

Summary of Doctoral Dissertation

The criteria for determining the monetary compensation in favour of the patient.

The purpose of the thesis is to conduct a legal dogmatic analysis of the criteria for determining the monetary compensation for harm owed to patients. This study answers the question of whether the sum of the compensation for harm consigned to the patient is in fact the bona fide calculation.

In the first chapter, consideration is given to monetary compensation for harm with particular emphasis on the importance as to which institution plays the role in the general system of protection of the patient's non-monetary interests. The chapter contains an analysis of the patient as the subject of the infringement and the non-material interests of the patient as a subject of the infringement. This chapter also analyzes the legal basis for claims for redress for the harm endured by the patient.

The second chapter analyzes the principles and premises of the conditions for harm. The chapter also includes considerations on the impact of the difficulties to provide evidence of the circumstance in which the patient suffered the aforementioned harm. In this chapter, consideration is given to the legal basis circumventing the blame for violating the patient's non-monetary interests.

The third chapter considers the extent of harm as the main criterion for monetary compensation. An analysis of the literature and judicature has yielded a criterion of assessment for the extent of harm and the importance of measuring the harm suffered by the patient. Considerations have been made regarding the optional nature of redress and the related right of the court to rescind compensation. An analysis is also dedicated to the circumstances which may lead to factors modifying the amount of compensation due.

The fourth chapter is a culmination of the debate considering the amount of the compensation awarded for the harm experienced by the patient. This section analyzes the results of research and statistics on redress. It also takes a look at what the literature and judicature deem as criteria for the maximum limit of adequate compensation. The final discussion of this chapter concludes with an analysis of the amount of monetary compensation in favour of the patient in practical terms.