

# Law in healthcare 02

Seminary Course of  
Health and medical law

# Question no. 1

What is the purpose of the law in healthcare?

What is the purpose of the rules?

Road Signs

Roundabout	Road narrow...	Hump Bac...	Horse Riders	Height rest...	Falling Rocks	Slippery Ro...	Children C...	Sheep	Cattle	Cattle Grid	Steep hill d...	Steep hill u...
Danger place	Intersection	Intersectio...	Bend	Double bend	Two ways t...	Mobile bri...	Traffic Lights	Pedestrian ...	Road work	Back up	Give way	Crossing
Stop	Roundable	Cycle track	Pass this side	Direction t...	One way st...	No entry	No entry b...	No pedestr...	No vehicle...	No towed ...	No goods ...	Maximum ...
No cycling	No motor...	No horse...	No motor ...	No motor ...	No Overta...	No vehicle...	No U-turns	No articula...	No Stopping	No left turn	No right turn	Maximum ...
Maximum ...	Maximum ...	Maximum ...	Minimum ...	Maximum ...	National s...	Shared cycle	Segregated...	Segregated...	Entering 20...	Maximum ...	Speed Ca...	Unsuitable ...
Escape lane	Escape lane	SOS Point	No through...	Parking	No passing...	No parking	Speed limit	Heigh limit	Width limit	Weight limit	Priority ov...	Streetcar o...
Taxi status	Speed 30-z...	End speed ...	Pedestrian ...	Police	Hotel	Restaurant	Break dow...	P+R	Restroom	Fuel	Telephone	Recommen...
Nodal poin...	Motorway	End motor...	Populated ...	End popul...	Parking wit...	Number sign	Number si...	Exit	Direction t...	Board of a...		



# Social role?

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Create trust

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Level of organisation in society

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Achieve „justice“

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Achieve „equality“

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Protect the weak

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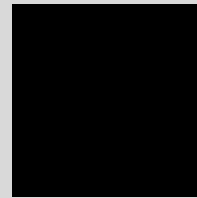
Serve as tool for economic transactions

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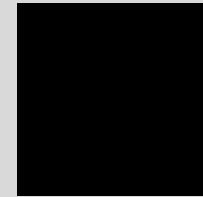
Protect investment

# Two main masses of Law

- PUBLIC LAW
  - Constitution
  - Hierarchy
  - Enforcement
  - Formal process



- PRIVATE LAW
  - Individual
  - Equality
  - Authonomy
  - Freedom

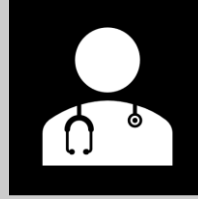




# The rights and obligations of citizens in health care

(from yesterday)

# Patient has rights:



As a citizen

to health protection.  
to free health care  
right to medical aids  
under conditions  
provided by law.  
(Charter of  
Fundamental Rights  
and Freedoms)



As a policyholder

to choose the health  
insurance company  
to time and the local  
accessibility and  
availability of paid  
services  
On medicinal product  
and foods for special  
medical purposes



As a patient

"Patients means a  
natural person, which  
are provided by the  
health services"

His rights correspond  
with obligations of  
healthcare provider  
and medical staff



# Patients rights (what the group thinks)

- Right to treatment
- Right to equal treatment as other patients
  - Equality and Equity
- Religious freedom –
  - Religious practice during hospital stay
  - Respect religious beliefs when choosing treatment
- Choose the healthcare provider
- Right to information (relates to patient)
  - About the treatment
  - Alternatives – Risks etc. ....
  - About his own rights
  - Second opinion
- Confidentiality and privacy
  - Right to remove the data
- Right to reject – Cosent

# Rights of the patient (§28 HCA)

Right on the provision of health services at the appropriate professional level

- according to the rules of science and accepted medical practices,
- while respecting the individuality of the patient,
- with regard to the specific conditions and objective options.

to esteem, treated with dignity, to be treated with courtesy in accordance with the nature of health services,

respect for privacy during the provision of healthcare services

- in accordance with the nature of healthcare services,
- Related rules for the close persons, medical documentation, etc.

# Rights of the patient (§28 HCA)

to choose a provider authorized to provide healthcare services,

to seek consulting services from another provider or healthcare professional, other than that who provides health services;

to be informed about the internal rules of the healthcare facility inpatient or day care

# Rights of the patient (§28 HCA)

to be informed in advance about the cost of health services not covered by public health insurance,

to know the names and surnames of healthcare professionals directly involved in the provision of healthcare services

to reject the presence of persons who are not directly involved in the providing of healthcare services

- Including those preparing for the profession of healthcare professional,

# Rights of the patient (§28 HCA)

to receive visitors in a medical facility of inpatient or day care,

- with regard to their health
- in accordance with the internal rules
- in a manner which does not infringe the rights of other patients, unless HCA or another law provides otherwise

to receive the pastoral care and spiritual support from spiritual churches and religious communities

on provision of health services in the least restrictive environment while ensuring the quality and safety of healthcare services.

# Obligations of the patient (!)

- a) to follow a designed individualized treatment procedure
- b) to follow the internal rules,
- c) to pay the provider cost of health services provided to him with his consent
- d) truthfully inform healthcare professional about the development of health condition, including information on infectious diseases
- e) not to drink alcohol or use other addictive substances during hospitalization and undergo in justified cases examination in order to establish whether or not is the patient under the influence of alcohol or other addictive substances at the discretion of the attending physician

Refusal to provide  
healthcare services

# It is important to distinguish

## Rejecting by a Healthcare Professional

- Retention of conscience
- refusal to provide healthcare services to the patient if the disclosure would be contrary to conscience or religious beliefs of a healthcare professional

## Rejecting by a Healthcare Provider

- rejection of proof of identity
- exceeding the workload
- operational reasons
- not insured
  - Foreigners from the EU have a special regulation



# Termination of the healthcare (provider)

- transfer the patient to another healthcare provider
- There are no longer reasons for the provision of healthcare services; does not apply in the case of the registering provider
- patient refuse the provision of all healthcare services,
- patient severely restricts the rights of other patients
- deliberately and systematically fails to comply with the proposed individual medical procedure, if he gave his consent to the provision of health services,
- Does not follow internal rules
- does not cooperate;

Informed consent with medical  
performance; denial of  
medical care

# Distinguish

## **Informed consent**

- **Free of will**
- **Informed**

## **Information about health condition**

- notified upon admission to healthcare
- Always if it is purposeful
- The patient may waive

# Information about health condition

- about the disease,
- the purpose, nature, expected benefits, potential consequences and risks of the proposed health services
- other possibilities, their suitability and risks
- another needed treatment,
- restrictions and recommendations in the way of life with regard to health conditions
- options
  - To waive the right to be informed about health condition
  - identify the persons to whom the information may be given or to impose a ban on reporting on health condition according to § 33.

## Retention of health information,

- The information would cause serious injury to the patient.

## Does not apply if:

- **a)** there is a need for early treatment,
- **b)** risk for the surroundings,
- **c)** patient specifically asks for accurate and truthful information.

# Written form of a consent

- **Consent with hospitalization** must be in writing.
- Written form of a consent must be where it is required by law or a provider.
- Remember HCA, transplantation Act,

# Disagreement



REVERS



WITHDRAWAL OF  
CONSENT



PREVIOUSLY  
EXPRESSED WISHES

## REVERS

- the patient is informed about his health condition and still refuses treatment
- makes a written declaration of refusal

## Withdrawal of consent

- Patient may withdraw his consent to the provision of healthcare services unless the medical procedure has already started and its termination may cause a serious injury to the patient.

## Record

- Written consent and written withdrawal of a consent or its record is a part of medical documentation
- It is signed by a patient and healthcare professional
- Patient may refuse to sign - healthcare professional and witness



# Previously expressed wishes

Patient may express agreement / disagreement in advance in certain cases

Provider takes into account the previously expressed wishes if

- it is available
- there was a predictable situation which previously expressed wish covers
- patient is unable to pronounce a new agreement or disagreement

Previously Expressed wishes will be respected

- If it was based on a written notice about the consequences of his decision.
- It must be in writing and shall bear an officially verified signature of the patient.
- If a written notice of the attending physician is a part of previously expressed wishes.

When it is  
not  
necessary to  
respect the  
previously  
expressed  
wishes?

# Underage patient

- it is necessary to know his opinion on the planned provision of health services if it is appropriate to his age and maturity.
- the importance of his opinion increases in proportion to age and degree of maturity.
- The intended health services can be provided to an underage patient on the basis of his consent if the execution of such procedure is appropriate to his mental and moral maturity and corresponds with his age.

# Hospitalization and provision of health services without consent

## Hospitalization

- condition of the patient requires the provision of urgent care and he is unable to give his consent at the same time

## Urgent care

- case of health services essential to saving lives or preventing serious damage to health.

## Based on a court decision

- such as protective measures imposed in criminal proceedings

# The patient can not give his consent

consent of the person designated by the patient

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graph TD; A[consent of the person designated by the patient] --> B[spouse or registered partner]; B --> C[parents]; C --> D[consent of other legally competent close person];
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spouse or registered partner

parents

consent of other legally competent close person