

Selected issues of criminal liability in health care

Abstract

The work deals with selected issues of criminal liability in health care. In the introductory chapter it names some specifics of the relationship between health care and law. The second chapter presents selected, fundamental sources of medical law, which in addition to national legislation include selected international conventions and attention is paid to the role of court decisions in the Czech legal system. The same chapter defines some basic concepts that are important for the whole work and for its subject. The third chapter of this work can be considered as a theoretical basis of the subject of this work. The work deals mainly with the theoretical foundations of criminal liability and its origin, in connection with the specifics of criminal liability in health care and finally the specifics of criminal liability of legal entities. Furthermore, this chapter discusses other legal responsibilities that come into play in connection with the provision of health services - civil, administrative, labor and disciplinary liability. This chapter ends with a separate subchapter, which deals with the importance and role of expert opinion in assessing the emergence of legal liability in health care. The fourth chapter of this work is a practical part. Thus, it presents a specific case study from which specific issues arise and how the relevant courts approached their resolution, including a brief assessment. At the same time, how these solutions correspond to the previously presented theoretical basis. Cases concerning Title I of the Criminal Code are presented, the object of which is life and health, as well as selected cases, which are also represented in health care. In addition to the case study concerning health care providers as natural persons, the case study concerning health care providers as legal entities is also presented. The theoretical basis from the previous parts of this work is also used in this direction.