

## **ABSTRACT**

This dissertation focuses on the issue of health care provision without the consent of a patient within the system of intensive care provision. Situations when it's possible to hospitalize a patient without his or her consent are defined in § 38 ZZS (Health Services and Terms and Conditions of Health Service Provision Act as amended). In the intensive care unit we are very often faced with patients that need to be urgently treated without their consent. Also very frequently a treatment is provided to patients that are under the influence of addictive substances therefore are dangerous to themselves and to others. Health of these patients is damaged and even their lives are at risk.

A treatment without a patient's consent is debatable from the ethical point of view. A conflict occurs between the fundamental ethical principles (benefit principle and principle of autonomy) because it is not entirely clear which one of the two principles should be prioritized during the treatment. Work and moral obligation of every medical personnel is to provide a medical treatment in accordance with the law and ethical principles.

A theoretical part of the paper is dedicated to the legal and ethical sides of the examined issue. The empirical part of the paper is dedicated to the research. A qualitative analysis of medical records of thirty patients that were admitted to the chosen intensive care unit without their consent was made.

The aim of the research is to compare the state of real health care (without consent) provided to the current legislation and ethical values. Following research questions were formulated. Is the care without consent provided in accordance with the current legislation of the Czech Republic? What are the conditions that define ethical and unethical care without consent? What situations can be defined as ethically questionable? Would it be useful to edit legal documents so they would be more in accordance with the patients' needs and with the requirements of medical personnel?

In conclusion, I see the following cases as the most significant outcome of this research. In the cases of five patients the provision of a health care without consent was misconducted from the perspective of the law. According to my opinion, the procedure was questionable in two cases. In one case I am not able to fully assess the procedure of a health care provision. From the ethical point of view I believe the health care provision to be very questionable or even incorrect in four cases. In two cases I assume the procedure to be questionable but not incorrect.

Even though, in remaining cases some of the patients' rights, the right to free decision, were violated and also an invasion to their body integrity occurred, I think the health care provision without consent was in accordance with the ethical values.

**keywords:** informed consent, intensive care, care without informed consent, detention, ethics

