**Detailed Description**

The programme is the result of the cooperation between European scientists from Budapest, Glasgow, Gothenburg, Nijmegen, and Rotterdam.

The Intensive programme on ***Health Care Law*** ***from a Comparative and European Perspective*** aims at bringing together (grauduated) law students, health policy makers and teachers from different European countries and to enhance cooperation and the exchange of ideas. Participants are offered the opportunity to obtain knowledge of selected topics of health care law (including ethics) from a comparative perspective. Also they will acquire knowledge of solutions found in different European countries for common problems.

The academic study of health care law can be defined as 'law concerning health care'. It is characterised as a functional discipline, i.e. defined by the various manifested legal aspects. As such, health care law can be considered as a legal specialism including a cross section of specific legislation, civil, administrative and penal law. It embraces not only the practice of medicine (medical law), but also that of non-medical health care professions, the administration of health services and the law's role in maintaining public health. It also means that the concept of 'law' in this context must be examined carefully. Legal rules in strict sense, as developed by Parliament and the courts, are not the only type of binding norms that is relevant to health care law. In this respect international agreements on human rights should also be mentioned.

In such a broad legal framework in which health care law operates, the significance of human rights law and European law is growing. Since the late 1980s, more and more European countries have committed themselves to adopt new legislation promoting and ensuring the rights of patients. Particularly in Central and Eastern Europe, drastic health care system reforms have revealed the need for ensuring patients' rights. Knowledge and understanding of these norms is therefore essential before transforming in a national setting. Hence, the course attempts to make students acquainted with both the national and international influence on health care at different levels.

For the position of patients and insurees it is relevant to know the reason for this intervention, what tensions it may give rise to and what are the possible solutions. Particularly the influence of the European Union on health care is becoming more prominent in (future) member states. Leading cases for the European Union Court of Justice have increased the European dimension of health care, in particular as concern cross border care (Decker and Kohll). It is expected that in the near future, new rulings will increase the possibilities of cross border care, and therefore, increase the international dimension of health care.

Legal aspects of cross border care concern the nature, scope, quality, location, organisation and financing of provided care. Knowledge of the specific regulations (i.e. co-ordination directives on social security) and relevant case law is necessary to clarify the legal position of the insured and patients in practice. The legal aspects of cross border care are closely related to the economical perspective. To understand the concept of cross border care in extenso, an economic introduction to cross border care is included.

The chosen topics of the course 'Health Care Law from a Comparative and European Perspective' have been inspired by the close relation which exist or ought to exist between education and practice of health care as well as between education and research. Almost in every function in health care, one will be confronted with health care law (patients' rights, regulation concerning the organisation and financing, quality regulation and international treaties and documents). Knowledge and understanding of these issues is therefore a necessity. Particularly, the international dimension of regulating health care, its motives, content and effects, cause key problems that national governments and health insurers are facing for many years.

**Course level, target audience**
The course is intended for participants with some basic knowledge of health care law (legal students, lawyers, health policy makers and other interested persons). During the workshop sessions, the discussions require an intensive preparation of the prescribed literature and an active role of all participants.

 **Syllabus**

 The programme is divided in seven sections:

In **section 1,** general health care legal concepts will be discussed, with special attention to the international doctrine.
**Section 2,** concerns a more specific discussion about one of the legal cornerstones of health care rights, the right to access to health care in a national and international perspective.
In **section 3,** common problems in organising and financing health care systems will be discussed, with special attention to market competition reforms in various countries.
In **section 4,** recent developments in European health care systems will be discussed, with special attention to cross border care and health insurance dilemmas.
In **section 5,** the nature and scope of patients' rights will be discussed, with special attention to issues such as informed consent, medical confidentiality and medical research.
In **section 6,** the ethical dimension of patients' rights will be discussed, with special attention to issues such as ethical values at the beginning and end of life (e.g. autonomy).
In **section 7,** questions of medical malpractice and (civil) liability will be examined. Apart from the role of medical disciplinary law and procedures for handling complaints.

 If possible, the programme will include a visit to the University Hospital, Budapest.

 ***Theme I***

An Introduction to Health Care Law (July 10, André den Exter, lectures)

- Principles of health care law: patient's autonomy and access to health care
- Scope of health care law
- Individual versus social rights
- Functions of health care law
- Types of health care 'law'; general law; professional rules; European law; human rights law

 ***Theme II***

The Right to Health Care (July 11, André den Exter, Martin Buijsen, lectures and
                            discussion)

- the concept of a health care right; scope and core content; historical evolution
- international and national dimension of a health care right
- the right to health care as a human right
- the right to health care in international treaties and declarations
- realisation of the right to health care: international and national case law
- obligations resulting from the right to health care
- international organisations

***Theme III***

Regulating the Financing and Organisation of Health Care Systems: (July 12, Monica Bos,
                    lectures and discussion)

- Social Insurance systems
- National Health Service (NHS)
- Tendencies in health care funding: purchaser-provider split and contracting
- Managed competition in various health care systems
- Case studies compulsory health insurance system reforms
- Cost containment in health care
- Priority setting in health care

 ***Theme IV***

Recent developments in European Health Care Systems (July 13 - 14, André den Exter,
                       Werner Brouwer, lectures and discussion)
- Cross-border care between (future) European Members States: Legal and Economic consequences to access to health care
- Evaluation of the Effects of Market Forces in the European Union
- Health Insurance Reforms in the Netherlands, Germany, Hungary, and Czech Republic
- Choices in Health Care in Italy and the Netherlands: Legal and Economic dimensions

 ***Theme V***

Patients' Rights (July 17 - 19, lectures and workshop, discussion and/or participant
                      presentation)

- Legislation or Code: 'hard Vs soft' rules
- Basic Patients' Rights: information; consent; privacy; confidentiality, competence, and medical research
- Trends in Europe: Common Law countries; Nordic Countries, (Central) Western   Europe

***Theme VI***

 Health Care Ethics (July 20, Henk ten Have, Martin Buijsen, lecture and workshop,
                          discussion and/or participant presentation)

 ***Theme VII***

Complaints and Malpractice litigation  systems (July 21, lecture and workshop,
                            discussion and/or participant presentation)

- Legal systems in several European countries
- Implementation and enforcing mechanisms
- Complaints and malpractice litigation in practice

**Application requirements**
Some basic knowledge of health care law is recommended (legal students, lawyers, health policy makers and other interested persons).