**Description of the course content**

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

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

The academic study of health care law is a relatively young discipline. Although no consensus has yet been reached as to its proper scope, in general, an extensive definition of health care law is ‘law concerning health care’.

It can be 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 specialisation 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. For practical purposes, the most significant of these are: the International Covenant on Civil and Political Rights (1966), the European Convention for the Protection on Human Rights and Fundamental Freedoms (1950), and recently the Convention on Human Rights and Biomedicine (1997). 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 (World Health Organisation, European Union, and Council of Europe) on health care at different levels. For the position of patients and insures 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. 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.

Finally, the opted themes of the course ‘Health Care Law from a European Perspective’ have been inspired by the close relation which exist, ought to exist, between education and practice of health care as well as 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 certain knowledge of and (working) experiences with 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.