

Abstract:

The aim of this thesis called „Disciplinary liability of health care professionals, relationship to criminal liability“ is to analyse and compare criminal and disciplinary liability in medicine and outline their relationship.

Considering its topicality and interdisciplinary character, I found this matter to be very inspiring. Although the medical liability issue seems to be very popular and frequently discussed subject, there are some aspects and problems that need to be sorted out in order to provide the doctors with a minimal standard of legal certainty.

The thesis is composed of five chapters, each of them dealing with different aspects of any kind of liability rising out of medical profession. First chapter is subdivided into four parts briefly describing civil, labour, administrative and contractual liability relating to medicine.

Chapter two focuses on criminal liability of doctors and composes of eight parts. First two parts refer to the risk of fault, that any doctor can cause, and the ultima ratio principle. Part three illustrates the conditions of criminal liability. Part four addresses the issue of circumstances excluding illegality in medicine. Part five and six present the nature of medical intervention and define the term of health care professionals. Part seven and eight deals with culpability, mainly the negligence, and objective aspects of criminal offence (behaviour and nexus causalis).

Chapter three concentrates on disciplinary liability and the disciplinary procedure against the doctor who has breached his professional duty. I also tried to analyze the system of disciplinary penalties, the position of patient who makes a complaint of his doctor, and relevant decisions of European court of human rights, in its seven parts.

Chapter four relates to ne bis in idem principle and the possibility of coincident criminal and disciplinary charge. Chapter five presents a short excursion into the issue of obligatory membership in the Czech medical chamber for all physicians providing medical treatment.

The conclusion tries to summarize all facts that has been found out and makes some legislative recommendations, particularly in the area of disciplinary procedure and punishment.

