

Private law aspects of providing medical care

- summary

Chapter one outlines the legislation concerning the position of patient. At first it describes the constitutional base of patient's rights, which can be found in the Charter of Rights and Freedoms (the integral part of the Czech Constitution). Then the international treaties are presented, with special concern focused on the Convention on Human Rights and Biomedicine. The Convention entered in force in Czech Republic in 2001 and it takes precedence over national laws. Those are mentioned in next part, amongst them especially the Care for the Health of the People Act. The Act was created in 1966 in a different political and social situation, have been amended many times since then and it is quite obsolete by now. There were several legislative proposals created to replace it, but none of them became law. The last of these proposals, the governmental bill of the Health Services Act, serves as a comparison with the current regulation in some parts of Chapter Two and Three.

Chapter two analyzes the circumstances under which an intervention in the health field can or cannot be carried out on a person. Considerable attention is paid to informed consent of patient, including instructions provided to him or her about all relevant aspects of the intervention. Another parts look at the right to deny medical care, the relevance of advanced directives and cases of mandatory care. A special subchapter focuses on minors and adult persons who does not have the capacity to consent.

Chapter three deals with information issues. It examines the patient's right to obtain the information collected about his or her health, the right of an individual not to be so informed and also the cases of situation whereby a physician may be excused from revealing information to a patient. Then it concentrates on the protection of patient's sensitive personal data and the duty of the medical personnel not to disclose them. There are also some exceptions

from this duty described: consent of an individual concerned, mandatory access in public interest and the rights of statutory representatives and the next of kin.

Chapter four explores civil liability for harm inflicted in connection with medical care. Two most probable types of liability for damage according to the Czech Civil Code are mentioned. Finally it pays attention to the protection of the personal rights of an individual (other than property rights).

Klíčová slova - Key words

lékařská péče - medical care

práva pacienta - patient's rights