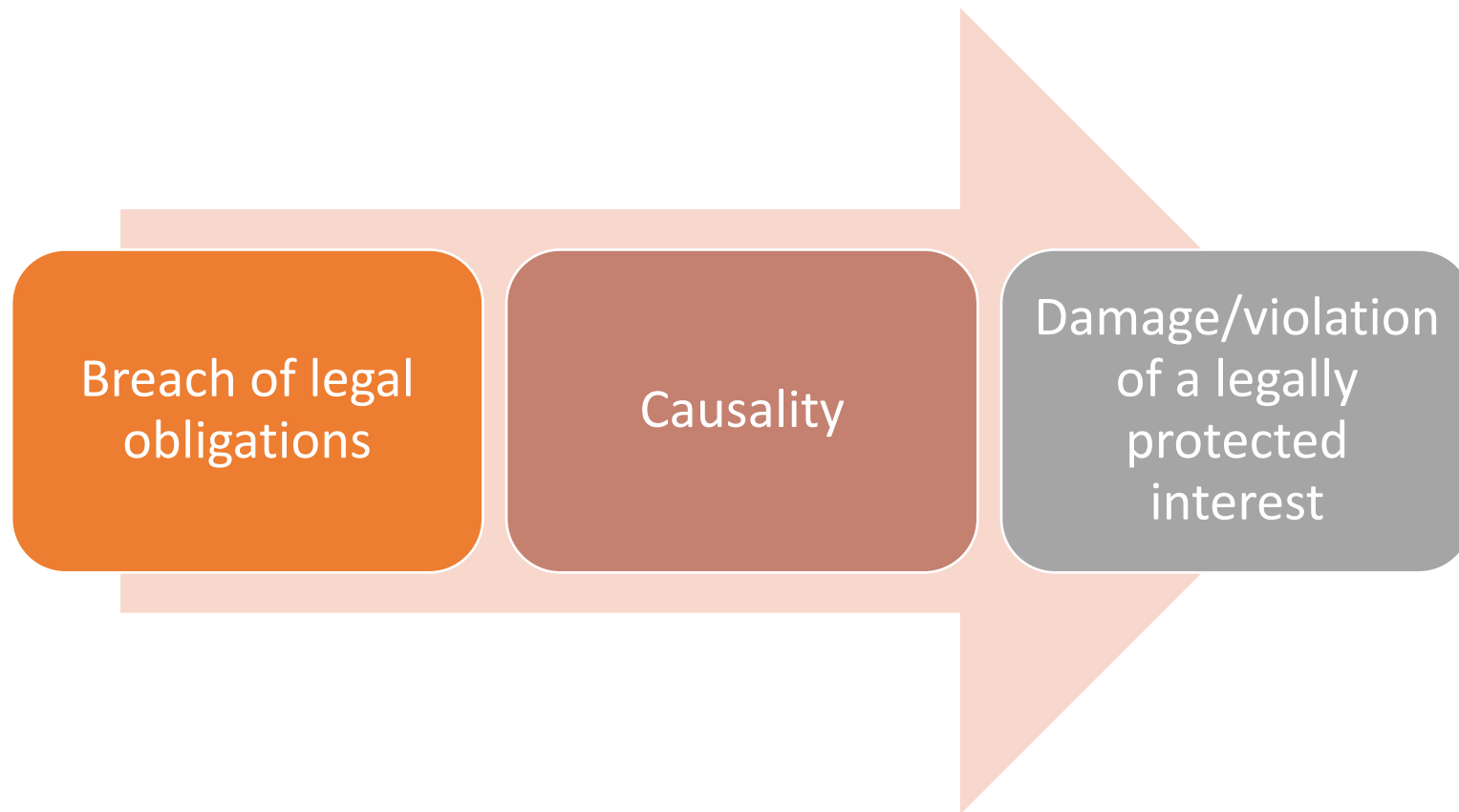


Wednesday:
Liability

Assumptions of Liability



The obligation given:

- By the Agreement
- By the law

Types of culpability

- Intention
- Negligence

Lex artis

- Procedure according to "normal" levels
 - Compliance with professional standards
- The patient has the right to health services on appropriate professional level.
- Lex artis is a concept that applies to providers as well as healthcare professional



PROFESSIONAL QUALIFICATIONS
HEALTHCARE PROFESSIONAL



PROVIDING MEDICAL CARE TO
THE BEST AND AT THE MOMENT
THE AVAILABLE OPTIONS



PROVIDING MEDICAL CARE
WITHOUT NEGLIGENCE

List of procedures lege artis

- Does not exist
- Recommendation of Czech medical societies ...
- Ultimately, the choice is on doctors

Problems

- Retention of conscience
- Rejection of healthcare by a patient
- Lack of resources for treatment lege artis

Obligation of prevention

Obligation to prevent unjustified harm to freedom, life, health or property of another.

The duty of everyone who has control over dangerous situations to take action to protect the rights of another.



CIVIL



EMPLOYMENT



ADMINISTRATIVE



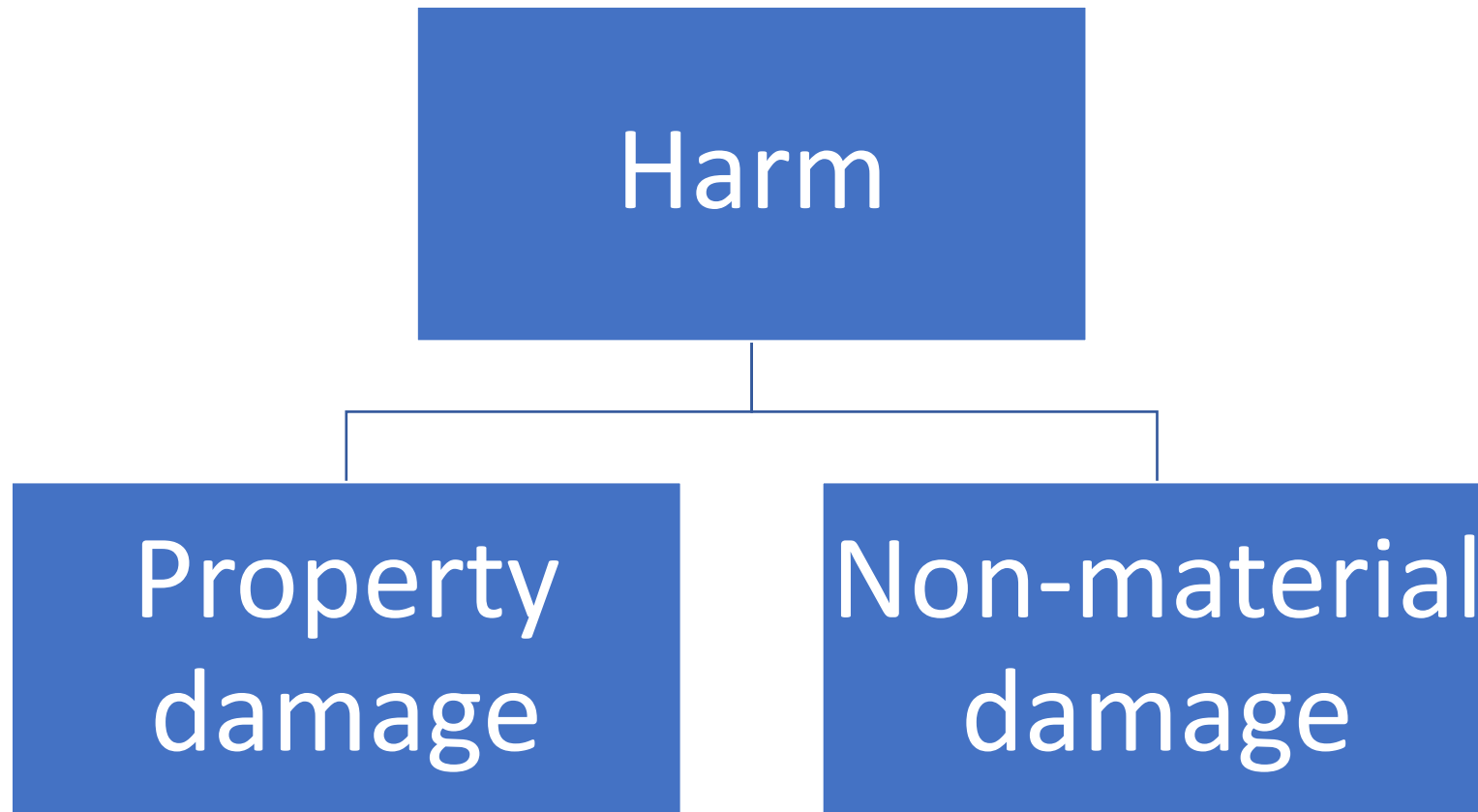
PENAL



DISCIPLINARY

Liability under civil law

Damages



Coincidence

- The obligation to pay compensation has the one who caused the circumstances leading to coincidence.



Necessary self-defense

Direct attack towards you
Proportionality (?)



Extreme urgency/necessity

Harm is necessary to avoid greater harm than you



Excusable excitement

The excitement of the mind is taken into account when assessing whether someone acted in self-defense, or in extreme distress



Waiver of compensation

If the fulfillment of obligations under the contract was temporarily or permanently prevented by:

- exceptional
- unpredictable
- unsurpassable
- obstacle arising independently of the will.

Damage caused by information or advice

- Who reports himself as a member of a particular state or profession to professional performance or otherwise act as an expert,
- Is responsible for Damages, if the harm is caused by an incomplete or incorrect information or harmful advice
- if he received the reward for this counsel

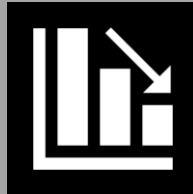
The extent of compensation

General provisions

- (1) Damage should be replaced by indicating to the previous status. If it is not possible, or is asked by the damaged, the damage is payable in cash.
- (2) Non-pecuniary damage is redresses by adequate satisfaction.

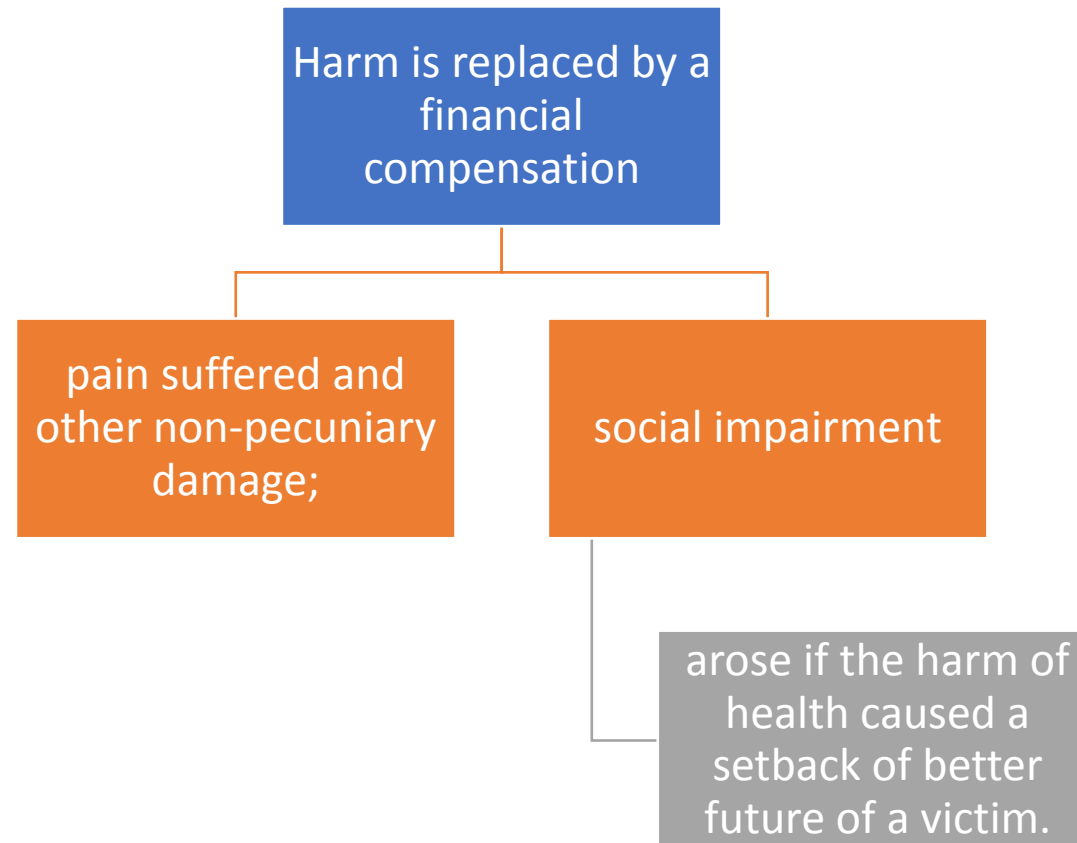


Actual damage



Loss of profits

Reimbursement of harm of health



The killing

- In case of death or extremely serious injury, the one who caused it is responsible to compensate for damage caused by mental suffering of a spouse, parents, children or other close persons.
- Funeral expenses
- Costs for maintenance of the residuaries

The costs associated with health care

- reasonably incurred costs associated with health care of the damaged, with the care of his person or his household to anyone who's spent them
- Compensation for loss of earnings
- Compensation for loss of a pension

A crime



A crime

- A criminal offense is an unlawful act that criminal law identifies as a crime, and that has the characteristics specified therein.
- The criminal liability for the offense is intentional culpability unless the Criminal Code expressly states that culpable negligence suffices.
- Intentionally committed crime
- Negligence

The principle of subsidiarity

- Criminal liability and criminal consequences associated with it can be applied only in socially harmful cases in which it is not sufficient to establish the liability under other legislation.

Medical Authority

Disciplinary liability

Each member of the Chamber has the obligation

- **a)** exercise their profession in accordance with its ethics and manner specified by law,
- **b)** observe the organization, rules, election and Disciplinary Rules of the chamber,
- **c)** properly fulfill defined contributions
- **d)** notify the competent authorities of the chamber changes related to the exercise of medical or pharmaceutical profession,
- **e)** conclude liability insurance in cases specified by the Chamber

Disciplinary liability

- Every citizen has the opportunity to submit complaints free of charge to authorities of CLK about the conduct of doctors, if he considers that the doctor acted unprofessionally or behaved unethically.

- fine up to 30.000 Kč

- Exclusion from Czech Medical Chamber

- de facto prohibition of activities for up to 5 years