

Název práce v anglickém jazyce

End of Treatment Decision Making – Legal Aspects

Shrnutí v anglickém jazyce (Summary)

Thesis is focused on end of treatment decision making and its legal aspects. Author tries to explain some of the most important terms used in medical law conceptions in Czech Republic. It's hard or almost impossible to find these definitions in literature. Therefore most of the statements are built on author's opinion.

The first chapter is mostly about general definitions, such as what is medical law what impact it has in Czech legal system and how it is ruled. Second term to explain was "lex artis". It's widely used name for special tool to define "what was the only right procedure in this case" from medical point of view. By this time there is no suitable legal definition. Therefore author tries to find such definition in decisions of the Highest Court of Czech Republic and literature. While thinking about this topic, it is necessary to keep in mind problems with professional guidelines.

The second chapter continues with general definitions. But in this case, the whole chapter is only about one term, which is considered to be crucial. The explanation of treatment itself is necessary for defining the very moment of beginning and ending of treatment. Author uses civil law to find subjects and object of this legal relation and then tries to use them to demonstrate differences between treatment and other civil legal relations.

The third chapter follows the moment of beginning of treatment. If we want to examine end of treatment decision making, we must know when it ends. And for its end we have to know when, how and why it begins. This chapter compares Czech legal situation with international conventions (e.g. Bioethical convention – Oviedo 1997). In the first place author is defining what are emergency situations and then situations when the treatment is initiated willingly by patient.

The fourth chapter distinguishes between end of treatment as a moment in which treatment is terminated and end of treatment decision making as a time period in which decisions have to be made. The moment can be defined by two situations. Patient is cured or patient is dead. The first one can be defined as a moment when subjective impression of patient (the person which is cured) and subjective impression of doctor (person who cures) are almost the same

and inclines to agree that patient is cured. This agreement has to be built on objectively acknowledged procedures. Then author analyzes moment of death as described in literature.

Second part of this chapter explains theoretical ideas on end of treatment decision making.

Wide part of considerations explains substitute decision making in Czech legal system, however sometimes it is far from the practice.

Last part of this chapter is dedicated to explanation of terms such as euthanasia and DNR and its legal consequences.

In the last chapter author is rethinking actual legal situation and tries to define practical milestones for development of medical law in Czech Republic.

Whole thesis was written in attempt to describe, analyze and rethink Czech medical law and end of treatment / end of life decision-making, taking patient as the most important part of all the relations described.

Klíčová slova v českém a anglickém jazyce

V českém jazyce: zdravotnické právo, předem vyslovená přání, resuscitace

V anglickém jazyce: medical law, advanced directives, DNR