

Alternative Dispute Resolution in Civil Disputes between Patients and Healthcare Providers

Abstract

This thesis is centered on addressing the use of alternative dispute resolution (ADR) methods concerning conflict resolution between healthcare providers and patients in the Czech Republic.

The initial chapter delves into the substantive aspects of ADR in civil disputes within the healthcare sector. The first subchapter provides a brief overview of the civil liability of healthcare providers. Subchapter two explores the doctor-patient relationship, shedding light on some of its problematic facets that can lead to conflicts.

Chapter three focuses on ADR. It not only defines the concept of alternative dispute resolution but also employs charts to compare mediation and litigation, highlighting the potential of ADR. The subsequent subchapter outlines the characteristics of ADR. While a complaint isn't strictly considered an ADR method, it plays a crucial role in the healthcare sector, acting as a precursor to the ADR process. Thus, the following section delves into the complaint mechanism and the individuals responsible for handling complaints, including hospital ombudsmen, lawyers, and the Public Defender of Rights. Subsequent subchapters then enumerate various ADR methods applicable to healthcare, specifically negotiation, mediation, facilitation, conciliation, arbitration, and expertise.

Chapter four explores the utilization of ADR in healthcare in foreign countries, namely the USA, UK, and Austria. These three nations all resolve patient civil claims outside of court, but each employs a distinct approach.

The subsequent section involves the analysis of three questionnaire surveys. The first is dedicated to patients, the second to physicians, and the third to hospital legal departments. In addition to this quantitative research, the author conducted qualitative research through semi-structured interviews with hospital ombudsmen, mediators, and other individuals involved in the thesis's subject matter, including the Public Defender of Rights and a clerk from the Ministry of Health.

The final chapter encapsulates the thesis with a comprehensive conclusion.

Key words

ADR, mediation, healthcare, doctor-patient relationship, complaints, hospital ombudsman, litigation