

Criminal Liability of Legal Entities in Health Care

Abstract

The submitted diploma thesis deals with the institute of criminal liability of legal entities in health care. The main objective of this thesis is to define all the requirements and essential elements of criminal responsibility of legal persons, especially healthcare providers. We also look into the most critical aspects of providing healthcare services in which a criminal offense may be committed. Concepts of criminal law are considered in the context of medical law.

Thesis is divided into five main chapters. The first chapter focuses on conditions of criminal liability taking into account the specifics of the topic. Attention will also be paid to attributability of a crime to a legal person as well as to legal regulation in United Kingdom and France.

In the second chapter we describe the most common circumstances excluding illegality in medicine. We particularly focus on medical intervention, research and experiment. These are not only accepted but also beneficial.

The third chapter deals with the main concepts of medical law. If healthcare providers comply with related legal provisions, they significantly reduce the risk of committing an act against the law. Special emphasis is placed on *lege artis* procedure as an objective measurement of caution which is being assessed in relation to negligent crimes. We also discuss the questions of informed consent, negative revers, provision of health services without the patient's consent and duty of confidentiality of healthcare providers.

In accordance with Act no. 183/2016 Coll., which makes changes to the Act no. 418/2011 Coll., on Criminal Liability of Legal Persons and Procedure Against Them, the extent of criminalization of acts done by legal entities was substantially expanded. The possibility of prosecution of legal persons also for crimes against life and health was an important change for health care. The fourth chapter lists these as well as many other types of crime that can be committed by a legal entity.

Chapter five is devoted to the prevention of criminal liability of hospitals and other healthcare legal entities. We indicate what measures they should take to be exonerated, respectively to ensure that a criminal offence will not be attributed to them at all. Subchapter two of this chapter recommends core elements of an effective Compliance program.

Key words: criminal liability, healthcare service, legal entity