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Summary of the PhD dissertation entitled „*Regulation of health care professions from the perspective of creation processes of professional self-governments*” prepared under the supervision of prof. nadzw. dr hab. Agata Jurkowska-Gomułka

The doctoral thesis focuses on the processes of creation and evolution of professional self-governments as a manifestation of wider phenomena – regulations of professions in the health care system. The aim of the thesis is to reconstruct and evaluate the premises for creating self-governments of professions in the health care system in the context of freedom of occupation as an element of economic freedom. Thesis covers analyses and comparison of values, i.e. freedom of economic activity, freedom of occupation and right to health protection. The aim of the analysis is to answer the question whether any of those values is superior toward others, and thus whether the regulation of particular profession, including creation of compulsory self-government, can justify the limitation of other values by the protection of particular value.

Doctoral thesis include three thesis. First, it is assumed that there is a relation between regulation of occupations in health care system and protection of human health. Second, it is assumed that regulation of professions in the health care system, including creation of self-governments to which affiliation is compulsory, even if it limits the freedom to choose and practice of proffesion that constitutes a component of economic freedom, is in the public interest. Third thesis assumes that health protection is not the only value determining the regulation of health care professions, in particular – as shown by the experience of the last dozen or so years in Poland – is not the only premise underlying the establishment of professional self-governments.

The main research method applied in the doctoral thesis is formal-dogmatic method based on the analysis of Polish legal acts, also taking under consideration case law and statues substantiatons. Studies in the field of constitutional, economic, administrative and medical law have also been analyzed.

Another used method is the method of researching material sources of law. This method was used to examine legislator's motives which influenced him during the process of creation statues. This method was also used to identify the participants involved in the process of creating subsequent law regulating professions in health care. This method is based on in-depth analysis of the legislative process, including drafting of legal acts, their substantiation, transcripts from plenary meetings of the Sejm and its committees, press and statements of professions representatives and decision makers.

Historical legal method was used as a secondary tool. It helps to draw attention to time as a factor. This method allows to indicate the dynamics of social and political changes that directly influenced the process of law shaping. This is extremely important due to the subject of dissertation, since it is impossible to grasp the reasons, motives and values that led to the emergence of new self-governments without referring to the history of creating, shaping and development of grassroots associations of particular professional groups.

The thesis consists of introduction, summary and five chapters.

First chapter, entitled „Health as a protected value” covers analysis of a right to health protection and characterization of health notion and public health as protected values. This protection is provided by the legislator creating a health care system, of which medical professions (more broadly: professions in health care) are important element. The current legal framework of Polish system was analyzed.

Second chapter, entitled „Freedom of occupation and economic freedom” covers notions of values that underlie the economic system. The basis of the economic system are the social market economy based on freedom of business activity, private property, solidarity, dialogue and cooperation between social partners. One of the manifestations of economic freedom and another system's basis is constitutionally guaranteed freedom of occupation (choice and performance). This chapter analyzes these values and the premises for their limitation.

Third chapter is entitled „Professional self-governments”. It contains description of particular professions: free, public and regulated. Those are categories of professions which require abiding of different types of regulations, which itself is a regulation. Right to choose and perform profession is associated with the notion of professional self-government, which received detailed analysis.

Fourth chapter analyzes professional self-governments regulations referring to professions with well established professional self-governments: doctors and dentists, nurses and midwives, as well as apothecaries and pharmacists. A detailed analysis was made regarding legislative process of statutes on: doctors chambers (1989 and 2009), nurses and midwives self-government (1991 and 2011) and apothecaries chambers (1991). The analysis was aimed at identifying individual actors of the legislative process and the values behind their postulates.

Fifth chapter covers the analysis of selected health care occupations. At first, two professions that have their own professional self-government have been examined. These are laboratory diagnostics, for whom self-government was established in 2001, and a physiotherapist, for whom self-government was established in 2015. Next, the profession of a paramedics who does not have a professional self-government has been analyzed. Then, two professions that do not have or have fragmented legal regulations have been analyzed - dietician and cosmetologist. The last analyzed profession is the profession of a psychologist, for whom the legal basis for self-government were created in 2001, but to this day the self-government does not actually exist. Research covered reasons for the defective nature of this legal regulation.

At the end of the work, the final analysis of the topic was made in the context of the research theses.