligations of specialists, and also determines that physical rehabilitation is part of comprehensive rehabilitation provided by specialists with higher education in relevant specialties, such as physical therapy.

The basis is the Law of Ukraine «On Rehabilitation in the Field of Healthcare», which defines the general principles and legal framework of physical rehabilitation. The work of physical rehabilitation specialists is regulated by the Model Regulation on a Multidisciplinary Rehabilitation Team, approved by the Cabinet of Ministers of Ukraine. Physical therapy, which is a key element of physical rehabilitation, involves the activities of specialists with higher education in specialty 227 (17) «Physical Therapy and Rehabilitation». Physical rehabilitation can be a component of comprehensive rehabilitation care provided in rehabilitation institutions of various forms of ownership. Rehabilitation activities should be carried out according to an individual program and include a multidisciplinary approach, involving doctors, physical therapists, psychologists and other specialists.

Institutions Higher Education can provide both educational and rehabilitation services. This may include the implementation of training and rehabilitation centers that combine educational activities with rehabilitation, in particular for military personnel with disabilities, in accordance with licensing requirements.

Universities train specialists in physical rehabilitation according to relevant educational and professional programs, which ensures the availability of qualified personnel in this field.

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