

Rights of the Patients

(resume)

The thesis Rights of the Patients does not provide a comprehensive survey of all rights the patients have under applicable legislation, thus, for reasons of complexity of the theme, the author focused only on the most important of them. Separate chapters are dedicated to individual rights, in order basically corresponding to importance the author attaches to particular ones. Each chapter comprises general lecture on the respective right, its regulation in international legal documents binding on the Czech Republic and in domestic legal documents. In footnotes, the author provides, for the purposes of comparison, regulation of particular institutes in foreign legislation.

In the opening, the author defines the terms “health law” and “medical law” and provides overview of the most important international and domestic health-law regulations, supplemented with enumeration of their principles related to the area of providing medical care.

With regard to currently discussed legislative proposals, which mean the long-awaited amendment to domestic medical law and, if approved, will bring many significant changes compared to the present state, the author included a separate section dedicated to these legislative proposals at the end of the first chapter.

The second chapter discusses codes of ethics, which are important, albeit unenforceable source of patients' rights. The author gives a brief excursion into the development of codes of ethics from the Hippocratic Oath to presence. Special section is dedicated to the Czech code of ethics „Rights of the Patients“, the full text being included for the needs of the reader in the attachment to this thesis.

Prior to the treatise on the individual rights of patients itself, the author considered it appropriate to pay attention to patient-doctor relationship, in which the individual rights granted to the patients are put into practice. She defines the terms “doctor“, “medical staff“, “patient“, “client“, compares the current partnership model of providing medical care to historically older paternalistic one. The doctor and the patient are equal to one another. Patient is a client, paying for a medical care, albeit indirectly.

The right to life represents the most significant value, entire legal regulation of medical law is based on the protection of the human life as the fundamental right of human being. Currently, the topic of quality of life and its objective determination comes into centre

of attention. The author highlights cases of conflict of the right to life with other values protected in the context of medical law.

The right to refuse one's life is integral part of the right to life. Individual's choice to terminate his life by refusing further treatment must be respected. The author dedicates separate section to the topic of euthanasia, impartially offers opinions for and against its legalisation. Following chapter deals with human dignity and individual's right to dignified dying.

The state has obligation to provide equal access to medical care. The citizens have on the basis of health insurance right to free health care of appropriate quality. Collecting of regulatory fees itself is not an interference with public subjective right of an individual to health care. The author adds brief excursion into the system of health insurance and institutes of managed care.

Any intervention to physical integrity of a patient can be performed only on the basis of patient's informed consent. Previously manifested wishes will be taken into account. Patient has the right to know all information regarding his state of health, right of a doctor to use therapeutic privilege is significantly limited today.

Any intervention to physical integrity uncovered by informed consent is a crime. In certain situations, the autonomy of an individual and protection of his physical integrity must yield to concern of the state for health of the society as a whole.

Right of a patient to privacy must be respected. The law places duty of confidentiality both on doctors and other medical staff. Medical records are property of medical centre. Medical centres are responsible for protection of data contained in such documentation.

In closing part, the author makes brief summary of the most important ideas and proposes possible future development of legal regulation of some institutes in accordance with international obligations and in connection to their regulation in foreign legal codes.

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Medical Law

Health Care

Autonomy of the Patient