

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. stopnja	Zdravstveno pravo	2.	1.
Law - 3rd degree	Healthcare law	2.	1.

Vrsta predmeta / Course type Izbirni / Elective

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Sem. vaje Tutorial	Lab. vaje Laboratory work	Teren. vaje Field work	Samost. delo Individ. work	ECTS
20	0	0	0	0	230	10

Nosilec predmeta / Lecturer: Doc. dr. Katja Triller Vrtovec

Jeziki / Languages: **Predavanja / Lectures:** Slovenski jezik/Slovenian/Angleški jezik/English
Vaje / Tutorial:

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

Vpis v 2. letnik podiplomskega študija.

Vsaj 80% prisotnost na predavanjih.

Prerequisites:

Enrollment in the 2nd year of postgraduate study.

At least 80% attendance at lectures.

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

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

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,
- 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.

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:

- 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:

- 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, Vol. X, No. Y, pp. xxx–xxx (in press), available online <https://www.inderscience.com/info/ingeneral/forthcoming.php?jcode=ijpspm>
- 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
- ZZZVZ (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:

Študenti/ke bodo pridobili naslednje predmetno specifične 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.

Študenti/ke bodo pridobili naslednje splošne 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;

Objectives and competences:

Students will gain the following subjects specific 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.

Students will gain the following general 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;

- razvoj komunikacijskih sposobnosti in veščin pri razumevanju in uresničevanju Prava pacientovih pravic;
- 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.

- ability to work together and be willing to work together to solve specific cases in the field of Patients' Rights Law;
- 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:

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.

Intended learning outcomes:

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:

<p>Oblike dela:</p> <input checked="" type="checkbox"/> Frontalna oblika poučevanja <input checked="" type="checkbox"/> Delo v manjših skupinah oz. v dvojicah <input checked="" type="checkbox"/> Samostojno delo študentov <input checked="" type="checkbox"/> e-učenje <input type="checkbox"/> drugo (vpišite) _____	<p>Types of learning/teaching:</p> <input checked="" type="checkbox"/> Frontal teaching <input checked="" type="checkbox"/> Work in smaller groups or pair work <input checked="" type="checkbox"/> Independent students work <input checked="" type="checkbox"/> e-learning <input type="checkbox"/> other _____
<p>Metode (načini) dela:</p> <input checked="" type="checkbox"/> Razlaga <input checked="" type="checkbox"/> Razgovor/ diskusija/debata <input checked="" type="checkbox"/> Delo z besedilom <input checked="" type="checkbox"/> Proučevanje primera <input checked="" type="checkbox"/> Igra vlog <input checked="" type="checkbox"/> Druge vrste nastopov študentov <input checked="" type="checkbox"/> Reševanje nalog <input type="checkbox"/> Študijski obiski podjetij ipd.) <input checked="" type="checkbox"/> Vključevanje gostov iz prakse <input checked="" type="checkbox"/> Udeležba na okrogli mizi, na konferenci	<p>Teaching methods:</p> <input checked="" type="checkbox"/> Explanation <input checked="" type="checkbox"/> Conversation/discussion/debate <input checked="" type="checkbox"/> Work with texts <input checked="" type="checkbox"/> Case studies <input checked="" type="checkbox"/> Role-play <input checked="" type="checkbox"/> Different presentation <input checked="" type="checkbox"/> Solving exercises <input type="checkbox"/> Field work (e.g. company visits) <input checked="" type="checkbox"/> Inviting guests from companies <input checked="" type="checkbox"/> Attending round table and conference

Delež (v %) /

Načini ocenjevanja:

Weight (in %)

Assessment:

1. Pisna vprašanja zaprtega tipa – ABCD kviz v spletni učilnici	60 % ocene	1. Closed-type written questions - ABCD quiz in the online classroom
2. Sminarska naloga	30 % ocene	2. Essay
3. Sodelovanje pri predavanjih	10 % ocene	3. Participation at lectures

Reference nosilca / Lecturer's references:

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Katja Triller Vrtovec je leta 2002 zaključila študij prava na Pravni fakulteti Univerze v Ljubljani in leta 2004 opravila pravniški državni izpit. V letih 2004 do 2010 je bila zaposlena kot višja pravosodna svetovalka na upravnem in gospodarskem oddelku Vrhovnega sodišča Republike Slovenije, v letih od 2010 do 2017 pa kot svetovalka Ustavnega sodišča Republike Slovenije. Nato se je zaposlila kot sekretarka v Zakonodajno-pravni službi Državnega zbora, nato je opravljala funkcijo vršilke dolžnosti direktorja Službe Vlade Republike Slovenije za zakonodajo, nato pa je bila državna sekretarka v Kabinetu predsednika vlade, zadolžena za debirokratizacijo. Leta 2003 je zaključila magistrski študij zdravstvenega prava (LL. M.) na Inštitutu za zdravstveno pravo in politiko Univerze v Houstonu (ZDA). Leta 2008 je na Pravni fakulteti Univerze v Ljubljani obranila doktorsko disertacijo z naslovom Etični vidiki patentiranja zarodnih matičnih celic. Raziskovalno delo je kot štipendistka Inštituta Max Planck opravljala na Inštitutu Max Planck za intelektualno lastnino in konkurenčno pravo v Münchnu (Nemčija) in kot Fulbrightova štipendistka na Univerzi Stanford v Palo Altu (ZDA). V letih med 2013 in 2018 je bila izvoljena v naziv znanstvene sodelavke na Katedri za sodno medicino in medicinsko deontologijo Medicinske fakultete Univerze v Ljubljani. Leta 2019 je bila izvoljena v naziv docentke za področje Javna uprava in upravno pravo na Evropski pravni fakulteti Nove Univerze.

Katja Triller Vrtovec completed her law studies at the Faculty of Law of the University of Ljubljana in 2002 and passed the state bar exam in 2004. In the years 2004 to 2010 she was employed as a senior judicial advisor at the Administrative and Commercial Department of the Supreme Court of the Republic of Slovenia, and in the years from 2010 to 2017 as an advisor to the Constitutional Court of the Republic of Slovenia. She then worked as a secretary in the Legislative and Legal Service of the National Assembly, then as acting director of the Government Office for Legislation, and was a state secretary in the Prime Minister's Office in charge of debureaucratization. In 2003, she completed a master's degree in health law (LL. M.) at the Institute of Health Law and Policy, University of Houston (USA). In 2008 she defended her doctoral dissertation entitled Ethical Aspects of Embryonic Stem Cell Patenting at the Faculty of Law, University of Ljubljana. She did research as a Max Planck Fellow at the Max Planck Institute for Intellectual Property and Competition Law in Munich (Germany) and as a Fulbright Fellow at Stanford University in Palo Alto (USA). In the years between 2013 and 2018, she was elected an assistant research professor at the Department of Forensic Medicine and Medical Deontology, Faculty of Medicine, University of Ljubljana. In 2019, she was elected assistant professor in the field of Public Administration and Administrative Law at the European Law Faculty of the New University.