

Legal review of administrative violations of administration employees in the field of healthcare

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ABSTRACT: In this study, it has been tried to investigate the Legal Procedures of the administrative violation code in Health, Medical Care District. The Examination showed that the Prevalence of The Corruption And administrative Violations at Society Blocks the Social and National Progression and Burdens Huge Costs on The Country and Finally on People. One of the most Important Costs At Macro-Level Is The Increase of Class Difference Between the social classes of rich And Poor That Its Consequence Is The Lack Of Social Justice In views and Ideas of people that as a result the Belief To The Social System Decreases And The Mental Control of People reduces that has The Important role In the corruption and administrative violations It Diminishes the Public trust on the organizations and destroys the achievements and may Create Undesirable Image of The Islamic Society on nation thoughts , Finally, The Model Fighting Against administrative violations based on legal, management , Cultural , Economical And Civil Political According to the theoretical foundation and research findings has been presented.

Keywords: Administrative Violations, Administrative Corruption, Legal Procedures, the Staff of Health and Treatment.

INTRODUCTION

The task of administrative violations legislation is to protect public order, property, socio-economic, political and personal rights and freedoms of citizens, as well as the rights and legal interests of merchants, institutions and organisations, the specified management procedures, State and public order, to strengthen legality, to prevent right violations, to educate citizens in a spirit of precise and strict observance of laws, to inculcate a full of respect attitude in them towards the rights of other citizens, honour and self-esteem towards the provisions of social life, upright attitude towards the duties thereof and liability to the public. For the implementation of this task the Administrative Violations Code shall determine, which action or inaction shall be acknowledged as an administrative violation, and what administrative sanction, by which institution (official) and in accordance with which procedures may be imposed upon a person who has committed an administrative violation.

Research Purposes:

1. Examine legal procedure of administrative violations code of state staff in the health and medical care district
2. Familiarize people with their rights, the right of patient, Familiarize staff with the administrative violations code in health and medical care districts.

Theoretical basics of research

The administrative violations is considered as deep problem in many developing countries such as Iran that wastes time , energy and the abundant possibilities the ground and the safe house of administrative violation are state administrative system and administration of state affairs administrative violation and infractions one of the

features that is seen at all phases of developing new bureau Cray in Iran ,the problem of corruption and administrative violation is perhaps the most important factor causes reformers more think about the reform of administrative structure. To study administrative violation, first we must define it and then look at the historical background in Iran. Then, we propose the various forms of administrative violation and see why plans fighting against administrative violation and corruption always failure and why administrative violation doesn't remove and what is its canseauenles.

The incentives of Administrative Violations:

There are three incentives in definition of Administrative corruption of one staff:

1. Direct self – interest
2. Taking cash or non-cash bribery from third person
3. Help to friends and relatives

Administrative corruption has various kinds and includes financial corruption, personal use of state properties, robbery of general properties from staff, waste fullness and profligacy, the preference of relation on criteria, corruption on recognition and combating law-breaking, corruption in delivering goods and state services, corruption in the issue of license for economical, social activities.

Definition of Administrative health:

Administrative health is a situation that all factors of one organization have the ability to provide organization goals ideally and can identify the deviant from legal and Administrative norms and the obstacles of organization goals and consider the necessary strategies to remove them.

The most kinds of Administrative Violations:

Macro-violations and corruption

It penetrates to the highest state levels and cases to remove trust on good governance, the governance of law and the economical stability. Usually this corruption is performed by high grad officials of the Administrative system.

Micro corruption and Violations

It is a Violations that requires the exchange of little amount of many or giving minor interest from someone who seek preference behavior or hiring friends or relatives. The control of huge corruption dominates on the control of micro corruption, because without control of macro corruption.

- High power of bureaucracy and its dominant on the society that resulted from the lack of controlling mechanisms of bureaucracy and democratic supervision
- building the education system and its effect on work force and the selection of job thus is such as important reasons of sever inflammation on bureaucracy.
- And finally lack of attention to the scientific study of Administrative structure of health and medical care and reform and renewal of its organization
- the main role of government on the developing plans and the problems that are existed such as lack of participation of people in the development process and are conducted by Administrative system of health and medical care

The problem and inadequacies of Administrative system in the health and medical care district

We briefly mention some problems and inadequacies of the Administrative system in health and medical care district that has been traced from the long time and still has been exited today in bureaucracy (saburi , 1999):

- Administrative Violations and corruption of health and medical care
- Severe of bureaucracy staff that has been caused huge casts and unemployment
- Excess concentration of decision-making in the center
- The existence of the parallel organizations that causes interference of tasks and excess and destructive competition
- Lack of importance on merit, specialty and professional skill on appointment of people to organization leadership occasions
- Discrimination and lack of harmony in the payments (rights, rewards and lateral benefits)
- Lack of the relationship between job security and performing tasks related to job
- Personal ideas and autocracy of heads in the occupational promotion of staff
- Protector-raising. Relative-favoring and governance of the personal relations and specialist criteria instead of the governance of general rules and criteria in the organizations
- Domination in the spirit of weakness and instability and conservatism in the various classes of the officials of the formal organizations and indifference to the customers and non-answerable feature of bureaucracy to the people wishes

Types of Violations and type of punishment in Administrations of health and medical care district

The types of violation and the implemented punishments in the Administrations and health and medical care district are as follows:

- 1: acts and behavior against Administrative or occupational conduct
- 2: the Violation of the related regulations
- 3: creation of unsets faction in the client or doing an indecent act
- 4: delivering slander and calumny violating honor
- 5: extortion
- 6: embezzlement
- 7: discrimination or animosity
- 8: leave of service during obligatory Administrative hours
- 9: repetition in delay of entrance or exit repetition
- 10: indulgence in the preservation of properties, documents and funds
- 11: disclosure of secrets and confidential Administrative documents
- 12: unallowable connection and contact with the foreign nationals
- 13: disobedience of doing orders of higher officials
- 14: working less efficiently or negligence to do tasks
- 15: negligence of heads and managers in lack of related information
- 16: presenting certificate or reporting against what is happened
- 17: taking funds other than what is in the regulation
- 18: submitting evidences to person who don't have legal right
- 19: not-working at service at the Administrative times
- 20: lack of observance of Islamic veil
- 21: lack of observance of Islamic conducts
- 22: concealment, maintenance, transport and distribution of drug
- 23: drug addiction
- 24: having another governmental job
- 25: any kind of unallowable use of prestige or situation
- 26: forgery
- 27: modifying papers, documents criteria in the educational institutions of medical sciences
- 29: non-justified absent successively or periodically
- 30: misuse of administrative situation and official
- 31: sequestration, concealment, inspection or opening envelops
- 32: obstruction and rumor
- 33: participation in sanctuary, strike and demonstration
- 34: membership in one of the sects
- 35: collaboration with outlawed save k
- 36: membership in manifesto organizations or ...
- 37: membership in combatant groups
- 38: membership in freemasonry organization

The type of the performed punishment in the boards of investing administrative violations of health and medical care district

The type of the performed punishment in the boards of investing administrative violations of health and medical care district has been presented as follows:

- A: written warning without insertion in employment file
- B: written reprimand with insertion in employment file
- C: fraction of salary and job
- D: temporary dismissal of one month to one year
- E: the change of
- F: decline of official and or deprivation of appointment to the important post and so on
- G: decline of one or two groups and or delay in giving ...
- H: buying back of service if it is possible
- I: retirement
- : Dismissal of the obeyed system
- : Permanent severance of the government services.

The origin of administrative violations and corruption

At the first phase, the development of new administrative structure can discriminate two important origins of administrative violations

Powerful political administrative elites

Some penetrating groups at society

Consequences of the existence and continuity of administrative violations

The most important consequences of administrative violations and its continuity are summarized as follows (Rafi poor , 2000).

The richer sectors of society profit of these corruption and violations for example they don't give tax by giving bribe to the administrative officials

Pillars of penal responsibility in health and medical care

To implement the medical responsibility, there element:

Criminal act or medical error, criminal result or harm and the existence of the causative relationship between act and injury is necessary that we study them in the future discussions

Criminal act or medical error

Legislator doesn't define error or default and just studies samples.

It hasn't defined according to note or error and just mentions samples

Criminal result :

One of the pillars of penal responsibility and the implementation of practitioner responsibility is to enter injury or harm to the patient or the criminal result. Until medical acts doesn't lead to injury or harm to the sprit , body , practitiones is guilty

Causative relationship:

It is clear, to implement practitioner responsibility is not mere error or harm on the patient, but there is causative relationship between practitioner act and patient death, In the other words, lass (harm or death) results from practitioner death.

The type of medical violations and crimes:

The most important medical violations and crimes can be as follows (Elahi manesh , 2008)

- 1- Miscarriage
- 2- Disclosure of patient secrets
- 3- Issue of certificate in contrary to what happen
- 4- Unallowable interference in the medical affairs
- 5- Children deception
- 6- Refusal of help to injured person

Social strategies to decrease violations in the health and medical care district

A) Change in the

B) Questionnaire and polling: surrey about ...

c) Advertising public relations: advertising public relations increases the understanding people about harms resulted of administrative violations

CONCLUSION

The present research studies the legal procedure of the administrative violations in the health and medical care district according to the research result, the most important censes of administrative violations and corruption include:

1. Economical straits dominant on the staff life.
2. Cultural characteristics dominant on the society
3. Actual default in the organizations system
4. Factors related to the individual characteristics of staff
5. Inefficiency of regulations
6. The best methods to control administrative violations

7. Repair of staff rights and benefits
 8. Reforming rules , regulations and compiling effective regulations
 9. Establishing the desirable space for press, so that they do their supervisory mission as the observer of public thought at the absence of parties.
 10. Familiarizing client with hisser rights and the regulations related to doing affairs
 11. Equipping organizations with the effective financial systems
 12. Establishing structural reforms to decrease exclusive power of people and units
 13. Diminishing tenure volume of government and rationalizing government interfederal in the economical processes.
- Other method is at lower preference and if it is necessary they are as complementary methods.

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