

Extrajudicial ways of compensating for medical damage in Poland

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ABSTRACT

On January 1, 2012, an amendment to the act on Patient Rights and the Ombudsman for Patient Rights was passed. The amendment introduced the concept of a medical event, defining legal bases for voivodeship commissions to adjudicate on medical events and setting regulations for establishing compensation and atonement in such cases. The commissions do not adjudicate on hospital staff's fault in a medical event. The provisions of the act on Patient Rights and the Ombudsman for Patient Rights determined a fee for

an application concerning adjudication for a medical event; however, the provisions do not allow for exemptions from this fee. The provisions are imprecise and obscure. Despite the commissions' obligation to issue a statement on a medical event or its absence within 4 months from the moment of application, the provisions hamper the chances of obtaining financial compensation for damage suffered as a result of medical events.

Key words: Patient; law; medical event.
