

CALL FOR PAPERS

“Current Issues in Medical Law”

Theme Editor: Urszula Drozdowska

The theme of issue 2/2025 of Białystok Legal Studies will be "Current Issues in Medical Law". The subject matter has been broadly circled in order to make it possible to present on the pages of the journal important and topical issues related both to the reflection on the legislative changes introduced in recent years in the area of medical law, the occurrence of inspiring judicial decisions, as well as the resulting need to lean over the ethical dilemmas that arise at the interface of law and the practice of medicine.

Referring to the first of the areas indicated, it should be noted that legislative work carried out since 2022 resulted in the adoption of the Law of 16 June 2023 on quality in health care and patient safety (Journal of Laws, item 1692). The law introduced a new concept of adverse event and systems for monitoring quality in healthcare. Circum-legislative work also led to the modification of the existing out-of-court medical liability model. The model of handling medical event disputes by Provincial Medical Event Adjudication Commissions, in operation since 2012, is to be replaced by a model of proceeding before the Patient Ombudsman, starting in July 2024.

The new model assumes that the Ombudsman will issue an administrative decision and award a certain amount to the patient (if a medical event is established) from a special compensation fund fed primarily by health insurance premiums. It is worth noting that until now, it was the hospital (possibly the medical event insurer) that was supposed to make a financier proposal to the patient after the commission had determined the event. Thus, in place of the commission procedure modeled on civil proceedings, the administrative procedure model will come into effect, since the Ombudsman's decision will be subject to appeal to an administrative court. At the same time, if a medical event is established, the applicant will have the option (as before) of not accepting the offer and referring the case to civil court proceedings.

This peculiar duality of proceedings raises numerous questions and concerns. Also within other areas of medical damages, non-judicial models for their compensation have emerged. The Law of 5 December 2008 on the prevention and control of infectious diseases and infections in humans (unified text: Journal of Laws of 2023, item 1284) introduced a model for compensating post-vaccination damages, and the Law of 9 March 2023 on clinical trials of medicinal products for human use (Journal of Laws, item 605) introduced liability for damages caused in connection with the conduct of a clinical trial.

The areas of legislative change outlined here are undoubtedly an important subject of scientific research, requiring in-depth reflection, including legal and comparative nature. In addition, articles submitted for publication should be characterized by features such as: innovative subject matter and high substantive level. At the same time, co-authored publications with a foreign affiliation being highly recommended, citation of publications from journals indexed in the Scopus/Web of Science database, citation of publications from Białystok Legal Studies.