

Abstract

The mode and of harm and non-proprietary damages relating to health care

The subject of this thesis is the issue of compensation of proprietary and non-proprietary damage suffered by patients during the provision of health care. Particularly, it is a damage resulting from bodily and deadly injury, which is most commonly caused by malpractice of doctors and other medical workers. Legal institute of damage compensation is of cardinal and irreplaceable importance in the area of Civil law. The thesis examines this institute from its material aspect, namely in terms of the mode and amount of compensation.

First part of the work deals with the introduction of the major changes brought by the new regulation of Czech Civil law into the area of damage compensation and their potential impacts on this sphere. Subsequently, there are further definitions of compensation's content, mode and amount, their mutual relations and historical development. That is followed by presentation of the main functions of the material and non-proprietary damage compensation.

The core of this work is focused on exploring the mode and amount of compensation for the different types of material and non-proprietary damage. In this part, there is widely used existing established practice of the courts, the author deals with confirmation or confutation of hypothesis whether the effective legal regulation followed the established application practice of the courts and to what extent. In relation to the compensation of non-proprietary damage the thesis includes description of new Methodology of the Czech Supreme Court and the determination of its positives and negatives compared to the repealed executive regulation which applied the Civil code.

The final part of the work outlines the evolutional trends in European level, presents projects of European harmonization and appreciates their reflection into the Czech legal regulation.

The aim of this thesis is comprehensive presentation of the terms of compensation of proprietary and non-proprietary damage which arises from the provision of health services, an analysis of their mutual relation and conditions of their application with help of existing practice of the courts. In individual parts, there are reflected the legal consequences of the new regulation, enhancement of recent regulation and outline the possible direction of the future progress.