

Abstract

This diploma thesis deals with the issue of providing health care to minors in the legislation of the Czech Republic. The area of providing health care has significantly changed in recent years. Nearly half a century old People's Health Care Act from 1966 was substituted by current Health Services Act and other acts, that were enacted during the reform of medical law as a response to the transformation of the traditional paternalistic conception of the relationship between doctor and patient into a partner conception. The issue of health care provision has also been affected by the adoption of the new Civil Code that regulates protection of human personality and interventions into his integrity and includes an agreement on health care as one of the contractual types. Two acts are standing abreast – Civil Code and Health Services Act, whose relation cannot be generally assessed on the basis of the principle *lex specialis derogat legi generali*, but it is appropriate on this basis to assess relation of particular provisions. This has created doubts for physicians, which one from these two acts with the same legal force they should follow while providing health care. Uncertainty in the area affecting the physical integrity of a person, much less the physical integrity of a minor child as a person requiring special care and protection is at least problematic. For this reason the main aim of this diploma thesis is to create comprehensive overview of the Czech legislation relating to the provision of medical services to minor patients and to arrange conditions under which it is possible to provide health care to minors. Especially the attention is paid to the process of granting of informed consent and the focus of this thesis consists in the question, who is entitled to grant an informed consent to the provision of health care to the minor child, if his parents or only one of them or a minor patient on his own. This thesis does not omit an issue of providing health care without consent or an issue of potential withdrawal of consent, refusal of health care and advance directives. Conflict situations that may result from triangular relation between doctor, minor patient and his legal representatives and outline of their possible resolution have also place in this diploma thesis. In the final chapter the legislation regulating health care provision to minors in Germany is analysed. That chapter is focused on the concept of informed consent and comparison of Czech and German legislation in the surveyed area.