

## Abstract

The subject of this thesis is one very important relationship of health care – the doctor-patient-relationship. During a recent decades a big attention was paid to this theme both on international and czech field. In the Czech Republic the doctor-patient-relationship went through the essential change, when instantly changed from a paternalistic relationship to a partnership. Many legal changes followed this change finishing it by accepting the Act on Healthcare Services which for example describes rights and duties of subjects of this relationship.

The first part is dedicated to a doctor-patient-relationship itself. Its history and evolution, placement in a legal system, legal form. One part is dedicated to an ethic aspect of doctor-patient-relationship.

The second part discusses about rights and duties of both participants of this relationship. Specifically, rights determined by the Act on Healthcare Services.

The third part is dedicated to detailed analysis of some basic patient's rights and the doctor's duties characterizing doctor-patient-relationship in its current form. These are informed consent, where I describe, why it is needed. I was concerned about its requisites, possibility to abandon informed consent, to informed dissent including its form while a short look on an issue of euthanasia is part of this chapter. I have mentioned exceptions of doctor's duty to act by informed consent only.

The second right, which is analysed in detail and which is connected to informed consent, is right to advanced directives. Analysis of orders „Do Not Resuscitate“ is part of this chapter as well. Both terms are explained. I tried to draw a reason of why it is complicated to use that orders. Comparison between the Czech Republic and the USA is included. The chapter is complemented by an example of an american court practice.

The fourth part of this thesis is dedicated to doctor's liability for his work performance and to conditions and types of the liability as well. According to the thesis's orientation, the civil liability and the doctor's liability for breaching of his duties are analysed in detail.

The end of this thesis is dedicated to disputes between the subjects of the relationship. This chapter contains a few statistics as well and a short comparison of ways to resolve disputes between the Czech Republic and the USA.

This thesis's goal was to capture the complex adjustment of this theme from the aspect of the medical and the civil law. Since the subject is too comprehensive the potential of this

theme couldn't be fully utilized. Therefore I chose a few most important areas which I analyzed closely.