

Criminal Liability of Health Service Providers

Abstract

This diploma thesis addresses the criminal liability of health service providers. The aim of the thesis is to particularly examine under what circumstances and conditions criminal liability may be imposed on individual and legal entities in the healthcare sector, including specific cases from judicial practise. To achieve these objectives, primarily comparative and descriptive methods were utilised, allowing for a more in-depth exploration and comparison of relevant legal aspects of this issue.

The thesis is structured into 7 chapters. The first chapter deals with fundamental terminology in healthcare law, which was necessary to define for a better comprehension of the entire thesis. It includes the description of definitions of terms such as healthcare, healthcare services, and healthcare providers.

The second chapter discusses legal responsibility and its inception. It focused on assessing healthcare workers according to the principle of „lege artis“ or „non lege artis“ and the concept of informed consent, including specific court jurisprudence. Additionally, this chapter delves into professional expertise assessments to determine whether medical practises are conducted with appropriate professionalism. Furthermore, it addresses long-term issues in this field, such as inadequate financial remuneration for professional experts, which can negatively impact the speed and quality of judicial procedures and professional assessments.

The third chapter classifies various types of legal liability associated with the provision of healthcare. Special emphasis is placed on civil, administrative and disciplinary responsibilities.

The fourth chapter delves into the core of the entire thesis, focusing in detail on the criminal liability of individuals. It analyses the general and specific features of criminal activity, such as the object and objective aspects of criminal activity, as well as the subject and subjective aspects of criminal activity.

The fifth chapter continues by determining circumstances that exclude unlawfulness within the context of healthcare provision, particularly addressing the institutes of extreme necessity, consent of the injurer party and acceptable risk.

The sixth chapter addresses the criminal responsibility of legal entity. It begins with a description of the development of legislation in the Czech republic, followed by an analysis of terms such as imputability and culpability of legal entity. In this chapter, the question of

whether it is even contradictory to punish healthcare providers as legal entities responsible for criminal sanctions is explored.

This topic is further scrutinized in the seventh, and final chapter of this thesis. Here, I work with specific data provided by the Ministry of Justice, tracking and comparing the number of criminal proceedings initiated against legal entities for offenses against life and health up to 2019 and between the years 2019 and 2024.

Key words: health service provider, criminal liability, lege artis, legal entity, responsibility in healthcare