

Abstract

Right of a health insurance company to reimbursement of the costs of covered services

The aim of this thesis is to answer the research question and to discuss the fundamental aspects of the health insurance company's right to reimbursement of costs of covered services. The research question is formulated as follows: "What are the fundamental characteristics of the health insurance company's right to reimbursement of costs of covered services?" This research question is further specified through three sub-questions: Is it a right of private law nature? Is it a right to compensation for damages? Is it a right of recourse?

The thesis is divided into four chapters.

The first chapter addresses general principles. The chapter begins by answering the research question outlined above. Next, it discusses the prerequisites for the establishment of the health insurance company's right to reimbursement of incurred costs. These prerequisites are: the action of a third party, the incurrence of costs for covered services, causation and unlawfulness. Subsequently, the possibility of applying selected institutes of general legal regulation is analysed, including liability for an auxiliary under Section 2914 of the Civil Code, plurality of tortfeasors under Sections 2915 and 2916 of the Civil Code, and contributory negligence of the injured party under Section 2918 of the Civil Code. Finally, the first chapter examines selected procedural aspects of the legal framework.

The second chapter focuses on specific cases associated with the right to reimbursement of costs of covered services: workplace injuries, malpractice in the provision of healthcare services, traffic accidents, and physical violence. These cases are given particular attention due to the specific interpretive issues which they raise.

The third chapter compares the health insurance company's right to reimbursement of costs of covered services with the recourse claims of social security authorities. Interpretative conclusions are drawn from the historical development of both institutions as well as the current legal framework.

The fourth chapter presents considerations *de lege ferenda*.