

Legal liability of a physician in graduate medical training and its practical consequences

Abstract

From both legal as well as practical point of view, a physician in training (i.e. without specialist qualification for performing the medical profession of physician) finds himself in a unique position, differing from those of any other medical staff. Having completed a medical degree, a physician starts his journey towards obtaining an unrestricted license to practice medicine. However, up until a successful ending of his graduate training, he is required to practice medicine under direct or indirect supervision of an attending physician, with a sole exception of those procedures explicitly permitted to be done unsupervised.

With regard to the above mentioned, the aim of this thesis is to deliver a complex picture analysing legal liability of a physician in graduate medical training. Further on, it aims to critically assess current legislation concerning this topic on the grounds of relevant case law as well as outcomes of a survey among physicians without specialist qualification for performing the medical profession of physician. First part of the thesis analyses mainly the legal framework a physician in training has to work in, i.e. Act. No. 95/2004 Coll. Following part of the thesis then covers the issue of legal liability, both the conditions for its establishment and its various types derived from individual areas of law. Finally, last part of the thesis aspires to combine the knowledge acquired so far and to evaluate it using example model situations, data obtained from the survey as well as conclusions drawn from the case law research.

Keywords

Legal liability; physician; graduate medical training