

Název diplomové práce v anglickém jazyce

Contract for health care under the Civil Code

Abstract

This master thesis discusses a contract for health care under the Civil Code. A contract for health care was established as a new nominate contract type on the 1st of January 2014, as the Civil Code Act 89/2012 Sb. became effective. Considering the importance and wide use of the contract, it is staggering how the public knowledge about this topic is insufficiently low. The aim of this thesis is to generally introduce the topic and analyse its individual aspects. The thesis also draws attention to potential interpretation issues and legislative imperfections or ambiguities. The theoretical angle is suitably being supported by practical examples, which contribute to the overall understanding of the topic as well as make the explanation clearer. This paper gives an elementary explanation of relations between the Civil Code as a general act and special acts. To provide the best possible picture of the contract type, author likewise mentions a brief historical background and relevant elementary international law relations. Thereto the thesis includes an excursus to the English law, specifically to a patient's consent. Regarding the contract for health care under the Civil Code itself, the paper gives an understanding about contracting parties, entering into the contract, the subject of the contract and terminating the contract. With that being stated, a major part of the thesis focuses on rights and obligations of both contracting parties. Author, inspired by the Civil Code, emphasis in this paper the right to be advised, topic of health care records as well as the right to inspect those records by the patient and other people. Among patient's rights and obligations, which are being analysed, belong a patient's consent, a right to refuse a treatment – granted to the patient who is not a mandator or an obligation to cooperate with the provider. On the provider's side, examples of discussed topics are the right to obtain a written confirmation from the patient that includes patient's consent or the obligation to proceed under the contract with due professional care. Although the topic of this paper is based on the grounds of the Civil Code, the paper also uses other sources such as special acts and a case law to provide comprehensive picture of the topic. In the summary, there are

highlighted the key outcomes from compiling the paper. This master thesis has fulfilled its aims to its full extent, as it gives coherent, intelligible, factual and clear interpretation of the topic, as well as provides analysis of potential interpretation issues and legislative imperfections or ambiguities.