UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Pravo pacientovih pravic**
Course title:	**Patient's Rights Law**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo 3. stopnje	Zdravstveno pravo	2	1
Law 3rd Degree	Healthcare law	2	1

Vrsta predmeta / Course type:	izbirni/elective
Koda predmeta /Course code:	

Predavanja **Lectures**	**Seminar** **Seminar**	**Vaje** **Tutorial**	**Druge oblike študija** **Other type study**	**Samost. delo** **Individual work**	**ECTS**
20	0	0	0	230	10

Nosilec predmeta / Lecturer:	doc. dr. Martin Dekleva / Assist. Prof. Martin Dekleva, PhD
Jeziki/Languages: Predavanja / Lectures:	slovenski jezik/Slovenian
Seminar / Seminar:	slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Zahteva se vsaj 80 % prisotnost na predavanjih in vajah.

Prerequisites:

At least 80% attendance at lectures and tutorials is required.

Vsebina

Pravo pacientovih pravic obravnava zdravstveno pravo z vidika zagotavljanja ustavne pravice do zdravstvenega varstva. Ta ustavna pravica je sestavljena iz več vidikov dostopnosti do zdravstvenih storitev, kot so pravica do kakovostnih zdravstvenih storitev in pravice do časovne, krajevne, cenovne, jezikovne in informacijske dostopnosti do zdravstvenih storitev. Predmet obravnava tudi konkretne pravice, ki jih ureja Zakon o pacientovih pravicah, in sicer:
- pravica do dostopa do zdravstvene obravnave in zagotavljanja preventivnih storitev,
- pravica do enakopravnega dostopa in obravnave pri zdravstveni obravnavi,
- pravica do proste izbire zdravnika in izvajalca zdravstvene dejavnosti,
- pravica do primerne, kakovostne in varne zdravstvene obravnave,
- pravica do spoštovanja pacientovega časa,
- pravica do obveščenosti in sodelovanja,
- pravica do samostojnega odločanja o zdravljenju,

Content (Syllabus outline)

The Patients' Rights Law is a part of healthcare law that is viewed from the patients perspective, in particular his constitutional right to access to healthcare. This constitutional right consists of several aspects of access to health services, such as the right to quality health services and the right to access the healthcare service on time (availability of healthcare services), in proximity of one's place of living (proximity of healthcare services), the right to access healthcare services for an affordable price (affordability of healthcare services), and the right to get healthcare services in one's own language and to informational access to healthcare services. The course also deals with specific rights regulated by the Patients' Rights Act, namely:

- pravica do upoštevanja vnaprej izražene volje, - pravica do preprečevanja in lajšanja trpljenja, - pravica do drugega mnenja, - pravica do seznanitve z zdravstveno dokumentacijo, - pravica do varstva zasebnosti in varstva osebnih podatkov, - pravica do obravnave kršitev pacientovih pravic, - pravica do brezplačne pomoči pri uresničevanju pacientovih pravic.	- the right to access medical treatment and preventive services, - the right to equal access and treatment in medical treatment, - the right to freely choose a doctor and a healthcare provider, - the right to adequate, high-quality and safe medical treatment, - the right to respect for the patient's time, - the right to information and participation, - the right to decide independently on treatment, - the right to have one's will expressed in advance, - the right to prevent and alleviate suffering, - the right to a second opinion, - the right to be acquainted with medical records, - the right to privacy and the protection of personal data, - the right to deal with violations of patients' rights, - the right to free assistance in the exercise of patients' rights.

Temeljna literatura in viri / Readings:

- Ppt predstavitve s predavanj;
- Triller Vrtovec K., Zdravstveno pravo, Uradni list, 2019.
- Triller Vrtovec K., Equal access to healthcare for low income population –
- Practical challenges of the healthcare reforms in Slovenia, in press.
- Triller Vrtovec K, Public policy changes in public funding of family doctors in Slovenia', Int. J. Public Sector Performance Management, Special Issue on: Public Policies and the Development of Entrepreneurship, ISSN 1741-1041, 2022, vol. 9, no. 4, str. 345-365.
- OECD/European Observatory on Health Systems and Policies (2019), Slovenia: Country Health Profile 2019, State of Health in the EU, OECD Publishing, Paris/European Observatory on Health Systems and Policies, Brussels, https://doi.org/10.1787/79ba70a2-en.

- European Commission (2019), State of Health in the EU Companion Report 2019, Luxembourg: Publications Office of the European Union, 2019, https://ec.europa.eu/health/sites/default/files/state/docs/2019_companion_en.pdf
- Bubnov-Škoberne, A., Strban, G., Pravo socialne varnosti, GV založba, Ljubljana 2010.
- Avbelj, M. ur., Komentar Ustave Republike Slovenije, Nova univerza, Evropska pravna fakulteta, Nova Gorica 2019.
- Ustava (Ustava Republike Slovenije, Uradni list RS, št. 33/91-I s spremembami)
- SDČP (Splošna deklaracija o človekovih pravicah, Uradni list RS – Mednarodne pogodbe, št. 3/18), 22. in 25. člen
- MPESKP (Mednarodni pakt o ekonomskih, socialnih in kulturnih pravicah, Uradni list SFRJ, št. 7/71), 9. in 12. člen
- EKČP (Konvencija o varstvu človekovih pravic in temeljnih svoboščin, Uradni list RS, št. 33/94, MP, št. 7/94)
- ESL (Evropska socialna listina, Uradni list RS – Mednarodne pogodbe, št. 24/99, 7/99), 11., 12. in 13. člen
- Listina (Listina Evropske unije o temeljnih pravicah, UL C 326), 34. člen
- ZZVZZ (Zakon o zdravstvenem varstvu in zdravstvenem zavarovanju, Uradni list RS, št. 72/06 – uradno prečiščeno besedilo s spremembami)
- ZPacP (Zakon o pacientovih pravicah, Uradni list RS, št. Uradni list RS, št. 15/08 s spremembami)
- POZZ (Pravila obveznega zdravstvenega zavarovanja, Uradni list RS, št. 79/94 s spremembami)

Natančnejša literatura in sodna praksa je navedena v orisih predavanj.

Cilji in kompetence:

Objectives and competences:

Študenti/ke bodo pridobili naslednje **splošne kompetence:** Cilj predmeta Pravo pacientovih pravic je predstaviti pravno ureditev na področju pravnega urejanja dostopa do zdravstvenih storitev in jih postaviti v kontekst sekundarne zakonodaje Evropske Unije, sodne prakse Sodišča Evropske Unije, Ustavnega sodišča in rednih sodišč, podzakonskih predpisov Ministrstva za zdravje in Zavoda za zdravstveno zavarovanje Slovenije, Splošnega dogovora v zdravstvu ter tuje in domače strokovne literature.	**Students will gain the following general competences:** The aim of the course Healthcare Law and Policy is to present legal regulation of medicines, including medical devices and pharmacies and place them in the context of secondary legislation of the European Union, case law of the European Court of Justice, the Constitutional Court and ordinary courts, implementing regulations of the Ministry of Health and the Institute of Health Insurance of Slovenia, the General Agreement in Healthcare and foreign and domestic legal literature.
Študentje bodo razvili **predmetno-specifične kompetence**: - uporaba ustreznih metod pravnega raziskovanja, njihovih postopkov, analize in sinteze; - razvoj etičnih sposobnosti pri uresničevanju načel in pravil Prava pacientovih pravic; - sposobnost skupinskega dela in pripravljenosti za sodelovanja pri reševanju konkretnih primerov s področja Prava pacientovih pravic; - razvoj komunikacijskih sposobnosti in veščin pri razumevanju in uresničevanju Prava pacientovih pravic;	Students will develop the following **course-specific competences:** - the use of appropriate methods of legal research, their procedures, analysis and synthesis; - developing ethical skills in the implementation of the principles and rules of Patients' Rights Law; - ability to work together and be willing to work together to solve specific cases in the field of Patients' Rights Law;

- razvoj veščin javnega nastopanja in predstavitev pri obravnavi institutov Prava pacientovih pravic; - razvoj veščin svobodnega podjetništva pri uresničevanju načel in pravil Prava pacientovih pravic; - razvoj ustvarjalnosti in sposobnosti premagovanja problemov pri uporabi načel in pravil Prava pacientovih pravic; - razvoj sposobnost vodenja pri reševanju konkretnih primerov s področja Prava pacientovih pravic; - razvoj sposobnosti uporabe interdisciplinarnih znanj pri reševanju zadev s področja Prava pacientovih pravic; - sposobnost uporabe Prava pacientovih pravic pri upravljanju s človeškimi viri in reševanju sporov v delovnem okolju.	- development of communication skills and competences in the understanding and implementation of Patients' Rights Law; - developing public speaking and presentation skills when dealing with Patients' Rights Law institutes; - developing free enterprise skills in the implementation of the principles and rules of Patients' Rights Law; - developing creativity and the ability to overcome problems in applying the principles and rules of Patients' Rights Law; - developing leadership skills in resolving these specific Patients' Rights Law cases; - developing the ability to use interdisciplinary knowledge in the resolution of Patients' Rights Law cases; - ability to apply Patients' Rights Law to the management of human resources and the resolution of disputes in the work environment.

Predvideni študijski rezultati: **Znanje in razumevanje:**	**Intended learning outcomes:** **Knowledge and understanding:**
Študentka oziroma študent bo na podlagi seznanitve s splošno ureditvijo na področju pravnega urejanja dostopa do zdravstvenih storitev sposoben poiskati specifično temo s tega področja in jo poglobljeno obdelati v svoji doktorski disertaciji. Doktorski študijski program utrdi študente na strokovnem področju, ki ga izberejo, in jih pripravi na poglobljeno strokovno delo tudi na mednarodnem področju. Shema mobilnosti, visoka specializacija študijskih predmetov in dostop do znanj in prakse in javne uprave študentom zagotavlja, da bodo lahko svoje znanje uporabili tudi na drugih univerzitetnih institucijah po Evropi in globalno.	By familiarizing with the general regulation in the field of patients' rights law, the student will be able to find a specific topic in this field and carry out an in-depth research for his / her doctoral dissertation. The Doctoral programme consolidates students to become experts in the scientific field of their choosing and prepares them to in-depth professional work at the national as well as international level. A mobility scheme, in addition to high specialisation and access to academic knowledge and praxis in public administration allow students, to use the acquired knowledge at other university institutions through-out Europe as well as globally.

Metode poučevanja in učenja:	**Learning and teaching methods:**
Oblike dela: ☒ Frontalna oblika poučevanja ☒ Delo v manjših skupinah oz. individualno ☒ Samostojno delo študentov ☒ študij s pomočjo IKT tehnologije ☐ drugo (vpišite) _____ **Metode (načini) dela:** ☒ Razlaga ☒ Razgovor/ diskusija/debata	**Types of learning/teaching:** ☒ Frontal teaching ☒ Work in smaller groups or individual work ☒ Independent students work ☒ studies using ICT technology ☐ other _____ **Teaching methods:** ☒ Explanation ☒ Conversation/discussion/debate ☒ Work with texts

☒ Delo z besedilom ☒ Proučevanje primerov raziskav ☒ Igra vlog ☒ Druge vrste nastopov študentov ☒ Reševanje nalog/vaje ☐ Študijski obiski podjetij ipd.) ☒ Vključevanje gostov iz prakse ☒ Udeležba na okrogli mizi, na konferenci	☒ Research case studies ☒ Role-play ☒ Different presentation ☒ Solving exercises/study exercises ☐ Field work (e.g. company visits) ☒ Inviting guests from companies ☒ Attending round table and conference

Načini ocenjevanja: Način (pisni izpit, ustno izpraševanje, naloge, projekt)	**Teža (v %) / Weight (in %)**	**Assessment: Type (examination, oral, coursework, project)**
Sprotno ustno (aktivno sodelovanje pri kontaktnih urah in pri raziskavah)	**10**	Oral verification and assessment of knowledge
Sprotno pisno preverjanje znanja (krajši pisni izdelki)		Written verification and assessment of knowledge (short written casework)
Daljši pisni izdelki (seminarska naloga, projektna naloga, raziskovalna poročila)	**30**	Longer written casework
Javni nastop in predstavitev lastnega raziskovalnega dela		Public presentation of one's research
Končni ustni izpit		Final examination (oral)
Končni pisni izpit	**60**	Final examination (written)
Drugo (vpišite)		Other:

Reference nosilca / Lecture's references:

Martin Dekleva je docent za Upravno pravo in Pravo javne uprave na Evropski pravni fakulteti (Nova univerza). Diplomiral je leta 2012 na Pravni fakulteti Univerze v Ljubljani. Na isti fakulteti je leta 2017 tudi doktoriral s področja upravnega prava. Leta 2015 je opravil pravniški državni izpit. Dejaven je tako v praksi kot na znanstveno-raziskovalni ravni. Zaposlen je kot svetovalec na Ustavnem sodišču Republike Slovenije, bil pa je tudi odvetnik in strokovni sodelavec na Upravnem sodišču Republike Slovenije. V okviru svojega dela je med drugim sodeloval pri oblikovanju zakonodaje, ki je povezana z upravnopravnim področjem, pripravljal je različna pravna mnenja in se udejstvoval tudi na mednarodni ravni. Je avtor več strokovnih in znanstvenih člankov.
E-povezava do bibliografije v sistemu SICRIS: https://cris.cobiss.net/ecris/si/sl/researcher/55633.

Martin Dekleva is an Assistant Professor in the field of Public Administration and Administrative Law at the European Faculty of Law (New University). He graduated in 2012 from the Faculty of Law at the University of Ljubljana. At the same faculty he also obtained his PhD in administrative law in 2017. In 2015, he passed the state bar exam. He is active both in practice and at the scientific-research level. He works as an advisor at the Constitutional Court of the Republic of Slovenia and has also been a senior associate in a law firm and a legal assistant at the Administrative Court of the Republic of Slovenia. In the context of his work, he has participated in drafting legislation related to administrative law, prepared various legal opinions and has been active internationally. He is the author of several professional and scientific articles.
Electronic link to the bibliography in the SICRIS system:
https://cris.cobiss.net/ecris/si/sl/researcher/55633.