

Příloha k rigorózní práci „Abstract“

Title of the theses: Criminal liability of legal entities in health care with special focus on health care providers

Author: Mgr. Pavel Konečný, LL.M.

Topic: Criminal law

Abstract

The rigorous thesis deals with the criminal liability of legal entities in health care with special focus on health care providers. The researched topic is actual mainly due to the fact that Act No. 183/2016 Coll. has had a serious impact on health care providers in terms of their criminal liability. It is health care providers, especially hospitals that are undoubtedly the legal entities to which these crimes will be most often attributed, precisely with regard to the subject of their activity.

Conceptually, the thesis is divided into 8 chapters, including the introduction and conclusion. At the beginning the thesis deals with a general introduction and legislative development. This is followed by a chapter dealing with international documents amending criminal liability of legal persons. This chapter is followed by a chapter on the position of the health care entity of a legal entity as a perpetrator of a criminal offense with a separate subchapter focused on Emergency Medical Services.

Hereafter, the thesis deals with the imputability of a crime to a legal person in general and the imputability of the non lege artis procedure to a health care provider. Special attention is dedicated to the TOPO amendment made by Act No. 183/2016 Coll., and its impact on the criminal liability of health care entities.

In a special part the thesis deals with selected criminal offenses of providers of health care entities with a focus on offenses listed in Title I, parts 1 and 2 of the Criminal Code, as well as the imputability of criminal liability of legal entities for these offenses. The reason for this choice is the fact that health entities are most often attributed criminal liability for these crimes, due to the specific focus of their activities. A separate chapter is focused on the criminal liability of a health care entity for the offense of failure to provide assistance (and related issues). This crime was chosen intentionally because cases of non-assistance by these persons do not often

occur in criminal law and my effort was to deal with this crime at least on a theoretical level. At the same time these are cases that are not reliably and unambiguously resolved in theory and practice.

In terms of work methodology of this thesis, standard scientific methods were used. As far as the available literature on the researched topic is concerned, magazine literature predominates at present, although it is not rich either. In proceedings relevant contributions also appear rather exceptionally in the proceedings. In monographs dealing with the criminal liability of legal persons, one chapter is usually focused on criminal liability of health care entities.

Individual topics of this thesis are then grasped by synthesis so that it is possible to better understand the essence of the issue and the reader can form his own opinion. This thesis corresponds to the legal status effective as of October 1, 2022.

Key words

Criminal liability – legal entity – criminal law