

OLEKSANDR HRIN

MEDICAL LAW BASICS

BOOK OF DIAGRAMS

LEARNING GUIDE

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The educational material is presented in accordance with the content of the curriculum of the discipline "Medical Law of Ukraine" for training foreign citizens, specialists of the second (master's) educational level "Master of Medicine", qualification profile "Doctor", field of knowledge 22 "Health", specialty 222 "Medicine".

The textbook is also designed for foreign students who obtain the qualification and educational level "Master of Dentistry" qualification profile "Dentist" specialty 221 "Dentistry", students majoring in "Law", specialty "Law", graduate students (interns) and teachers specified specialties of higher educational institutions and faculties.

The publication can be useful for students and teachers of foreign universities studying the legal systems of Eastern Europe.

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PREFACE

Problem of legal regulation of relations in the field of health care is becoming extremely important at the following stage of Ukrainian society development. Its relevance is significantly increasing in the context of medical reform, namely the transformation of primary care, optimization of the network of medical institutions, the introduction of electronic health care and reform of the emergency medical care system.

This problem is especially acute at the current stage of transformation of the health care system, which will relate to the legal regulation of secondary and tertiary care providers, autonomy of all health care facilities, the formation of hospital districts and the introduction of a state-guaranteed package of medical services. All of these issues require detailed legal regulation.

Nearly 80 thousand students from 158 countries are studying now in Ukraine. The vast majority of them are students of medical universities and faculties. Given the above, it is important to train a modern specialist who has professional knowledge of medical law and legislation. These factors necessitate the development of appropriate educational and methodological support.

To facilitate the assimilation of the course topics, it is proposed to study the content of medical law with the help of schemes that reveal the elements and logic of the structure of this discipline.

The publication addresses the issues of the basics of public administration in the field of health care (topic 1), public health management (topic 2), medical law and its place in the system of law and legislation (topic 3), the legal basis of health insurance and medical care (theme 4), the human rights system in the field of health care (theme 5), the legal status of the subjects of medical relations (theme 6), defects in the provision of medical care (theme 7) and legal liability in the field of health care (topic 8).

The author in no way claims to be exhaustive coverage of the course topics, much less the completeness and correctness of the judgments contained here. However, we believe that our views and approaches will be useful to students and teachers of medical, dental, legal specialties who study medical law.

A separate part of the textbook contains a dictionary of Ukrainian legal terminology in medical law. It includes legal terms and terms that are most common in medical law curriculum at Ukrainian universities. The need for such a publication is due to the difficulty of translating professional legal vocabulary into English. As the author's teaching experience shows, this is most difficult for those students who do not have sufficient legal terminology.

Proposed dictionary should not be considered as a legal book of reference. Interpretation of the vocabulary included to the dictionary is subordinated to the educational and methodical tasks of the course "Medical Law". That is why it cannot be considered as a reference, complete and comprehensive publication. It should also be noted that the translation of certain legal terms is complicated by

the impossibility of their direct transfer to the English legal context (primarily due to the lack of appropriate analogues).

These features of the dictionary are explained primarily by its educational objectives and goals. The main purpose of this section is to provide students with the necessary basic ideas about the features of legal vocabulary, to introduce the reader to the general legal context of Ukrainian law and to facilitate further acquaintance with the original legal texts in Ukrainian. Given the above, the dictionary can have an independent meaning and be used to study not only the basic medical and legal terms, but also legal vocabulary in general.

The dictionary contains more than 1,600 terms and phrases and has about 4,000 words. This is the first publication of this type in Ukraine, given that the author realizes that he failed to evenly cover the terms used in each of the topics of the General Part of Medical Law. Obviously, , more complete and comprehensive dictionaries which will take into account the shortcomings of previous editions of medical law will appear in Ukraine later.

We hope that the proposed publication will be useful not only for foreign students of medical institutions and medical faculties of Ukrainian universities, but also for students and teachers of foreign universities who study the legal systems of Eastern Europe.

**With respect to the
reader Olexandr Hrin**

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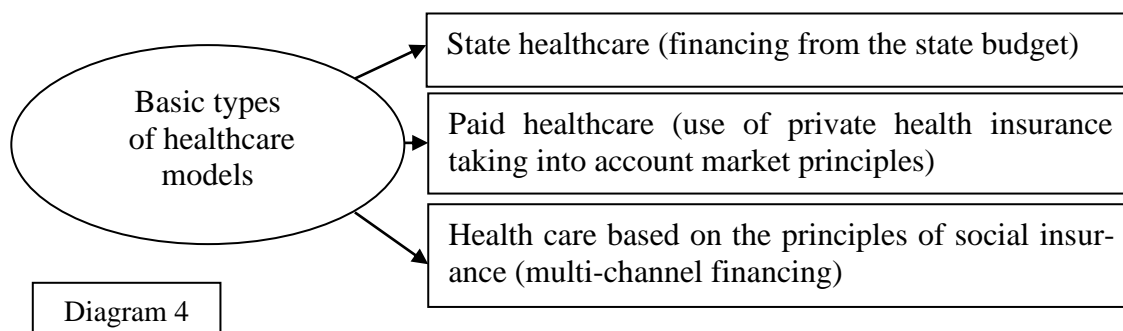
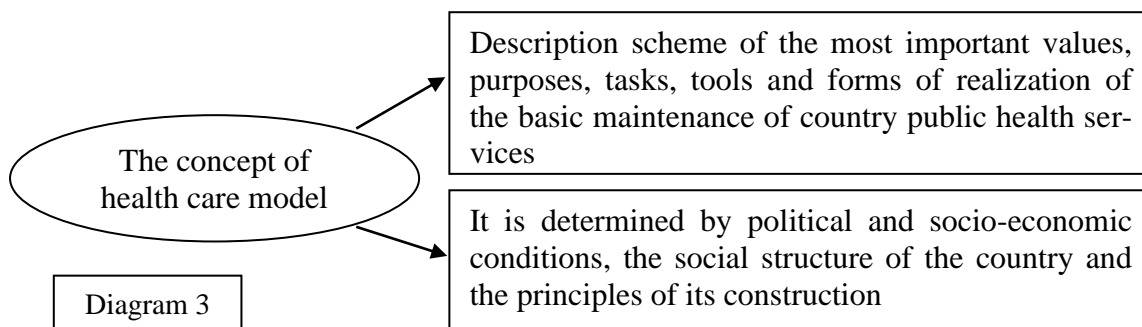
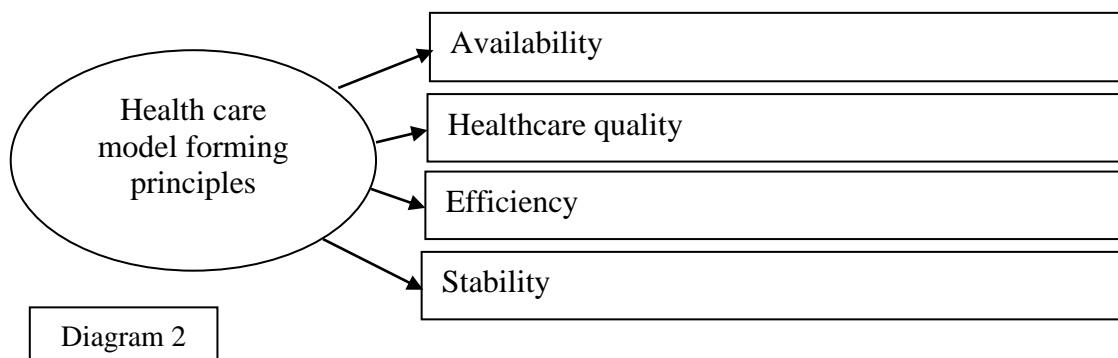
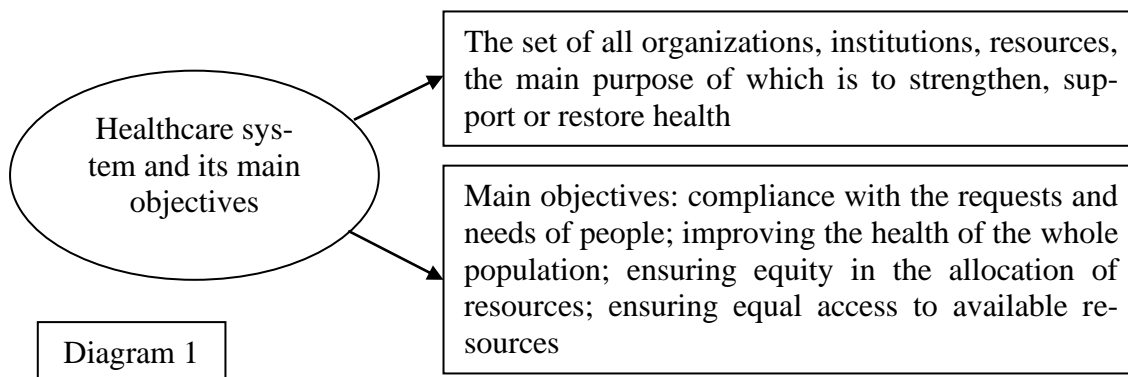
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Annex. Dictionary of Ukrainian medical legal terminology

Abbreviations

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Topic 1. Fundamentals of healthcare public administration



DICTIONARY OF UKRAINIAN MEDICAL LEGAL TERMINOLOGY

A

abettor - пособник

abortion – аборт, переривання вагітності

absolute (real, exclusive) civil legal relations - абсолютні (речові, виключні)
цивільні правовідносини

absolute duty - абсолютний обов'язок

absolute equivalence - абсолютна еквівалентність

absolute right – абсолютне право

abuse - жорстоке поводження

abuse of official position - зловживання владою чи службовим становищем

accident - нещасний випадок

accident report - акт про нещасний випадок

account - рахунок

accused - обвинувачений

act of crime - злочинне діяння

act of purchase and sale of human organs - купівля/продаж органів людини

action not associated with risk - дія не поєднана з ризиком

active actions - активні дії

active euthanasia - евтаназія активна

active social life - активне громадське життя

ABBREVIATIONS

CCU – Criminal Code of Ukraine

C.C. – Civil Code of Ukraine

WHO – World Health Organization

CHI – compulsory health insurance

VHI – voluntary health insurance

DBR – Disability board of review

READING LIST

Regulatory sources

International legal standards in the field of health and human rights:

1. **Declaration of Venice on terminal.** Adopted by the 35th World Medical Assembly, Venice, Italy, October 1983 and revised by the 57th WMA General Assembly, Pilanesberg, South Africa, October 2006//<http://zakon2.rada.gov.ua>
2. **Declaration of Helsinki. Ethical principles for medical research involving human subjects** Adopted by the 18th WMA General Assembly, Helsinki, Finland, June 1964. // <http://zakon2.rada.gov.ua>
3. **Statement on the twelve principles of provision of health care in any national health care system** Adopted by the 17th World Medical Assembly New York, USA, October 1963// <http://zakon2.rada.gov.ua>
4. **United Nations Declaration on Human Cloning** Adopted by General Assembly resolution 59/280 dated March 8, 2005 // <http://zakon2.rada.gov.ua>
5. **WMA Declaration of Human Rights and Personal Freedom of Medical Workers** dated October 30, 1985 // <http://zakon2.rada.gov.ua>
6. **Declaration on euthanasia.** Adopted by the 39th World Medical Assembly, Madrid, Spain, October 1987 // <http://zakon2.rada.gov.ua>
7. **A declaration on the promotion of patients' rights in Europe: European consultation on the rights of patients**, Amsterdam 28 - 30 march 1994 // <http://zakon2.rada.gov.ua>

8. Declaration on physician independence and professional freedom. Adopted by the 38th world medical assembly rancho mirage, ca, usa, october 1986 // <http://zakon2.rada.gov.ua>

9. Declaration on Human Rights and Individual Freedom of Medical Practitioners

Adopted by the 37th World Medical Assembly, Brussels, Belgium, October 1985// <http://zakon2.rada.gov.ua>

10. World Medical Association, Declaration on Human Organ Transplantation

Adopted by the 39th World Medical Assembly Madrid, Spain, October 1987// <http://zakon2.rada.gov.ua>

11. Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings 1998 // <http://zakon2.rada.gov.ua>

12. European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. European Council, Strasbourg October 1987 // <http://zakon2.rada.gov.ua>

13. European Convention on Social and Medical Assistance. European Council, Paris, December 11, 1953 // <http://zakon2.rada.gov.ua>

14. European Social charter, European Council, May 03, 1996 // <https://www.coe.int/en/web/european-social-charter/charter-texts>

15. **European Agreement on the Exchange of Therapeutic Substances of Human Origin** Paris, December 15, 1958 p. // <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/109>
16. **European Charter of Patients` Rights.** Dated November 15, 2002 // https://ec.europa.eu/health/ph_overview/co_operation/mobility/docs/health_services_co108_en.pdf
17. **European Code of Social Security.** European Council, Strasbourg, April 16, 1964 // <http://zakon1.rada.gov.ua>
18. **WMA Declaration of Geneva,** September 01, 1948 // <http://zakon.rada.gov.ua>
19. **The Universal Declaration of Human Rights:** UN, December 10, 1948 // <https://www.un.org/en/universal-declaration-human-rights/>
20. **Universal Declaration on the Human Genome and Human Rights** dated November 11, 1997 // <https://www.ohchr.org/en/professionalinterest/pages/humangenomeandhumanrights.aspx>
21. **Workmen's Compensation (Occupational Diseases) Convention, 1925** (No. 18): ILO, dated June 10, 1925 // https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C018
22. **Convention on the Prevention and Punishment of the Crime of Genocide:** UN; dated December 09, 1948 // <https://www.ohchr.org/en/professionalinterest/pages/crimeofgenocide.aspx>

23. Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine . European Council, Oviedo, 4.IV.1997// <https://rm.coe.int/168007cf98>

24. Convention for the Protection of Human Rights and Fundamental Freedoms: European Council; Rome, 4.XI.1950 // <https://rm.coe.int/1680063765>

25. Convention on the Rights of the Child: International document dated November 20, 1989 // <http://zakon1.rada.gov.ua>

26. WMA declaration of lisbon on the rights of the patient, Adopted by the 34th World Medical Assembly, Lisbon, Portugal, September/October 1981. // <https://www.wma.net/wp-content/uploads/2005/09/Declaration-of-Lisbon-2005.pdf>

27. International Convention on the Elimination of All Forms of Racial Discrimination : Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 // <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

28. WMA international code of medical ethics. Adopted by the 3rd General Assembly of the World Medical Association, London, England, October 1949 // <https://www.wma.net/policies-post/wma-international-code-of-medical-ethics/>

29. International Covenant on Civil and Political Rights Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 // <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

30. **International Covenant on Economic, Social and Cultural Rights;** International document dated December 16, 1966 // <http://zakon1.rada.gov.ua>
31. **WMA statement on patient advocacy and confidentiality.** International document dated October 01, 1993 // <https://www.wma.net/policies-post/wma-statement-on-patient-advocacy-and-confidentiality/>
32. **World Medical Association, Statement on Live Organ Trade.** Adopted by the 37th World Medical Assembly Brussels, Belgium, October 1985// <http://zakon2.rada.gov.ua>
33. **WMA Statement On Access To Health Care,** International document dated September 01, 1988 // <http://zakon.rada.gov.ua>
34. **Recommendation concerning the Protection of the Health of Workers in Places of Employment No. 97:** International labour organization, International document dated June 25, 1953 № 97 // <http://zakon1.rada.gov.ua>
35. **Declaration of Sydney on Human Death.** Adopted by the 22nd World Medical Assembly, Sydney, Australia, 5–9 August 1968// <http://zakon2.rada.gov.ua>
36. **WHO Constitution.** Adopted on July 19, 1946 // <https://www.who.int/about/who-we-are/constitution>
37. **Community Charter of the Fundamental Social Rights of Workers:** EEC; International document dated December 9, 1989// <http://zakon1.rada.gov.ua>.

Ukrainian healthcare legislation:

Reading list:

38. Byrne I., Ezer T., Cohen J., Overall J., Senyuta I. Human Rights in Patient Care: A Practitioner Guide/ Under scientific editing of Senyuta I. – L'viv: LOBF Publishing House "Medicine and Law", 2012. – 552 p.

39. Buletsa 2020

40 Buletsa, Sibilla, The Right of an Individual to Life and Health (Comparative Legal Aspect): (Uzhhorod, 2006)

41. Sgreccia, Elio, et al. Bioethics. 1999.

42. Campbell, Alastair V., Grant Gillett, and D. Gareth Jones, Medical Ethics (2010)

43. Senyuta, Iryna, ed., Medical and Legal Definition Dictionary (Lviv, 2010)

44. Moskalenko, Vitalyi, and Borys Mykhailychenko, eds., Medical Legislation: Legal Regulation of Medical Activity (Kyiv, 2017)

45. Maydanyk, Roman, Medical Law in the Legal System of Ukraine (Kyiv, 2013)

46. Maydanyk, Roman, Medical Liability Insurance (Kyiv, 2013)

47. Maydanyk, Roman, ed., Human Rights in Health Care: Practicum (Kyiv, 2013)

48. Stetsenko, Semen, Iryna Senyuta, and Valentyna Stetsenko, Ukrainian Medical Law (Kyiv, 2008)
49. Stetsenko, Semen, ed., Modern Ukrainian Medical Law (Kyiv, 2010)
50. Senyuta, Iryna, Civil Law Regulation of Relations in the Field of Medical Services (Lviv, 2018)
51. Senyuta, Iryna, Sources of Legal Regulation of Civil Relations in the Field of Health Care (Lviv, 2018)
52. Study Guide in Medical Law. Compiled by S. D. Riabenko, B. V. Mykhailychenko. – Kyiv AUS Medicine Publishing 2014